



North Tyneside Council
Community Infrastructure
Levy Preliminary Draft
Charging Schedule

February 2017

Schedule of Representations Received

This schedule provides a complete account of all representations providing a written comment to a policy or proposal received during consultation on North Tyneside Community Infrastructure Levy Preliminary Draft Charging Schedule February 2017. The representations are from residents, landowners and other stakeholders with an interest or role in plan making.

North Tyneside Council have reviewed and prepared a response to all these responses as part of the preparation of the next stage of the Community Infrastructure Levy.

How to use this document as a respondent

This document is saved in Adobe PDF format and you can use the “Find” function to navigate to particular Comments you are interested in. You can access find by the keyboard shortcut “Ctrl F”, within the “Edit” menu on Adobe Reader, or via a toolbar link at the top of your page.

- Consultee IDs – If you are a previous respondent to Planning Policy documents, you will have a Person ID. You can type this ID into “Find” within the document to locate each site where your ID and comment has been recorded and summarised.

If you would like any assistance accessing this information or finding specific information within this schedule of representations, you can contact the Planning Policy Team at:

planning.policy@northtyneside.uk

Tel: 0191 643 2310

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	958648	Name	Kerry Dunn	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Do you agree with the principle of establishing the Community Infrastructure Levy in North Tyneside?
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Consultee Comment

To be honest I'm still not really clear its intentions/purpose. Is the CIL a proposed increase in tax on all existing houses/buildings in the region in order to pay for the shortfall of funds needed to build the additional housing (that I don't believe is justified/necessary on the scale proposed) ?

Or does the CIL only apply to new development. If so then why is there a need for this? As outlined in the North Tyneside Local Plan 1.4 Murton Gap and Killingworth Moor Site Specific Infrastructure Delivery Plan June 2016 p, tables 14/28 outline the projected costs of any infrastructure and state that the responsibility for delivery sits firmly with the developers.

Therefore I don't see the purpose of this document.

North Tyneside Council Response

The intention of the CIL is to provide a clear and transparent process of where funding for infrastructure project are to be spent. It will outline a set of projects that contributions collected through CIL will be used to fund. The contributions sought through CIL will only be required from planning applications from certain developments and only in areas where the evidence determines that the cost of asking for a CIL payment is not deemed to make the development unviable. More information can be viewed on the planning portal website: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy Infrastructure that is appropriate to mitigate the impact of a development is often required through a S106 agreement. The supporting evidence of the Local Plan identifies future infrastructure needs that would result from the proposed development. However, changes in government legislation have meant changes in the way that developer contributions can be collected (the Council can continue to collect developer contributions through the established system of S106 or via the new system of CIL). The main difference between the two is that CIL does not have a threshold on the number of contributions that can be sought towards an identified infrastructure project; and infrastructure contributions collected through CIL do not need to be spent directly in relation to the development. This allows greater flexibility in the collection and spending of developer contributions via CIL. For example when the infrastructure to be provided has wide reaching impacts across the Borough (e.g. building a new secondary school) CIL allows the Council to receive numerous developer contributions to this infrastructure without being restricted by reaching a threshold of contributions.. As you have accurately stated the Murton Gap and Killingworth Moor Site Specific document outlines the

projected costs of future infrastructure and the responsibility of the developer to pay for them. This will not change with CIL. The PDCS is part of the process for the Council to consider the most appropriate way for the Council to receive payment of the identified infrastructure costs.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	958648	Name	Kerry Dunn	Group Representation?		Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Do you agree which developments sectors in the Preliminary Draft Charging Schedule would be liable (Please refer to Table 1 in the Preliminary Draft Charging Schedule)?
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Consultee Comment

Again I fail to see the purpose of the CIL if the responsibility for delivering 'infrastructure' as defined in the North Tyneside Local Plan 1.4 Murton Gap and Killingworth Moor Site Specific Infrastructure Delivery Plan June 2016 section 4 is all the responsibility of the developer. Putting a levy of £80sqm in the murton gap area is just not relevant. In my view the developer is responsible for the total cost of infrastructure. It's up to NTC to ensure this. Personally I think it is wrong to concoct some charging model then ask the public to ratify whether it is sufficient. It's up to the NTC to ratify.

North Tyneside Council Response

The purpose of the CIL has been discussed in the question above. The Council will be seeking the developers involved at the Murton Gap and Killingworth Moor Strategic Sites to mitigate the impact from the development and the infrastructure costs have been identified in the supporting evidence to the Local Plan so it is clear and transparent to what the estimated costs would be. It is still being considered as to the most appropriate way for these costs to be received and the initial charges in the PDCS (e.g. £80sqm) are part of the consultation that we are keen to listen to feedback on.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

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Consultee ID	958648	Name	Kerry Dunn	Group Representation?		Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Do you agree with the Community Infrastructure Levy charging zones identified in the Preliminary Draft Charging Schedule (please refer to pages 6 and 7 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

Again I think it's pretty irrelevant to me. The only relevance is that if the NTC agree to building the ridiculous amount of homes on green field land then they are responsible for ensuring the developers pay for the relevant infrastructure!

North Tyneside Council Response

The Local Plan is clear that the infrastructure that has been identified for the Murton and Killingworth strategic allocations must be delivered where necessary and the work of the PDCS is to consider the most appropriate way for this infrastructure to be funded.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

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Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Do you agree with the Community Infrastructure Levy charging rates identified in the Preliminary Draft Charging Schedule (please refer to Table 1 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

As above

North Tyneside Council Response

As above

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

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Consultee ID	958648	Name	Kerry Dunn	Group Representation?		Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Do you agree with the evidence that supports the Preliminary Draft Charging Schedule as being appropriate and accurate?
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Consultee Comment

I fear that the wording in this document insinuates that what is actually happening is that the developers will not be paying for the infrastructure changes required. I would suggest sentences such as this;

4.8 - It would not be effective to secure many of these costs through developer contributions and CIL but in testing alternative CIL rates a charge capable of meeting the costs of off-site infrastructure and key single items such as education and public transport provision were considered.

6.3. Developer contributions through CIL and s106 will not be expected to fill the entire funding gap identified
Should be removed as this was not what was defined in the supplementary document on infrastructure I've mentioned above. I would say it would be effective to secure ALL infrastructure costs from the relevant developer(s) as they are the ones that will want to maximise profit whilst not caring about the lives of those that live in the borough. It's NTCs prerogative to ensure this otherwise the documents they have produced are misleading.

North Tyneside Council Response

The total cost of infrastructure identified by the Council is likely to be funded by a range of sources of private and public sector investment; not just developer contributions. It would therefore be incorrect to state that the total infrastructure costs identified would be met by development. However, the wording of the Draft Charging Schedule will be amended to provide greater clarity over the requirement of developers to contribute in full to the delivery of infrastructure required to meet the specific planning impacts of a proposed development. Such requirements are typically established before planning approval could be determined on an application through a Section 106 legal agreement that ensures the proposed infrastructure would be delivered.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	958648	Name	Kerry Dunn	Group Representation?		Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Please set out what change(s) you consider necessary to the Preliminary Draft Charging Schedule for the Community Infrastructure Levy? How would a phased payment approach best work for North Tyneside?
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Consultee Comment

The key thing I would change is the approach taken in the document. If NTC state that infrastructure is going to cost £208m, and CIL is going to bring in £33m then they better make sure the 'range of funding sources including through central government including the spending programmes of bodies such as Environment Agency, Natural England and Highways England' mentioned in 6.8 equates to more than the deficit.

My approach would be if the cost is 208m then the developers pay 208m. No mad cap CIL which you then ask Joe public to ratify so that the blame is then on them. Your CIL should total 208m. $5000 \times 100 \text{sqm} = 500000$. $208\text{m} / 500\text{k} = \text{£}416\text{sqm}$ CIL. That should reduce the profit margins somewhat!

I would probably check the wording/figures in the footnotes to table 2 *1. Subtracting 90m from 180m never equalled 80m when I went to school.

I don't care about a phased approach. The developer should be responsible for infrastructure. NTC should ensure this.

North Tyneside Council Response

Within the infrastructure funding gap identified in the PDCS there are infrastructure projects that would be unreasonable for the development industry to fund its entirety e.g. waste management schemes, and which are not essential to ensure the sustainability of development overall but would support the Borough's overall resilience to growth.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	958648	Name	Kerry Dunn	Group Representation?		Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	1	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

Back to the drawing board. Or more than likely all comments ignored and we will deal with the train wreck later due to the IBG,YBG approach NTC seems to be taking on this.

North Tyneside Council Response

The Council is committed to securing the infrastructure necessary to support the growth expected within North Tyneside over future years. Without introduction of a Community Infrastructure Levy, the use of Section 106 Agreements would provide the only mechanism by which such infrastructure could be secured. The legislative restrictions upon Section 106 mean certain infrastructure that is needed could not be funded purely by developer contributions. Use of Community Infrastructure Levy as an additional funding mechanism provides the Council with an approach to overcoming this issue and support the funding of infrastructure the Borough needs.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			

Comments Details

Comment ID	2 & 4	Consultation Point	Do you agree with the principle of establishing the Community Infrastructure Levy in North Tyneside?
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Consultee Comment

Yes. The concept appears to work well in other areas which have adopted it, and it offers the potential for pooled contributions to pay towards the costs of strategic infrastructure, including that related to public transport, which may not be directly related to individual developments.

North Tyneside Council Response

Comment noted.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			

Comments Details

Comment ID	2 & 4	Consultation Point	Do you agree which developments sectors in the Preliminary Draft Charging Schedule would be liable (Please refer to Table 1 in the Preliminary Draft Charging Schedule)?
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Consultee Comment

The sectors [Dwellings, Hotel, Small shops, Retail, Supermarket, Office and All Other Development] appear to be appropriate to the borough, on the basis that the All Other Development sector, which is zero-rated, includes Manufacturing and Industrial Classifications.

North Tyneside Council Response

Comment noted.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details							
Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			
Comments Details							
Comment ID	2 & 4	Consultation Point	Do you agree with the Community Infrastructure Levy charging zones identified in the Preliminary Draft Charging Schedule (please refer to pages 6 and 7 of the Preliminary Draft Charging Schedule)?				
Consultee Comment							
Yes. The charging zones appear to be appropriate to the relative levels of deprivation, economic activity and house prices across the borough.							
North Tyneside Council Response							
Comment noted.							

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			

Comments Details

Comment ID	2 & 4	Consultation Point	Do you agree with the evidence that supports the Preliminary Draft Charging Schedule as being appropriate and accurate?
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Consultee Comment

Nexus welcomes the inclusion of the ‘estimated £90 million metro extension’ cited in the footnote to the Transport Infrastructure heading in Table 2, section 5.5 of the PDCS. It is unclear to the reader what the Metro extension is, and how the £90 million figure has been identified. It should therefore be made clear in future consultations what it refers to and that the sum quoted is not currently supported by background analysis that would enable Nexus to confirm its accuracy prior to normal transport investment appraisal procedures taking place.

North Tyneside Council Response

Comment noted. In preparing for the next stage of the draft Charging Schedule the Council will update the Infrastructure Delivery Plan that will reflect the comments over the lack of background analysis within the existing estimate of £90 million for the Metro extension.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			

Comments Details

Comment ID	2 & 4	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

In respect of the potential new Metro stations which may be required (although again not explicitly stated in the PDCS) as a result of the Killingworth Moor and Murton Gap developments, Nexus notes the position in relation to Section 106 and CIL contributions and the risk of breach of CIL regulations as set out at part 4.7 of the PDCS, and wishes to confirm that all costs associated with the provision of Metro services to serve these development(s) should be externally funded and not funded by Nexus, as set out in previous position statements agreed with the Council linked to the Local Plan process. Given the early stages of feasibility work into the Cobalt Metro extension corridor, it may be appropriate in respect of the funding shortfall identified in respect of transport infrastructure to ensure the early delivery of the additional Metro stations relating to the Killingworth Moor and Murton Gap development areas, should these be necessary as a result of planning consents. Notwithstanding this, Nexus welcomes the inclusion of the Metro extension corridor within the transport infrastructure list, and supports its inclusion in a future Regulation 123 list.

North Tyneside Council Response

Comment noted.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	1066021	Name	Dr Ellen Bekker	Group Representation?		Group Numbers	
Agent ID		Organisation	Natural England	Agent if applicable			

Comments Details

Comment ID	3	Consultation Point	Do you agree with the evidence that supports the Preliminary Draft Charging Schedule as being appropriate and accurate?
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Consultee Comment

It is unclear if the green space infrastructure includes Suitable Alternative Natural Green Space (SANGS). The NTC IDP does not mention SANGS, whilst the Murton Gap IDP does. Therefore, there is uncertainty if the costs for green infrastructure in Table 2 include the cost for SANGS.

North Tyneside Council Response

The Council will ensure that review of the North Tyneside Infrastructure Delivery Plan and Schedule includes reference to Suitable Alternative Green Space.; These are already recognised as a potential mitigation within the Site Specific Infrastructure Delivery Plan and Appropriate Assessment.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	1066021	Name	Dr Ellen Bekker	Group Representation?		Group Numbers	
Agent ID		Organisation	Natural England	Agent if applicable			

Comments Details

Comment ID	3	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

If SANGS are to be included into CIL, there needs to be sufficient certainty of the required financial commitment to deliver SANGS to the required quality and in perpetuity. See for instance our position with regards to using CIL for mitigation for Thames Basin Heath SPA (available at: <http://www.newforest.gov.uk/artide/14310/Community-Infrastructure-Levy-Charging-Documentation>; or direct link to document: <http://www.newforest.gov.uk/CHttpHandler.ashx?id=22564&p=0>).

North Tyneside Council Response

Thank you for the example document provided. Due to the nature of SANGs the Council consider at this stage that CIL may be the most appropriate mechanism for securing appropriate funding – where a SANG is established off-site. If an off-site SANGs were not included in the CIL it might prove difficult to secure an equitable form of contribution from individual developments. Overall the Council view use of SANG as one of a number of potential mitigations that could be arrived at and that are identified and guided within the Local Plan Policy DM5.6 and the Habitat Regulations and Appropriate Assessment for the Local Plan. It is not anticipated that SANGs will be relied upon as the sole mitigation for the effects of development.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	807842	Name	MJ Whittaker	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Resident	Agent if applicable			

Comments Details

Comment ID	5	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

Many thanks for your letter dated 27th. February, 2017 regarding the above.

I have now had an opportunity of perusing the Preliminary Draft Charging Schedule and the only comment I wish to make is with regard to the flood defences on the Murton Gap site, an issue on which my wife and I, and some of our neighbours, have a particular interest and concern.

You have previously confirmed that "an application for development will have to be accompanied by an assessment of flooding issues and propose measures to address and mitigate any flood risk in order to make development acceptable" (your letter dated 21st. September, 2015). Also that "for Murton Gap a drainage masterplan must be prepared and any planning application will be required to include a Flood Risk Assessment. For development to proceed applicants must be able to satisfy the Council, as Flood Risk Authority, that sufficient mitigation is proposed to manage flood risk and surface water drainage" (your letter dated 21st. February, 2017).

Are these flood mitigation measures subject to the collection of a Community Infrastructure Levy from the developers, or as they are obviously essential to the granting of planning permission, do the developers have to meet the cost of preparing the Assessment and the work involved in managing the appropriate flood risk and surface water drainage over and above the Levy?

To mitigate only means to reduce or alleviate the risk of something happening. Presumably it is not feasible to ensure that the risk of future flooding from the area to be developed is entirely eliminated. I accept that with the addition of the dry storage basin and ditch to be constructed immediately to the south west of the Briar Vale Estate in the next month or two, the risk of flooding to that Estate and to St. Anne's Court should hopefully be reduced to a very low level if not entirely eradicated.

Your comments would be much appreciated.

North Tyneside Council Response

Thank you taking the time to review and respond to the PDCS. No development at Murton Gap or any other development site in North Tyneside can be permitted without demonstrating that there will be no increase in the risk of flooding for existing or new residents. This requirement is governed through the Local Plan policies DM5.12, DM5.13, DM5.14 and DM5.15.

Proposed policy DM5.12 states, 'All major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime. All new development should contribute positively to actively reducing flood risk in line with national policy, through avoidance, reduction, management and mitigation.'

The site specific impacts arising from development at Murton Gap will therefore be required to be addressed specifically by the development. Planning conditions requiring appropriate drainage strategies are agreed and use of section 106 agreements are likely to provide the most appropriate mechanism for securing this.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	960389	Name	Barbara Hooper	Group Representation?		Group Numbers	
Agent ID		Organisation	Historic England	Agent if applicable			

Comments Details

Comment ID	6	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

Thank you for providing Historic England with the opportunity to comment on your Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule. As the government's advisory service for the historic environment, we are pleased to offer our thoughts on how the Community Infrastructure Levy might help to protect and enhance heritage assets, and promote the wider benefits that their conservation can bring.

Historic England would recommend that North Tyneside Council consider ways in which the CIL can be used to conserve and enhance the historic environment, thereby satisfying the National Planning Policy Framework (in particular paragraphs 6, 126 and 157).

Both the Planning Act 2008 and the Community Infrastructure Levy Regulations are clear that the CIL can be used to fund a wide range of infrastructure and facilities. This flexibility means that many projects may be associated with the repair and maintenance of heritage assets, and it is now well established that heritage is not an adjunct to a healthy economy, but an important component of growth and a source of employment. For example, historic buildings can accommodate many social and community services and activities, and the historic environment can make a valuable contribution to green infrastructure networks, and offer a range of leisure and recreational opportunities. Physical and transport infrastructure might include historic bridges or coastal/flood protection structures, while open space can encompass historic areas and townscapes. In addition, 'in kind' payments may include land transfers which enable the transfer of an 'at risk' building as part of a comprehensive regeneration scheme.

It would therefore be helpful to make reference to the historic environment within the IDP, to ensure that it is recognised, and could potentially be conserved and enhanced through the application of the CIL. Once the Infrastructure List (Regulation 123) is drawn up, we would recommend including specific references to the protection, conservation and enhancement of heritage assets and their settings, to ensure that it would be possible to fund appropriate initiatives which both deliver necessary infrastructure, and also help to conserve and enhance the historic environment.

It is also worth noting that Historic England is a grant-giving organisation, and can offer advice on other sources of funding for the historic environment. In certain circumstances, we may therefore be able to contribute to the delivery of infrastructure as a delivery agency, funding body or partner organisation.

With regards Discretionary Relief for Exceptional Circumstances, both the regulations and the National Planning Policy Framework (paragraph 173) comment upon the need to strike an appropriate balance between the opportunities of funding infrastructure from the levy, and the possible effects upon the economic viability of the development. Schemes which seek to conserve and enhance heritage assets and their setting can often be finely balanced in terms of their economic viability, and it is possible that this viability might be compromised by the requirement for CIL payments. We would therefore encourage the City Council to consider discretionary relief where development which seeks a positive change in the historic environment may become unviable if subject to CIL.

Historic England would also recommend that the Charging Schedule is fully informed by an up to date and relevant evidence base for the historic environment and its heritage assets. This is likely to include 'heritage at risk', which could provide a useful insight into project opportunities for the Regulation 123 list.

We hope that these comments are useful. If you wish any further information, please do not hesitate to contact me.

North Tyneside Council Response

Thank you for your response. The Council will be mindful to reference the historic environment when reviewing the IDP and agree that infrastructure works can involve the historic environment. In general, the Council considers that the policy provided through the Local Plan sets a clear framework upon which development and investment can support and benefit from the protection, conservation and enhancement of heritage assets. Such policy will govern the delivery and process of planning for infrastructure delivery that may be addressed through CIL or via section 106 agreements. The Council recognises that there are circumstances where schemes associated with the historic environment experience additional challenges in terms of economic viability. However, at this stage the Council does not consider application of exceptional discretionary relief as an appropriate mechanism to safeguard the viability of development. Such relief could only be applied where there is a section 106 agreement entered into that is likely to exceed in value the cost of the CIL charge. The CIL charges identified will be based upon a robust estimate of the potential economic viability of development.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	806145	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID		Organisation	Aldi Ltd	Agent if applicable	KLR		

Comments Details

Comment ID	7	Consultation Point	Do you agree which developments sectors in the Preliminary Draft Charging Schedule would be liable (Please refer to Table 1 in the Preliminary Draft Charging Schedule)?
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Consultee Comment

Community Infrastructure Levy Preliminary Draft Charging Schedule

The Council's proposed CIL charging rates are set out in Table 1 on page 5 of this document. Those for retail use are:

Commercial Zones

	A	B	C
(Town Centres)			
Small shops (A1 <282sqm net)	£0	£10	£5
Retail (A1 >282sqm net)	£0	£20	£15
Supermarket (<280sqm net)	£20	£20	£20

Fundamentally, for the reasons set out in these representations which should be referred to in respect of the PDCS, Aldi objects to the proposed CIL charge for 'supermarkets' based on insufficient evidence and conclusions that have not be justified. The evidence base is flawed and therefore not sound.

We also wish to comment on the approach taken in setting out the proposed charging rate in Table 1.

Firstly, we believe there is an error in this table with 'Supermarket' being >282sqm net instead of <282sqm. Any further comments will be made on this basis.

We consider the wording 'small shops' should be replaced with 'retail' so it is clear that a differentiation in the CIL charging rate is being made based on scale rather than definition i.e. how is a small shop different from retail? We suggest the charging categories should be 'Retail A1<282sqm' and 'Retail A1>282sqm'.

In terms of the floorspace thresholds, there is no justification given for retail A1 being 282sqm and supermarkets being 280sqm. Is there a reason for this difference?

At paragraph 4.15, it states that viability assessment demonstrates the economic viability of retail schemes in town centre locations is lessened and as such a CIL charge in the Borough's town centres (Commercial Zone A) would harm the delivery of potential developments. This is reflected for small shops and retail A1 in Table 1 above but not for supermarkets where a £20per/sqm CIL charge is proposed. Supermarkets are a town centre use and can be developed in town centres so the council's reasoning for a £0per/sqm CIL charge on small retail and retail A1 for Zone A should be applied to supermarkets also.

At paragraph 4.16, the council state:

"The conclusions of the analysis of historic development and viability assessment indicate that a CIL rate can be justified for such schemes (supermarkets) across the Borough."

No evidence has been provided to support this statement and Aldi therefore objects to the PDCS as it is not justified and is not sound.

North Tyneside Council Response

The PDCS relating to thresholds of <282 and >282 are recognised as in error and will be amended in the Draft Charging Schedule and the thresholds will be adjusted to 280sqm. In addition, it is recognised that greater precision can be afforded to the description of the various retail uses to demonstrate the potential liability of development types. In terms of the differential between proposed charging rates for Retail warehouses and Supermarkets the Council considers that its evidence does highlight that developments of supermarkets have a greater resilience to a CIL charge and are more generally viable across all locations in North Tyneside. However, the principle that there would also be a differential in the viability for supermarkets between the wider urban area and town centres, supported in the comments on behalf of Aldi are recognised. Any revisions within the Draft Charging Schedule will give consideration to including a differential rate across the Borough for Supermarket developments.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	806145	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID		Organisation	Aldi Ltd	Agent if applicable	KLR		

Comments Details

Comment ID	7	Consultation Point	Do you agree with the Community Infrastructure Levy charging rates identified in the Preliminary Draft Charging Schedule (please refer to Table 1 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

The evidence based documents have been reviewed to consider the case presented by the council for the proposed PDCS rates for retail and supermarkets. In summary, Aldi Stores Ltd objects to the proposed CIL charge in the PDCS with significant concerns about the viability assessment work presented to propose a CIL charge of £15per/sqm and £20per/sqm for retail and supermarket uses. The evidence contains factual errors and we challenge some of the assumptions made in the assessments. The evidence base does not support the proposed CIL charge and in this respect, it is not justified and not sound. Detailed commentary regarding this is set out below.

Based on the assumptions in Table 18, the Commercial Appraisal Outcomes for supermarkets at paragraph 4.13 of the AWWA states:

“...and assumptions contained within the appraisal would turn out a profit which we believe would be sufficient to developers including a contribution of £20per/sqm for CIL.”

The council concluded in 2016 that a CIL charge is not justified on supermarkets (based on the example used) as the appraisal demonstrated there would be a sub-market return. The only assumption that has changed between the Update 2016 and Addendum 2017 is a reduction in build cost and this seems to be the justification for proposing a CIL charge of £20per/sqm. There is no detail provided to fully understand how this is justified and how the proposed rate of £20per/sqm has been arrived at.

Aldi consider the evidence base is insufficient and the assumptions for the viability appraisals are incorrect, not justified and therefore not considered sound. Aldi object to the proposed CIL charge.

North Tyneside Council Response

The Council’s 2016 AWWA made no reference to the viability or otherwise of a CIL charge for any form of development and as such it is not clear how any specific conclusions can be made in this regard. The CIL Sensitivity Addendum 2017 specifically included analysis of the cost of applying a CIL charge and provides a more up to date and therefore relevant assessment. The further concerns raised will be considered through any further iterations of the North Tyneside AWWA.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	806145	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID		Organisation	Aldi Ltd	Agent if applicable	KLR		
Comments Details							
Comment ID	7	Consultation Point	Do you agree with the evidence that supports the Preliminary Draft Charging Schedule as being appropriate and accurate?				
Consultee Comment							
<p><u>Draft Initial North Tyneside Area Wide Viability Assessment 2015</u> As a useful starting point, in Figure 2. an assessment of the level of developer contributions secured through the North Tyneside Planning Obligations SPD 2009 provides a summary of the current costs arising for development schemes to ensure that the impact on infrastructure provision is addressed. At paragraph 2.6 it states: <i>“Commercial development typically have far fewer requirements in terms of planning contributions, and a majority of schemes are found to require only minimal funding contributions to most Project Types other than Highways and Transport. Overall the monitoring above indicates that commercial developments contribute a maximum of £25 per square metre of additional floorspace. Again, the actual contributions required would typically be less than this, based on the impacts of each scheme.”</i> The conclusion drawn at this early stage is that commercial projects, including retail schemes, are infrequently subject to S106 obligations and where they are the financial contribution is low. In terms of Aldi, only 40% of new store permissions UK wide in the last 5 years have required S106 contributions.</p> <p><u>Area Wide Viability Assessment Update June 2016 – Commercial Evidence</u> In the introduction to this assessment it states the commercial evidence should be considered in conjunction with the AWA published in November 2015 and AWA Update June 2016. Having reviewed both documents referenced, there is very little assessment of viability. The only comment made regarding commercial schemes in the 2015 report is given above and in terms of the Update June 2016 there is no reference to commercial or retail schemes. The purpose of the report is to consider development and its ability to sustain affordable housing delivery and other section 106 policy contributions. The AWA Update June 2016 – Commercial Evidence essentially provides a summary of the assumptions that have been used to appraise a number of commercial uses regarding viability. It is noted that evidence has been taken from several sources (which have been listed) but none of the evidence has been produced and therefore it is impossible to comment in any detail as to whether it is a sound evidence base. Turning to consider the table of Assumptions on page 4 specific to supermarket development. Firstly, it is noted under the Appraisal Outcomes under the sub-heading ‘Supermarket’ on page 5 that the assumed scale of development of 2,323sqm is based on the recently opened Aldi development at Foxhunters Road in Whitley Bay. This floorspace figure is incorrect. The gross external area of the store as stated in the planning application submission is 1,665sqm. If the evidence to prepare an appraisal of viability for ‘discount supermarkets’ is to be based on the Aldi at Foxhunters, the floorspace figure should be corrected and the assessment reworked. However, this is not sufficient evidence on which to propose a CIL rate for a generic category of ‘supermarkets’ given there is a clear distinction between ‘discount supermarkets’ and large format food retailers, such as Tesco, Asda etc. Aldi stores differ from large format store in terms of their business model, size of store and turnover generated, as detailed under sub-heading ‘About Aldi Stores</p>							

Ltd' above. A typical Aldi store will turnover circa £8.5m whilst the larger format stores generate a turnover often more than £30m. The evidence base produced is not sufficient to determine the viability of 'supermarket' development. Further evidence needs to be sought and appraisals undertaken on a range of food retail development before the council can consider whether a development scheme remains economically viable with a CIL charge imposed.

In terms of the other assumptions, a rent of £200per/sqm is quoted with a rent-free period of 6 months. It is considered the rent is too high, being way over open market values, and this level is not being achieved in the North East market currently. The rents being achieved are closer to £150per/sqm and are not likely to increase significantly in the short to medium term. From recent experience, the rent-free period is a minimum of 9 months and more likely to be 12 months. The council's assumptions cannot be supported as they do not reflect the market conditions. The viability assessment therefore cannot be supported.

Interestingly, Newcastle and Gateshead Council's, as the first and only two LPA's charging CIL in the North East, have adopted a CIL charge of £10per/sqm for supermarkets. We do not consider the market conditions are more favourable in the North Tyneside area for supermarket operators, in fact, rental values would be weaker.

The council concludes in respect of the Appraisal Outcome for supermarkets that:

"... and the assumptions contained within the appraisal would turn out a profit, although the scheme would be considered to provide a sub-market return.'

The viability appraisal demonstrates a CIL charge imposed on the supermarket example used, renders the scheme unviable.

Area Wide Viability Assessment – Community Infrastructure Levy - Addendum 2017

The viability assessment for commercial development typologies in this document essentially mirrors the data in the Update June 2016 – Commercial Evidence in respect of 'supermarkets' (as reported above). This includes the incorrect floorspace figure of 2,323sqm assumed for the Aldi at Foxhunters Road.

One assumption has changed in Table 18 on page 25 – the build cost has reduced from £1,384 per/sqm in 2016 to £1,244 per/sqm in 2017. There hasn't been a reduction in build cost between 2016 and 2017, in fact, build cost has increased and this is evidenced with reference to the BCIS All-In Tender Price Indices published by the RICS. The indices for Quarter 1 of 2016 and 2017 are provided below:

Date	Index	On Year
1Q2016	276	
1Q2017	290	5.07%

Inflation is running at 5.07% and this has been experienced by Aldi in constructing new stores. As the build cost has increased, the council's this assumption that build cost has dropped to £1,244per/sqm is contested and this should be reviewed against the accepted industry source.

Based on the assumptions in Table 18, the Commercial Appraisal Outcomes for supermarkets at paragraph 4.13 of the AWA states:

"...and assumptions contained within the appraisal would turn out a profit which we believe would be sufficient to developers including a contribution of £20per/sqm for CIL."

The council concluded in 2016 that a CIL charge is not justified on supermarkets (based on the example used) as the appraisal demonstrated there would be a sub-market return. The only assumption that has changed between the Update 2016 and Addendum 2017 is a reduction in build cost and this seems to be the justification for proposing a CIL charge of £20per/sqm. There is no detail provided to fully understand how this is justified and how the proposed rate of £20per/sqm has been arrived at.

Aldi consider the evidence base is insufficient and the assumptions for the viability appraisals are incorrect, not justified and therefore not considered sound. Aldi object to the proposed CIL charge.

North Tyneside Council Response

Comment noted. The comments made above are reviewed in relation to the further update to the Borough's AWWA and Draft Charging Schedule.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	806145	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID		Organisation	Aldi Ltd	Agent if applicable	KLR		

Comments Details

Comment ID	7	Consultation Point	Please set out what change(s) you consider necessary to the Preliminary Draft Charging Schedule for the Community Infrastructure Levy? How would a phased payment approach best work for North Tyneside?
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Consultee Comment

Firstly, it is noted under the Appraisal Outcomes under the sub-heading ‘Supermarket’ on page 5 that the assumed scale of development of 2,323sqm is based on the recently opened Aldi development at Foxhunters Road in Whitley Bay. This floorspace figure is incorrect. The gross external area of the store as stated in the planning application submission is 1,665sqm.

A typical Aldi store will turnover circa £8.5m whilst the larger format stores generate a turnover often more than £30m. The evidence base produced is not sufficient to determine the viability of ‘supermarket’ development.

As the build cost has increased, the council’s this assumption that build cost has dropped to £1,244per/sqm is contested and this should be reviewed against the accepted industry source.

Firstly, we believe there is an error in this table with ‘Supermarket’ being >282sqm net instead of <282sqm. Any further comments will be made on this basis.

We consider the wording ‘small shops’ should be replaced with ‘retail’ so it is clear that a differentiation in the CIL charging rate is being made based on scale rather than definition i.e. how is a small shop different from retail? We suggest the charging categories should be ‘Retail A1<282sqm’ and ‘Retail A1>282sqm’.

Supermarkets are a town centre use and can be developed in town centres so the council’s reasoning for a £0per/sqm CIL charge on small retail and retail A1 for Zone A should be applied to supermarkets also.

North Tyneside Council Response

Comment noted. The outlined changes will be considered in further updates to the AWA and as the draft charging schedule is prepared for consultation.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	806145	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID		Organisation	Aldi Ltd	Agent if applicable	KLR		

Comments Details

Comment ID	7	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

klr Planning Ltd is instructed by Aldi Stores Ltd to submit representations to North Tyneside Council’s Community Infrastructure Levy (‘CIL’) Preliminary Draft Charging Schedule (‘PDCS’).

The representations to the PDCS are made regarding evidence based documents on the council’s consultation portal and in particular:

- Draft Initial North Tyneside Area Wide Viability Assessment (AWVA) 2015;
- Area Wide Viability Assessment Update June 2016;
- Area Wide Viability Assessment Update June 2016 – Commercial Evidence;
- Area Wide Viability Assessment – Community Infrastructure Levy - Addendum 2017; and
- Community Infrastructure Levy Preliminary Draft Charging Schedule.

About Aldi Stores Ltd

Aldi is a supermarket operator that sells quality products at low prices and is committed to being at least 15% cheaper than the UK’s larger national supermarkets. Discount retailer Aldi opened its first store in the UK in 1990 and has expanded to over 700 stores across England, Scotland and Wales. In the North East region, there are 50 Aldi stores of which four are in North Tyneside District area.

Aldi currently employs over 28,000 staff in the UK including 23,000 in stores with each store employing between 30 and 50 staff. In February 2016 Aldi implemented a living wage policy for all Aldi UK hourly-rate employees.

Aldi stores differ from the ‘Big 4’ food retailers in that they have a limited footprint and are of modest size, designed to serve local communities. Given the urban location of stores, the sites developed are usually brownfield sites and quite often bring with them challenges in terms of ground conditions.

Aldi has an ambitious growth strategy for the next few years and is planning to open 60 stores per year as well as extending several existing stores to reflect what customers now expect. A new Aldi store has recently been opened on Foxhunters Road in Whitley Bay and planning permission has been secured for a store to form part of Longbenton District Centre.

Aldi is currently looking across North Tyneside District area for further development opportunities and to achieve this investment any proposed scheme needs to be

financially viable.

North Tyneside Council Response

Comment noted

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Persimmon	Agent if applicable			

Comments Details

Comment ID	8	Consultation Point	Do you agree with the Community Infrastructure Levy charging zones identified in the Preliminary Draft Charging Schedule (please refer to pages 6 and 7 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

Station Road West/ East Benton Farm

In the AWVA CIL 17, the Residential Prices Postcode Map, the southern section of the proposed development site at East Benton Farm is within the lowest range of sold prices in the Borough- less than £ 116k, or between £ 116k and £185k (see attached plan). The northern part of the development is covered by projected values over £185k. However, the Draft Preliminary Charging Schedule Map covers the whole area with a blanket rate of 55sqm (see attached plan). This can't be right and if any CIL is imposed in this area, the CIL rate should be reduced in the southern 'boot leg' of this site to be consistent with the evidence and not threaten viability.

North Tyneside Council Response

The Preliminary Draft Charging Schedule Map draws upon evidence of the Area Wide Viability Assessment and house prices are grouped into three general price bands. These bands provide a basis for developing market areas. For assessing area wide viability within North Tyneside, the Station Road West/East Benton farm is within the lower market housing value area. Whilst, the price data of adjacent postcode areas indicates a differential in this area, all areas of the Borough that are classed as not part of the urban area are proposed at either £55 or £80 per square metre. As a strategic Greenfield site in a lower to mid value area the location as a whole is considered to provide a reasonable return with a CIL rate of £55 per square metre. Particularly given it is already known that development at this location will come forward as a single planning application, the ability of the site as a whole to support the identified rate is not considered at risk.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Persimmon	Agent if applicable			

Comments Details

Comment ID	8	Consultation Point	Do you agree with the Community Infrastructure Levy charging rates identified in the Preliminary Draft Charging Schedule (please refer to Table 1 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

Strategic Sites - Zero Rated

It is the stated intention that Strategic Sites should be dealt with via planning conditions and S106 agreements. For the avoidance of doubt, the Draft Charging Schedules map should be adjusted to reflect this.

Discretionary Relief

I can't see justification for not applying Exceptional Circumstances Relief (ECR) at this stage. The high level work of the AWWA does not cover every typology and has not assessed all the development costs of all the sites. Therefore, there should be a need for ECR this to be in place. This would enable sites that do have genuine exceptional circumstances to come forward and be considered by the LPA without delay.

There is no detrimental impact for ECR to be considered and allowed at this stage. The election to have ECR does not in any way assume that the Charging Authority will grant it on any application. The Charging Authority will still have the ability to take each application on its own evidence/merits and judge whether they constitute exceptional circumstances.

North Tyneside Council Response

It is the case that the Council would be prepared to enter a S106 agreement for the delivery of infrastructure at the strategic sites. However, such an approach presents risks where strategic infrastructure needs such as secondary education that would require significant contributions from the strategic allocations are considered. At present, there remains no certainty either through an adopted masterplan, submitted planning application or draft or agreed S106 that such concerns will be capable of being overcome. It is therefore considered imperative that a CIL charge is secured as a suitable mechanism to secure the necessary infrastructure. Should appropriate alternative solutions arise prior to adoption of the CIL the Council will be prepared to review this approach.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details						
Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers
Agent ID		Organisation	Persimmon	Agent if applicable		
Comments Details						
Comment ID	8	Consultation Point	Do you agree with the evidence that supports the Preliminary Draft Charging Schedule as being appropriate and accurate?			
Consultee Comment						
<p>Overall Planning Obligations Burden</p> <p>Clause 2.3 of the PDCS states: 'The introduction of CIL charge is not expected to increase the overall burden of planning contributions sought from development above current collection of S106 and the costs estimated in the AWVA supporting the Local Plan. 'This approach is supported, but the evidence is not consistent with this.</p> <p>In the Area Wide Viability Assessment CIL Addendum 2017 (AWVA CIL 17), the proposed combined policy burden for Strategic and Major Sites is clearly in excess of that used in the previous iterations of the Area Wide Viability Assessment. For example, AWVA (2016 update) tests £4111 per dwelling Major/Medium Value (Table 3) whereas the AWVA CIL 17 document (Table 7) appears to suggest that a CIL combined policy burden of £7162 (£3,083 S106 + £4,079 CIL) is deliverable or £6,391 (£2,312 S106 + £4,079 CIL).</p> <p>This is concerning and consequently pushes the land value to the 'margins of viability' in order to justify its imposition. Further clarity is sought on NTC's intentions on how to use CIL in respect of the above overarching statement in the PDCS.</p> <p>Other inputs</p> <p>I refer to our previous representation made in July 2016 (copy attached). The most glaring omission is lack of any abnormal allowance for Greenfield sites.</p> <p>Nationally Described Space Standard</p> <p>Our view on this is consistent with the recent HBF's recent representation to NTC (copy attached). Our fundamental concern relates to the incorporation of enhanced optional housing standards in Policy DM4.9. We do not believe that the need for these standards (comprising both the optional Building Regulation requirements and the Nationally Described Space Standard) has been demonstrated nor that the viability and affordability implications have been properly considered.</p> <p>It is our view that the Council has not suitably assessed the viability implications of applying the NDSSs when the plan was submitted to EIP. The Councils new evidence seeks to deal with this in retrospect and the industry has significant concerns regarding the assumptions of this work and also the implications for cumulative policy burden and how this impacts upon the deliverability of sites.</p>						

This also ties back to efficiency of use of land and development density. In particular, work from the high level Murton viability demonstrates that applying the NDSSs would increase floor area by 4%. This reduced efficiency will generate fewer dwellings, thus the proportionate share of infrastructure and regulatory burden will increase and land values will be further depressed.

This has to be resolved before we can consider the potential cumulative policy burden that can be applied over the plan period (S106 and then CIL).

North Tyneside Council Response

The assumed S106 cost per dwelling for Strategic Sites has consistently been applied at £6,138 per dwelling in the North Tyneside AWWA. This rate was included in the 2016 and 2017 iterations of the AWWA and CIL sensitivity testing. Meanwhile, the appraisals within the CIL sensitivity testing make reference to and are consistent with the previous AWWA work but are undertaken assess the implications for the economic viability of development in their own right when taking an assumed S106 and CIL charge into account.

In relation to Nationally Described Space Standards (NDSS) the Council received the report of the Local Plan Inspector on 9 May 2017. His conclusions in relation to NDSS confirm their implementation from October 2018 and the suitability of the evidence submitted to the EiP and subsequent updates to inform the Local Plan Main Modifications. It is the Council's view that consideration of the impact of these proposals within the CIL viability assessment consequently supports a robust and fully costed assessment.

A potential greenfield abnormal cost has been proposed to include within assessments of viability and such an allowance is included within Site Specific assessments of viability for the strategic sites. This matter will be considered when considering further updates to the AWWA.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Persimmon	Agent if applicable			

Comments Details

Comment ID	8	Consultation Point	Please set out what change(s) you consider necessary to the Preliminary Draft Charging Schedule for the Community Infrastructure Levy? How would a phased payment approach best work for North Tyneside?
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Consultee Comment

Phased Payments.

NTC's view on the constructive use of a Phased Payments Policy is welcomed in order to assist cash flow on large schemes. Phased payment procedure is very important and must be clearly documented within the Charging Schedule.

North Tyneside Council Response

Comment noted, it is the Council's intention to enable the payment of CIL for large sites by instalments whilst provision will also be made to establish a phased liability for CIL payments for very large strategic schemes anticipated to build out over a prolonged period of time.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Persimmon	Agent if applicable			

Comments Details

Comment ID	8	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

We welcome the opportunity to engage with North Tyneside Council and look forward to being involved throughout this process. Our response below is to be read in conjunction with previous representations, including our views submitted on the Area Wide Viability Assessment (copy attached).

We look forward to working with you in future in an open, collaborative approach which is our recommended approach. In the meantime, should you wish to discuss any of the above in greater detail then please do not hesitate to contact me.

Please see further attached rep on behalf of the Persimmon Homes Limited.

- [Persimmon Homes \(2\).pdf](#) (Size: 13.49K)
- [Persimmon Homes \(2a\).docx](#) (Size: 282.54K)
- [Persimmon Homes \(3\).pdf](#) (Size: 299.19K)
- [Persimmon Homes \(4\).pdf](#) (Size: 468.63K)
- [Persimmon Homes \(5\).pdf](#) (Size: 26.59K)
- [Persimmon Homes \(6\).pdf](#) (Size: 2,367.68K)
- [Persimmon Homes \(7\).pdf](#) (Size: 755.68K)

North Tyneside Council Response

The additional comments submitted as a collation of previous responses to various iterations of the Viability Assessment and Local Plan are noted. The Council considered that in large part the issues raised have already been addressed through the Local Plan process. However, those specific concerns noted relating in particular to the viability assessment will be reviewed as part of further iterations to the AWVA.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Murton Consortium	Agent if applicable			

Comments Details

Comment ID	10	Consultation Point	Do you agree with the Community Infrastructure Levy charging rates identified in the Preliminary Draft Charging Schedule (please refer to Table 1 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

Strategic Sites- Zero Rated

Our detailed feedback on the evidence base is limited as it is the stated intention of NTC that Strategic Sites should be dealt with via planning conditions and S106 agreements, rather than CIL. This approach is supported. However, we reserve the right to submit further representations should the position change. As this stage, and for the avoidance of doubt, the Draft Charging Schedules map should be adjusted to reflect Murton as a Zero Rated Zone.

North Tyneside Council Response

It is the case that the Council would be prepared to enter a S106 agreement for the delivery of infrastructure at the strategic sites. However, such an approach presents risks where strategic infrastructure needs such as secondary education that would require significant contributions from the strategic allocations are considered. At present, there remains no certainty either through an adopted masterplan, submitted planning application or draft or agreed S106 that such concerns will be capable of being overcome. It is therefore considered imperative that a CIL charge is secured as a suitable mechanism to secure the necessary infrastructure.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Murton Consortium	Agent if applicable			

Comments Details

Comment ID	10	Consultation Point	Do you agree with the evidence that supports the Preliminary Draft Charging Schedule as being appropriate and accurate?
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Consultee Comment

Nationally Described Space Standard

Our view on this is consistent with the recent HBF's recent representation to NTC (copy attached). Our fundamental concern relates to the incorporation of enhanced optional housing standards in Policy DM4.9. We do not believe that the need for these standards (comprising both the optional Building Regulation requirements and the Nationally Described Space Standard) has been demonstrated or that the viability and affordability implications have been properly considered.

It is our view that the Council has not suitably assessed the viability implications of applying the NDSSs when the plan was submitted to EIP. The Council's new evidence seeks to deal with this in retrospect and the industry has significant concerns regarding the assumptions of this work and also the implications for cumulative policy burden and how this impacts upon the deliverability of sites. This also ties back to efficiency of use of land and development density. In particular, work from the high level Murton viability demonstrates that applying the NDSSs would increase floor area by 4%. This reduced efficiency will generate fewer dwellings, thus the proportionate share of infrastructure and regulatory burden will increase and land values will be further depressed. This has to be resolved before we can consider the potential cumulative policy burden that can be applied to the Strategic Sites and also over the plan period.

North Tyneside Council Response

In relation to Nationally Described Space Standards (NDSS) the Council received the report of the Local Plan Inspector on 9 May 2017. His conclusions in relation to NDSS confirm their implementation from October 2018 and the suitability of the evidence submitted to the EIP and subsequent updates to inform the Local Plan Main Modifications. It is the Council's view that consideration of the impact of these proposals within the CIL viability assessment consequently supports a robust and fully costed assessment

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	960257	Name	Stuart Grimes	Group Representation?	Y	Group Numbers	
Agent ID		Organisation	Murton Consortium	Agent if applicable			

Comments Details

Comment ID	10	Consultation Point	Are there any further comments you wish to make?
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Consultee Comment

Other inputs

I refer to our previous representation made on viability to the EIP (copy attached). These comments were specifically related to the Strategic Viability at Murton, but are applicable to the wider AWWA work and so relevant for this consultation. I hope that the above is of assistance.

We welcome the opportunity to engage with North Tyneside Council and look forward to being involved throughout this process. Our response below is to be read in conjunction with previous representations, on viability to the EIP and the HBF's representations on Nationally Prescribed Space Standards (copies attached).

We look forward to working with you in future in an open, collaborative approach which is our recommended approach. In the meantime, should you wish to discuss any of the above in greater detail then please do not hesitate to contact me.

Please see further attached rep on behalf of the Murton Consortium.

- [Murton Consortium \(1\).pdf](#) (Size: 40.81K)
- [Murton Consortium \(3\).pdf](#) (Size: 13.49K)
- [Murton Consortium \(4\).pdf](#) (Size: 299.19K)
- [Murton Consortium \(5\).pdf](#) (Size: 468.63K)
- [Murton Consortium \(6\).pdf](#) (Size: 26.59K)
- [Murton Consortium \(7\).pdf](#) (Size: 2,367.68K)

North Tyneside Council Response

The additional comments submitted as a collation of previous responses to various iterations of the Viability Assessment and Local Plan are noted. The Council considered that in large part the issues raised have already been addressed through the Local Plan process. However, those specific concerns noted relating in particular to the viability assessment will be reviewed as part of further iterations to the AWWA.

Community Infrastructure Levy Preliminary Draft Charging Schedule – Comments and Response Schedule

Consultee Details

Consultee ID	546048	Name	Andy Kahn	Group Representation?		Group Numbers	
Agent ID		Organisation	Port of Tyne	Agent if applicable			

Comments Details

Comment ID	11	Consultation Point	Do you agree with the Community Infrastructure Levy charging rates identified in the Preliminary Draft Charging Schedule (please refer to Table 1 of the Preliminary Draft Charging Schedule)?
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Consultee Comment

The Port of Tyne supports the zero £ charge for industrial / warehousing developments. It is hard enough to make developments stack up in the area that bring economic activity and jobs the N. Tyneside without additional charges.

North Tyneside Council Response

Comment noted.