

Report of the Director of City Development

Report to: Development Plan Panel

Date: 2nd July 2013

Subject: Leeds Community Infrastructure Levy – Summary of consultation responses to the Preliminary Draft Charging Schedule

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): ALL	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

- Members will be familiar with the Community Infrastructure Levy (CIL), and will be aware that in Leeds we are working towards a target of adoption of the CIL by April 2014. Executive Board previously agreed the CIL Preliminary Draft Charging Schedule which underwent public consultation from 27th March to 15th May 2013 and included three 'drop in' event sessions. These sessions were targeted at the property industry, and town and parish councils/community groups/residents. This report gives Members a summary of the responses and key themes or questions which arose from the consultation process.
- It should be noted that there will be a further 6 weeks of public consultation in late 2013, on the CIL Draft Charging Schedule (prior to submission for examination). The papers for this will be brought to Development Plan Panel in August, prior to consideration by Executive Board in October. The Draft Charging Schedule is the version which the Council will then submit for examination.

Recommendations

Development Plan Panel is requested to:

- Note and comment on the material relating to the emerging Community Infrastructure Levy for Leeds (following the March to May 2013 consultation).

1 Purpose of this report

- 1.1 This report gives a short summary of the key themes and outcomes of the consultation process and the representations received. It is important to note that representations reflect opinions and an interpretation of the consultation material and in the case of the CIL there are bound to be some negative perceptions in the current economy. Officers and consultants GVA are currently working on detailed responses to the issues raised and are confident that although minor changes to the Charging Schedule may be necessary, the overall approach taken is in line with the CIL Guidance.

2 Background information

- 2.1 The Community Infrastructure Levy Regulations 2010 (amended 2011, 2012, 2013) set out that a charging authority can choose to charge the CIL on new development in its area. The charges must be set out in a Charging Schedule, and must be based only on viability evidence. The CIL Regulations have also changed the use of S106 planning obligations and from April 2014 it will no longer be possible to secure S106s for District wide requirements such as greenspace, transport schemes and education facilities. There is a strong indication from CLG that this date may be moved to April 2015, however, until formal confirmation of this City Council officers are still aiming for April 2014.
- 2.2 The Leeds CIL has progressed with the Preliminary Draft Charging Schedule consultation which closed on 15th May 2013.

3 Main issues

- 3.3 Information about the CIL consultation was provided in a direct mailshot to over 650 addresses, including representatives from the development industry, community groups, infrastructure providers, and residents. Emails were also sent to all City Council Members, all parish/town councils, and neighbouring authorities. Hard copies of the consultation material were displayed in all the libraries and One Stops across the District.
- 3.4 Three consultation 'drop in' events were held and were attended as follows; property industry event 28th March – 2 attendees; community groups, residents, town/parish councils event 12th April – 14 attendees; property industry event 16th April – 12 attendees. All attendees were given the opportunity to discuss any queries on the work done so far as well as future steps and processes, and were asked to submit their responses in written format.
- 3.5 During the consultation period 51 written responses were received from a wide range of businesses, community groups, individuals, agencies and residents. The main themes raised are summarised below, with additional bullet points giving a short initial City Council response. Appendix 1 contains the full summary. Overall the comments received are very useful in requiring officers to look closely at the different components of the Charging Schedule and reaffirm or refine the approaches taken. Officers and consultants GVA are working on detailed responses to the issues raised and are confident that although minor changes may be necessary, the overall approach taken is in line with the CIL Guidance.

Charging zones and specific boundaries

- 3.6 The different charging zones were supported, however concern was expressed that zones in the PDCS are not the same as those within the previous Affordable Housing Economic Viability Assessment and the Strategic Housing Market Assessment updates, and therefore are not consistent. Further justification or evidence to demonstrate why this is the case has been requested. For example the change of boundary has resulted in Cookridge, East of Leeds, Micklefield, and Otley moving from a medium zone to the highest. It was suggested this may stifle development because market values demonstrate they are medium value area (£45 psm) and can't sustain the £90 CIL rate. Therefore more work is needed on fine tuning the zone boundaries.
- Officers are preparing a background paper to further explain and justify the boundaries and the reasons for the changes made since the Affordable Housing Economic Viability Assessment boundaries. Consultants GVA are also looking in further detail at the values suggested.

Infrastructure Funding Gap

- 3.7 Greater clarity was requested on how the suggested infrastructure list has been arrived at. There was also criticism that the PDCS is premature and not based on appropriate evidence as the Infrastructure Delivery Plan (IDP) is not up to date, and the Core Strategy date of adoption cannot be accurately planned at this stage. Therefore it is not possible to understand the infrastructure required to realise the future development and growth needs of the District which is coupled with the fact the site allocations work is not yet finished. It was also felt the Economic Viability Study (EVS) was published early ahead of the IDP which is a key document on which it should rely.
- 3.8 A number of community groups and residents also expressed concern that the list was not definitive and did not show the full extent of the infrastructure their local areas will require and that more consultation is needed.
- It is not necessary to have an exhaustive CIL infrastructure list at this stage as the Regulations simply require a demonstration that there will be a funding gap.

Section 106 Evidence

- 3.9 Concern was expressed that there is a chance of 'double dipping' with CIL and S106s and/or S278s in reference to what is considered site specific payments. More clarity has been requested on S106 figures and further evidence used to inform Table 17 of the EVS in relation to the proportion of funds which are to be replaced by CIL per dwelling/residual site specific S106 per dwelling. Representors were also concerned that sites which would require high S106s and/or S278s won't also be able to provide CIL and remain viable.
- These points will mainly be addressed through the Reg123 List which will be published alongside the Draft Charging Schedule.

Variable Rates and Thresholds

- 3.10 There was general agreement that the variable rates for residential are appropriate other than the boundary issues highlighted above. However there was criticism from the retail sector that setting variable retail rates based on size/scale/location is at odds with government guidance and that LCC have provided no evidence that smaller units are used for a substantially different purpose than larger units or that the rate for in/out of City Centre is justified. Therefore they suggested that the viability evidence is not sufficiently fine grained to support the proposed retail rates.
- The approach to charging different rates for different sizes of retail based on their different characteristics has been accepted at other CIL examinations around the country.

£5 Nominal Rate and Zero Rate

- 3.11 There was criticism of the £5 nominal rate from the development industry which felt it is not justifiable and is contrary to the EVS evidence, as well as one criticism that LCC should not get a £0 rate on its own developments. However, community groups and parish councils support the £5 rate as all development will require mitigation, and they also support the suggested £0 rate for uses such as education and community buildings.
- The justification for the £5 rate is from the S106 evidence, and also that it is a very small percentage of total development costs and therefore is unlikely to be the deciding factor as to whether a scheme becomes viable or not.

Impact of Delivery of Core Strategy

- 3.12 There was concern that the EVS needs to align with the proportion of planned land supply in the Core Strategy i.e. in line with the housing trajectory in the Authority Monitoring Report. At the moment it can't be seen which market value areas are the most prominent and important in delivering the planned land supply. Therefore there was no analysis as to what proportion of each type of land (i.e. previously developed industrial land, greenfield land, existing residential land) is situated in each value area, thereby identifying the most prevalent combination of value area and land type. It would then be clear as to the most appropriate benchmark land value with which the resulting residual land values should be compared, for each of the market value areas.
- All the market value areas are important in delivering the planned land supply, and the EVS considers both greenfield and brownfield land in a range of value areas.

Viability Buffer and Appropriate Balance

- 3.13 There was a lot of criticism that the 10% below maximum suggested EVS rate is not the right balance and it was suggested that 50% is often used. It was also suggested that a 10% buffer shows too much confidence in the work undertaken by GVA. The outer central area residential rate of £24 is not 10% of £25.

- The 10% buffer is appropriate as the modelling already takes account of the full impact of the development plan policies, including affordable housing. The high need for infrastructure funding to enable sustainable development also justifies the Council's approach. The precise 10% rounding of figures will be looked at.

Economic Viability Study

- 3.14 There was criticism that it is difficult to see anywhere within the supporting evidence base how the rates have been arrived at in light of the results provided. It was also highlighted that the evidence doesn't clearly demonstrate that the proposed rates would not jeopardise the delivery of the planned land supply. Respondents also suggested that the EVS doesn't contain sufficient evidence of the actual appraisals, input data, calculations, and the source of land values. Consequently it is not explicit in the methodology how the calculations have been applied to achieve the CIL rate. It was also criticised that appraisal assumptions and sensitivity analysis have also not been made clear.
- It is considered that the methodology and input data are adequately set out in the EVS and that this is in line with the Royal Institute of Chartered Surveyors Guidance. More than 275 individual residential scenarios were modelled so it is not possible to include them in the Study.

Viability - Commercial

- 3.15 The retail industry are concerned the proposed rates are too high and do not demonstrate enough evidence for justification. They also feel that the rates are based on what large corporations can afford and do not work for all business models e.g. discount retailers.
- 3.16 Concern was also raised that the £40/sqm rate for City Centre office substantially exceeds the £10/sqm average for such development secured through recent Section 106 Agreements; this may be viable but is not appropriate and may be higher than neighbouring cities.
- The retail rates are based on the brownfield scenarios and therefore the majority of developments are unlikely to be made unviable. Without specific evidence on viability from retailers it is difficult to clarify this further. The Preliminary Draft City Centre office rate was supported by a justification paper.

Viability – Agricultural

- 3.17 The National Farmers Union and Country Land Association are concerned the EVS and the CIL rates have not considered the agricultural industry. They seek exemption from the CIL for agricultural development and farm diversification.
- These points are being considered further. However, it is likely that much of such development would not be liable to the CIL anyway by not being classified as a building under the CIL Regulations, or through being a change of use.

Economic Viability Study – Specific Assumptions and Values

- 3.18 A large number of responses concerned issues with specific assumptions across a range of values and data. These can be found in more detail in Appendix 1. Some of the points include a request for separate modelling of specialist elderly accommodation; specific data on sales values and costs; a need for further evidence of the margin at which landowners are prepared to sell their land; a request for additional costs to be modelled; and to take into account land banking at agricultural prices. There were also requests to set a different rate for brownfield land.
- These requests are being considered further.

Comparisons with other Authorities

- 3.19 Harrogate Borough Council, North Yorkshire County Council, and the Highways Agency are supportive of the approach taken so far and are not aware of any cross-boundary issues.
- 3.20 The development industry highlighted that rates should be more similar to those set in neighbouring/comparable cities, while they considered in particular the Leeds retail rates are comparably high.
- Officers have worked closely with authorities across the Leeds City Region to share information and develop appropriate approaches. The rates do need to be set based on local viability evidence. For instance, Leeds is now considered to be 4th in the CACI retail rankings and therefore the rates reflect the market attractiveness of Leeds as a retail destination.

Review Mechanisms

- 3.21 It was agreed by most representations that the CIL needs to be regularly monitored, however, how often varied amongst responses, although all support a review in light of any significant market changes.

Exceptional Circumstances Policy

- 3.22 The majority of representations agreed an exceptional circumstances policy was needed, however there was a range of caveats and strategies requested be included in such a policy.

Instalments Policy

- 3.23 With the exception of one representation which was strongly against any policy other than up-front payment in full, an instalments policy is supported. However there was a range of suggestions and caveats on how it should work and suggestions that site specific issues will require a flexible policy including extensions of the timescales to pay.

Spending and Apportionment

- 3.24 There is an overall concern that CIL money should be spent in the area where it is levied and not transferred elsewhere to prestige projects which do not benefit the area taking the new development. Community groups also feel those preparing a Neighbourhood Plan which is not yet adopted or who don't have the capabilities to prepare one should not be penalised by missing out on a higher rate of the meaningful proportion. There was also criticism from community groups that the meaningful proportion was too low, while there was a concern from a retail representative that there should be no meaningful proportion if the CIL revenue is from anything other than residential development. There were also a number of funding requests for specific infrastructure projects.
- The meaningful proportion is determined by the national Regulations. However, it is likely that the Council will also choose to ring-fence a further amount of the CIL to be spent in local areas.

CLG Update

- 3.25 CLG undertook consultation between 15th April and 28th May 2013 which sought views on further regulatory reforms to the CIL. By making the changes the Government expects the levy to operate more effectively without the need for further major amendments. Leeds City Council officers submitted a formal consultation response.
- 3.26 CLG have confirmed that there were no major objections to the proposal to move the start date back to April 2015 meaning S106 payments could continue to be charged under the current system until that time.
- 3.27 CLG proposes to publish a summary of the responses in July along with an indication of the direction of travel. Assuming that Ministers sign off the proposals, the amended Regulations would then be presented in early October and come into force shortly after in November 2013.
- 3.28 Therefore there will be more leeway in preparing the Leeds CIL if the April 2014 date is moved back. However if the Council has not published a Draft Charging Schedule by the date of the new Regulations, it will have to comply with the new requirements relating to the evidence base, which is likely to make the examination process more demanding. Further evidence may be required (subject to the details of the new Regulations) and it may therefore be challenging to 'retro-fit' the progress made so far with the new requirements. With this in mind the current timetable is still the target and the work programme remains unchanged for the next stage.

Next Steps

- 3.29 The representations have been analysed by officers and where appropriate GVA is providing further viability input in order to provide detailed responses. While a number of the representations raise concerns, there is confidence that although minor changes to the Charging Schedule may be necessary, the overall approach taken is in line with the CIL Guidance.

3.30 It is anticipated that at the next Development Plan Panel Members will consider these responses and any proposed changes to the Charging Schedule as a result. A Draft Reg123 List identifying the infrastructure projects on which it is intended to spend the CIL will also be presented (although it should be noted that this does not identify priorities for spending within it, or apportionment of the CIL funds across the District).

3.31 Recommendations from Members will then be taken to Executive Board on the 9th October in order to commence consultation on the Draft Charging Schedule before the amended Regulations come into force as outlined above. Following 6 weeks of consultation the CIL would then be examined in February/March 2014, although if the April 2014 date does move back then there would be less pressure to meet this examination deadline.

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 Consultation on the PDCS was undertaken in accordance with the City Council's adopted Statement of Community Involvement (SCI) and the CIL Regulations and ran from 27th April to 15th May. This included directly notifying all Members of the proposals.

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 An Equality Impact Assessment Screening was undertaken to help work up the recommendations for the CIL rates to be set in the Preliminary Draft Charging Schedule, at Executive Board on 15th February 2013. A draft of the Screening Report was also attached to the Development Plan Panel report 19th December 2012 for front loading of information.

4.2.2 The draft Screening sets out that there are three elements in considering equality in the Community Infrastructure Levy (CIL) charge setting process:

- 1) Equal and fair consultation throughout the charge setting process.
- 2) Equality for those who will have to pay the charge.
- 3) Equality as a result of decisions on spending the CIL and subsequent service and infrastructure delivery (which links back to a certain extent to the geographical locations where it is charged).

4.2.3 The consideration of most relevance to equality, diversity, cohesion, and integration will be relating to the choices to be made in spending the CIL, based to a large extent on geographical differences including infrastructure needs. This includes the 'meaningful proportion' to be given to the community for spending. The impacts would arise at the point at which money has been secured through CIL and new or improved infrastructure is actually delivered; they would not arise directly as a result of the Charging Schedule itself. Such matters will also involve extensive consultation and agreement with a wide range of stakeholders, and equality and cohesion will need to be fully integrated into decision making as there will likely be disproportionate impacts and mitigation. Therefore as the decisions to be taken on governance, spending, and service delivery cannot be fully

considered until after the initial rates have been set and an estimate of potential revenues can be determined the Screening was primarily concerned with the first two elements set out above.

- 4.2.4 The conclusions in relation to the screening for the current stage are that overall the CIL will be a benefit for the people of the District, and that no impacts are identified that cannot be mitigated against. The key mitigation is in considering whether to set a nominal CIL charge against all types of development in all locations to ensure that every community can benefit from local growth. The public consultation stages will ensure that interested parties will have an opportunity to comment and to influence the rates and zones. Zone boundaries need to be carefully considered in order to ensure equality alongside the key consideration of viability.
- 4.2.5 It will be necessary to continue to have regard to equality and diversity issues as part of the ongoing process of developing a CIL for Leeds, including arranging and responding to appropriate consultation stages, and in particular in the governance and spending arrangements which are still to be set up across the Council. Another formal Screening will be required at the point of decision making on such aspects.

4.3 Council Policies and City Priorities

- 4.3.1 The CIL is already a process which local authorities can use, as supported by the CIL Regulations 2010 (and Amendment Regulations 2011 and 2012). The CIL will be a document within the Local Development Framework. The intention to develop the CIL broadly reflects Council policies and city priorities in that it emphasises incentivising growth, both to the development industry and local communities.

4.4 Resources and Value for Money

- 4.4.1 Executive Board gave agreement in December 2011 to progress work on the CIL, including the release of the necessary funds. The Government recognises that costs will be incurred and so the Regulations allow set up and administration costs to be reclaimed from future CIL receipts. The implementation of the CIL in Leeds is expected to result in increased funding for strategic infrastructure across the District. The impetus to deliver the CIL as early as possible would therefore provide the most value for money.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The Community Infrastructure Levy Regulations (2010 as amended 2011, 2012, and 2013) set out that a charging authority can choose to charge the CIL on new development in its area. The charges must be set out in a Charging Schedule, and must be based on viability evidence. The CIL Regulations have also changed the use of S106 planning obligations. From April 2014 it will no longer be possible to secure S106s for District wide requirements such as greenspace, transport schemes and education facilities. This current report requires no decisions and is therefore not subject to call in.

4.6 Risk Management

- 4.6.1 If the CIL is not brought forward in Leeds, then the Council is at risk of losing out on monies which under the present system are gained through the S106 mechanism, as this system will no longer be available. In order to manage this risk it is recommended that Officers continue to work on the development of the CIL as outlined in this report. The preparation of the CIL is a challenging process within the context of ongoing national changes to the Regulations, limited precedents nationally, and in responding to local issues and priorities. Consequently at the appropriate time advice is sought from a number of sources, including legal and that from the Planning Advisory Service, Planning Officers Society, and neighbouring authorities as a method to help manage risk and to keep the process moving forward.

5 Conclusions

- 5.1 This report aims to update Development Plan Panel on the progress made with the Leeds CIL, and in particular the consultation responses to the Preliminary Draft Charging Schedule.
- 5.2 A summary of the main points and themes raised in the consultation period have been provided to keep members updated and informed.
- 5.3 Officers are confident all the issues raised can be addressed, with detailed responses to be provided at the next Development Plan Panel.

6 Recommendations

- 6.1 Development Plan Panel is requested to:
- i) Note and comment on the material relating to the emerging Community Infrastructure Levy for Leeds (following the March to May 2013 consultation).

7 Background documents¹

- 7.1 There are no background documents associated with this report.

APPENDIX 1 – SUMMARY OF REPRESENTATIONS ON THE CIL PRELIMINARY DRAFT CHARGING SCHEDULE

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

APPENDIX 1

Leeds CIL Preliminary Draft Charging Schedule – Summary of Representations – June 2013

<u>REPRESENTOR</u>	<u>SUMMARY OF REPRESENTATIONS BROKEN DOWN BY TOPIC</u>
CONSULTATION	
McCarthy and Stone	Attached response previously submitted after stakeholder event September 2012 which requested that the EVS specifically consider specialist accommodation for the elderly.
Sanderson Associates	Further public consultation must be carried out before any proposals are progressed to further stages as the PDCS is based on superseded guidance.
Home Builders Federation Consortium, Land Securities	Need to make clear the supporting documentation for input/comment such as approach to payments in kind, further guidance etc.
Resident - George Hall	Previous stakeholder event excluded communities with no front loading with local councils.
Tesco Stores	Would like to meet to discuss the issues ahead of the Draft Charging Schedule stage.
Highways Agency	The Leeds Infrastructure Study will be available by early autumn, so request discussion on this before consultation on the Draft Schedule.
Resident - George Hall	<p>In November 2012 the Scrutiny Board (Housing and Regeneration) resolved that a CIL working group should be established to take evidence from all stakeholders and gather evidence to help and inform the decision making process. The working group has never formally met nor taken any evidence, for whatever reason and therefore information and guidance that should have been available to the decision takers is therefore not available.</p> <p>In September 2012 consultants GVA made a presentation to the Scrutiny Board (Housing and Regeneration). Members were not advised of their terms of reference. The presentation raised more questions than it answered. At the October meeting of the Scrutiny Board (Housing and Regeneration), members were advised that the Executive member considered that the GVA report was not "fit for purpose" and would fail the tests of soundness required by the examiner at the Statutory Independent Inquiry. No reason for the Executive member's view referred to above was provided, therefore it is unclear what changes may have been made to the GVA report, that have led to the conclusion that it is satisfactory</p>
Environment Agency	Look forward to being consulted further on future work related to the spending and governance mechanisms and the R123 List.
INFRASTRUCTURE FUNDING GAP EVIDENCE	
Ashdale Land, Carter Jonas	PDCS is premature and not based on appropriate evidence as UDP is not up to date, and Core Strategy date of adoption cannot be accurately planned due to objections for Examination. Therefore it is not possible to understand the infrastructure required to realise the future development and growth needs of the district. The EVS was published ahead of the IDP April 2013 as a key document on which it should rely.
Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Concerned that the IDP at present is aspirational as opposed to a route map for delivery of essential infrastructure. The Charging Schedule and documentation must outline the positive actions proposed from the Council to enable the actual delivery of major infrastructure (e.g. borrowing and forward funding, City Deal etc).

East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates, SJS Property Management	Greater clarity on how have arrived at the listed infrastructure projects.
Highways Agency	Would like to know what criteria were applied in selecting the four Strategic Route Network schemes in the justification paper in preference to other SRN schemes in the IDP.
Sport England	The justification paper is accurate for swimming pools but difficult to appreciate what other sports proposals are based on, and no projects listed for outdoor sport such as playing fields. Infrastructure gap focuses on LCC owned sites without understanding relationship with voluntary sector. Need to prioritise the list of infrastructure projects before next stage.
Yorkshire Wildlife Trust, Natural England	The Green Infrastructure projects identified do not represent the true scale of infrastructure needed and focus solely on parks and allotments rather than enhancing the network of green infrastructure at a sub-regional scale. They fail to highlight the key purpose of Policy GI which is to provide a 'network of multifunctional green space'.
English Heritage	Infrastructure gap projects do not mention public realm improvements.
S106 EVIDENCE	
Leeds Property Forum	Average office S106 IS based on only four schemes of which only one is purely city centre office. Need more fair representation.
Land Securities, Leeds Property Forum	Average retail S106 based on only two schemes (Armley and Guiseley). Need more fair representation.
Asda, East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates, Morrison Supermarkets, Home Builders Federation Consortium, Leeds Property Forum	Do not make sufficient allowance for S106s and/or S278s. More clarity on S106 figures and further evidence used to inform Table 17 of the EVS in relation to the proportion of funds which are to be replaced by CIL per dwelling/residual site specific S106 per dwelling. There is a risk of double dipping.
Land Securities, Leeds Property Forum	In accordance with guidance need to "set out those known site-specific matters where S106s contributions may continue to be sought."
Sainsbury's Supermarkets	No evidence to show if previous S106 evidence has been prepared or considered for benchmarking.
Ashdale Land, Bupa	The S106 info does not form part of the EVS and should be given no weight.
Home Builders Federation Consortium	In the averages of S106 per dwelling for schemes under 50 units, all the figures are between £1,500 - £3,611 per dwelling except two figures of £132 and £138 per dwelling that considerably reduce the average and distort the land value.
Resident - Martin, Lisa, and Audrey Fox	Evidence base has been linked to historical S106 which in the last two years have delivered very low levels of funds. Therefore the rates are artificial and have been set very low to encourage development especially in highest zone. It will lead to over development in Harewood and devalue the current housing stock.
Sanderson Associates	The level of potential highways contributions is excessive in adding the CIL to existing site specific contributions to public transport infrastructure, Travel Plan monitoring and Metrocard provision.

CHARGING ZONES AND SPECIFIC BOUNDARIES	
SJS Property Management	Support the different charging zones.
Home Builders Federation Consortium, Taylor Wimpey, East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates, Ashdale Land	Zones in the PDCS are not the same as those within the previous EVA for affordable housing and the SHMA updates and therefore are not consistent. No justification or evidence to demonstrate why this is the case, e.g. land to the east of Garforth. The change of boundary has resulted in Cookridge, East of Leeds, Micklefield, and Otley moving from a medium zone to the highest and will stifle development. Market values demonstrate they are medium value area (£45 psm) and can't sustain the £90 CIL rate.
Taylor Wimpey	Would like to see the boundary revised to the previous proposal for 8 market areas of sales values as in Table 15 of EVS.
Homes and Communities Agency and Leeds Teaching Hospitals NHS Trust	Inner Area should encompass the Seacroft Hospital site and Cross Gates. Would use the Leeds-York railway to the south and the A6120 to the east of Seacroft Hospital. Would better reflect the characteristics of the local housing market of Osmondthorpe and Harehills rather than e.g. such as Whitkirk and Chapel Allerton, and Seacroft has more in common with the Inner Area in terms of Indices of Multiple Deprivation. It would also align with the EASEL boundary, recognising the importance of the Seacroft Hospital site in helping to deliver regeneration aspirations for that area.
East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates	Micklefield, East Leeds, Calverley and Horsforth are in same zone as Aberford, Scarcroft, Thorner, Boston Spa, Wetherby, Yeadon and Bramhope yet are unable to generate same yields.
Resident - Martin, Lisa, and Audrey Fox, Sanderson Associates, Morley Town Council Planning Committee, Resident - George Hall	Zones need more justification. Residential zones are too broad and generalised. Realise that there is national guidance and regulations but not satisfied that the outcome has enough fine tuning to take account of the realities of individual sites. This should be taken up with the government. Concern that greenfield housing development might be diverted towards the cheaper southern zone. A step from £45 sqm to £90 sqm between adjoining areas of land seems unreasonable.
English Heritage	Should include all the Chapeltown conservation area in the Inner Area as otherwise might potentially discourage investment in the northern part.
URS Infrastructure and Environment UK	Unclear on what basis boundary is drawn around the Garforth area, the M1 and A1 might be more appropriate. The land south of the M1 was not included in the Aberford Neighbourhood Plan area as it bore more relationship with Garforth, so a similar exclusion should be in the CIL.
VARIABLE RATES AND THRESHOLDS	
Aldi	Agree in setting variable retail rates.
Resident - Martin, Lisa, and Audrey Fox	Support a higher rate of CIL for developments outside of the City Centre as that will discourage out of town developments.
English Heritage	Support lower retail rate for large retail units in the City Centre to encourage continued investment.

Asda, Sainsbury's Supermarkets, Land Securities, Leeds Property Forum	Disagree in setting variable retail rates based on size/scale as at odds with government guidance and no evidence that smaller units are used for a substantially different purpose than larger units. The viability evidence is not sufficiently fine grained to support the proposed size threshold.
Sainsbury's Supermarkets	No evidence presented by LCC to demonstrate the difference between 401m unit and 501m unit therefore no viability evidence to demonstrate differential rates.
Sainsbury's Supermarkets	Viability evidence does not demonstrate the difference between in/out City Centre with no justification for differential rates.
Sanderson Associates	Statements made on the traffic levels of supermarkets is incorrect as in practice the vast majority of shopping trips to a supermarket are either trips which are already on the network as pass-by or diverted trips. The level of new trips can be as low as 10% and so the impact of a new development does not relate to pure trip rate generations or proposed floor space.
£5 NOMINAL RATE	
Barwick in Elmet & Scholes Parish Council, Morley Town Council Planning Committee	Support the £5 rate for every development rather than a widespread zero rating.
Ashdale Land, Bupa, Hammerson UK Properties, Morrison Supermarkets, SJS Property Management, Home Builders Federation Consortium, Land Securities, Leeds Property Forum	No evidence for nominal £5 psm rate, contrary to EVS.
Morley Town Council Planning Committee	Charging even as little as £5 sqm will encourage the keeping of financial records, which should be helpful during the first review.
Bupa	May not be worthwhile collecting payments at £5 rate due to administration costs.
PROPOSED ZERO RATE	
Morley Town Council Planning Committee, Resident - Martin, Lisa, and Audrey Fox	Support zero rate and its tight definition.
Sanderson Associates	Zero rate should not be applied to Council developments, offices or bases as there is no justification for LCC not being charged the same as the private sector.
Bardsey Parish Council	It isn't clear whether this applies to projects built by charitable organisations.
IMPACT ON DELIVERY OF CORE STRATEGY	
McCarthy and Stone	A CIL rate that prevents accommodation for the elderly coming forward would threaten the deliverability of the development plan under the NPPF and CS Policy H8.

East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates, Home Builders Federation Consortium, Land Securities, Leeds Property Forum	EVS needs to align with the proportion of planned land supply in the Core Strategy i.e. in line with the housing trajectory in the AMR. Cannot see which market value areas are the most prominent and important in delivering the planned land supply. No analysis as to what proportion of each type of land (i.e. previously developed industrial land, greenfield land, existing residential land) is situated in each value area, thereby identifying the most prevalent combination of value area and land type. It would then be clear as to the most appropriate benchmark land value with which the resulting residual land values should be compared, for each of the market value areas.
Carter Jonas, Hammerson UK Properties, Sanderson Associates	General EVS not viable and damaging to LCC policies and development plan.
VIABILITY BUFFER AND APPROPRIATE BALANCE	
Bardsey Parish Council, Collingham with Linton Parish Council, English Heritage, Harrogate Borough Council, Homes and Communities Agency, Wakefield Council, Yorkshire Water, Highways Agency, Metro, URS Infrastructure and Environment UK	Proposed rates are appropriate and in line with the evidence, led by current viability of developments.
Hammerson UK Properties	Welcome the adopting of a lower rate for City Centre retail than suggested in the EVS.
Ashdale Land, East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Tesco Stores, Thornhill Estates	The PDCS is not an appropriate balance.
Home Builders Federation Consortium, Ashdale Land	10% should be applied to all categories (or zero where zero viability in the EVS). No evidence to demonstrate why in the outer southern areas a 4% deduction is acceptable. Must be a viability buffer incorporated either into the benchmark land value or elsewhere through the CIL assessment process.
Home Builders Federation Consortium, Ashdale Land, East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates	No evidence to demonstrate how the 10% reduction from maximum viability has been established, it is not high enough. Shows too much confidence in EVS.

Morrison Supermarkets	Many authorities set at 50% of maximum. The EVS states it is important that the rates are not set at the maximum but this has been ignored. Rates at 90% of EVS maximum are not suitable to retail which is often site specific and so the appraisal assumptions can vary widely.
ECONOMIC VIABILITY STUDY – GENERAL	
Home Builders Federation Consortium, Land Securities, Leeds Property Forum, Morrison Supermarkets	Difficult to see anywhere within the supporting evidence base how the rates have been arrived at in light of the results provided. Do not feel the evidence clearly demonstrates that the proposed rates would not jeopardise the delivery of the planned land supply. EVS doesn't contain sufficient evidence and is lacking the actual appraisals, all input data and calculations, and source of land values. It is not explicit in the methodology how the calculations have been applied to achieve the CIL rate. Appraisal assumptions and sensitivity analysis have also not been made clear.
Home Builders Federation Consortium	The overall methodology of seeking to determine viability on a residual valuation exercise is appropriate, but do not agree with the land values adopted.
McCarthy and Stone	Many of the viability assumptions are completely divorced from reality and so PDCS is fundamentally flawed.
Hammerson UK Properties	Need flexibility in the Schedule to allow consideration of the viability of a development scheme in order to gain the appropriate level of contribution.
VIABILITY - RESIDENTIAL	
McCarthy and Stone	Should not have one CIL rate for all forms of residential development given the extent of projected housing need for older person's accommodation. Including retirement housing within a general residential heading fails to acknowledge the very specific viability issues associated with such specialist accommodation for the elderly.
Barwick in Elmet & Scholes Parish Council	Question if Inner City residential could increase to a £10 rate, and Outer Central to £30.
VIABILITY - COMMERCIAL	
Sanderson Associates	Given that no new office development has commenced in Leeds in recent years the office charge, particularly in the City Centre, should be carefully reviewed.
Leeds Property Forum	City centre offices allow Leeds to compete with other northern cities. £40 psm may still render some developments unviable. Need further evidence to demonstrate otherwise.
Asda	Give breakdown for Middleton Asda as an example, which would have to pay £1.5m CIL which may have stopped it occurring.
Land Securities, Leeds Property Forum	Retail rate for >500 sqm is extremely high and is likely to deter investment.
Aldi, Asda	Retail rate is too high, particularly the £248 sqm rate, it will deter future development.
SJS Property Management	£40 psm for City Centre office substantially exceeds the £10 psm average for such development secured through recent Section 106 Agreements, this may be viable but is not appropriate.
Leeds Property Forum	Support statement that the City Centre office market is fragile, and therefore why is City Centre office rate still 8 times that of offices outside of it? Especially important where the latter can sometimes offer greater incentives such as more parking.
Aldi	Need to take into account discount retail operators with very different business model based on low profit margins based on high levels of efficiency and lower overheads.

VIABILITY – AGRICULTURAL INDUSTRY	
National Farmers' Union	The EVS has not considered the agricultural industry and seek exemption from the CIL for agricultural development otherwise any CIL would make all/most agricultural development unviable. Because of the importance of food security it is essential that farmers have the confidence to invest in new buildings. Agricultural developments place no or in a few cases a very limited extra burden on infrastructure. The CIL is a levy on the enhanced value of development land but there is no enhanced land value with agricultural development and therefore the CIL would have to be paid from revenue.
Country Land and Business Association North	Make sure not to impose urban-focused CIL charges on new development in rural areas, which would impact on the long term sustainability of the rural economy and jobs. Request a nil rate for a change of use of a redundant farm building, which involves an extension and/or a new build that, for example provides for incubator units for new small business start-ups
Country Land and Business Association North	Not viable to charge for agricultural occupancy dwellings.
Country Land and Business Association North	Not viable to charge for farm shops and new village shops and post offices.
ECONOMIC VIABILITY STUDY – SPECIFIC ASSUMPTIONS AND VALUES	
McCarthy and Stone	Need to conduct a separate development scenario for specialist accommodation for the elderly as it has a higher proportion of communal floorspace built to a higher specification, a slower sales rate, and higher empty property costs. Provide a development scenario for a typical flatted retirement housing scheme, located on a previously developed site within 0.4 miles of a town or local centre.
Sanderson Associates	In addition to viability, the proposals should also be considered against vehicle trips as a fair means to assess material impact and to gauge the requirement for highway related infrastructure and contributions towards sustainable transport.
Taylor Wimpey	East Leeds Extension has a sales value of £160 per sq.ft. With CIL at £90psm the land value drops below an acceptable rate and will leave sites unviable – calculations submitted.
Taylor Wimpey	Micklefield has a sales value of £185 per sq.ft. With CIL at £90psm the land value drops below an acceptable rate and will leave sites unviable – calculations submitted.
Sanderson Associates, Home Builders Federation Consortium	Need evidence that landowners are prepared to accept a reduction in land values of 25%, i.e. for residential landowners would sell for anything over £75,000/acre.
Ashdale Land	The Wokingham Inspector concludes a return to the landowner should include a reasonable share of the development land value equating to half the uplift of the unfettered value.
McCarthy and Stone	Examiner's report for Greater Norwich CIL concluded an over-simplistic approach to finance and cash flow considerations, in which the use of build costs rather than GDV as a basis for calculating overheads and low profit margins was specifically cited.
McCarthy and Stone	Based on the EVS 20% developer profit on costs would not provide sufficient incentive for developers of specialist accommodation for the elderly to take on the risk of return. Developer profit for a retirement scheme would be 20% of GDV. The EVS proposes 15% on costs for residential and commercial development. The September workshop proposed 18% GDV why has this lowered? It should be based on profit on GDV.

Home Builders Federation Consortium, East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates	Need justification for the £100,000 value applied to all greenfield land and the assumption it should be valued as agricultural land, this is extremely low.
Leeds Property Forum	Need more regard to hidden costs e.g. business rates, borrowing costs, utilities etc.
Hammerson UK Properties	Need to have appraised viability of major City Centre retail developments such as Victoria Gate. Complex land assembly and associated development costs for major schemes.
Resident - Martin, Lisa, and Audrey Fox, Resident - George Hall	Much higher rates of CIL are possible as developers are land banking and taking options on agricultural land at agricultural prices.
Hammerson UK Properties	PDCS is not consistent as it only applies a single rate for all 'Retail' over 500 sqm in the City Centre but EVS is based on separate assessments of convenience and comparison.
Resident - Martin, Lisa, and Audrey Fox	Retail rates are too low and do not reflect the types of retail development aspired to such as Trinity which will command very high rents.
Ashdale Land	The evidence base highlighted many sites in the Outer South Area, including land at Micklefield, being only just viable or unviable in the £45 per square metre charging area, so it is clear that they will not be viable in an area with £90 CIL rate. Submitted detailed calculations/viability appraisals to support arguments.
McCarthy and Stone	% Professional fees are extremely low. Other authorities' CIL evidence base uses 8% to 10% for standard residential. McCarthy and Stone typically allocate 10% of GDV for professional fees. The EVS statement that "based on our experience many residential developers have 'off the shelf products' which result in significant cost savings. In circumstances such as this it is normal for fees to be included at 5%" is completely unrepresentative of the market. Plus given experience in the Leeds market with the Council's high design standards an 'off-the shelf' product is not suitable in Leeds and does not reflect many months work and several meetings with officers.
McCarthy and Stone	Communal areas in specialist accommodation for the elderly are considerably larger in size, fulfil a more important function and are accordingly built to a higher specification. Typically an open market flatted residential development will provide 16% non-saleable floorspace, whereas this increases to 30% for sheltered accommodation and 35% for Extra Care accommodation. So the ratio of CIL rate to net saleable area would be disproportionately high when compared to other forms of residential accommodation.
McCarthy and Stone	Ensure that the baseline land value against which the viability of the retirement scheme is assessed properly reflects the spatial pattern of land use in the locality. Therefore the viability of retirement housing should be assessed against both likely existing site values, and potential alternative uses. Due to occupants relying on public transport and being of lower mobility, retirement housing can only be built on a limited range of sites in close proximity to town centres, which are high value and previously developed. Concern that CIL could prejudice the delivery of retirement housing against competing uses on these relatively scarce suitable sites.
McCarthy and Stone	EVS marketing costs for residential are 1.25% of GDV. This is extremely low and unjustified. Other local authorities typically use 3% and the September workshop proposed to use 3%. Marketing fees for specialist accommodation for the elderly is in excess of 6% of GDV.
McCarthy and Stone	Elderly accommodation has much longer sales period with significant effects on empty property costs, borrowing and finance costs and sales and marketing. Current typical sales rate is one unit per month, so average sized scheme of 45 units can take 3-4 years to sell out.

McCarthy and Stone	Provide figures setting out £/m ² gross internal floor area comparing sheltered housing against other housing types based on BCIS data for Leeds. Sheltered housing costs 5.8% more expensive per sqm than the cost of building apartments and 24.4% more than estate housing.
McCarthy and Stone	Specialist accommodation for the elderly can only be sold upon completion of the development and the establishment of all the communal facilities and on-site house manager. Service charge monies that would be provided from empty properties are subsidised by the Company, a typical 45 unit McCarthy and Stone development has empty property costs of £200,000.
Morrison Supermarkets	Need explicit evidence on: a) Residual land value – threshold land value = margin for CIL b) margin for CIL / gross floor area of typology = maximum CIL rate £ psm
Morrison Supermarkets	Retail 5% yield is too high and the EVS assumes all developers are national operators
Morrison Supermarkets	Retail 6 month pre-construction phase is unrealistic and should be 24+ months.
Morrison Supermarkets	Retail benchmark land values are confusing and too low, it is also unclear how these valuations have been made and with what evidence. Land owners will make their own land value assessment not the one used.
Morrison Supermarkets	Retail commercial agency fees set at 7.5% are unrealistic as industry standard is 15%.
Morrison Supermarkets	Retail finance charges at 6.5% are too low 7% are the industry average and a £200k average finance arrangement fee has not been included as well as holding fees.
Morrison Supermarkets	Retail large site assembly fees have not been taken into account
Morrison Supermarkets	Retail typologies have used an unrealistic 40% site coverage, it should be 30%.
Morrison Supermarkets	Retail total profit has been calculated at 21% while it should be 25%
VIABILITY OF BROWNFIELD SITES - RESIDENTIAL	
McGregor Brothers Ltd	Brownfield sites should only be charged £25 in the Outer South as stated in the EVS.
Home Builders Federation Consortium	Concerned with EVS justification that as development in the outer north with primarily come forwards on greenfield sites therefore the CIL rate has been set at the greenfield level. To discourage brownfield development in such a way would be contrary to both local and national policy as it is considered this is the most sustainable form of development.
Hammerson UK Properties	GVA has not appraised the policy implications arising from BREEAM / Carbon reduction standards for constrained / brownfield sites, simply assuming that as for unconstrained / greenfield sites, the impact will be negligible / minimal.
McCarthy and Stone	The CIL should work in conjunction with wider national and local planning objectives. Therefore developers and the Council would benefit from exempting residential development on brownfield land.
Resident - Martin, Lisa, and Audrey Fox	There is no regard to brownfield being encouraged ahead of greenfield. CIL is encouraging green belt development in the outer north as the Council will get the highest CIL rate there.
Morley Town Council Planning Committee	Difficult developments in the centres of towns such as Otley and Morley might be disadvantaged by having to pay at the same rate as straightforward greenfield development nearby.
Ashdale Land, East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates	No evidence to suggest the 10% reduction would enable brownfield sites to be viable. No justification as to why the lower £50 rate is not used as proposed in the EVS to account for brownfield land, which would be contrary to policy.

Carter Jonas	The EVS identifies that the level of CIL proposed would potentially render schemes unviable especially on brownfield, constrained and large sites. This is considered counterproductive given that the Council wishes the majority of housing to take place on previously developed land.
VIABILITY OF BROWNFIELD SITES - COMMERCIAL	
Asda	Disagree with charging lower rates for retail in the City Centre. Not established by the EVS that sites outside it are significantly less constrained, which in Leeds is not likely. It will also penalise in-centre retail which is required by planning policy.
Aldi	Para 9.23 of the EVS discusses site constraints: "for smaller convenience stores a much reduced CIL charge of circa £200 psm could be sustained on unconstrained sites but CIL is not feasible on constrained sites." Paragraph 9.24 states that "it is recommended that rates be set with reference to the constrained/brownfield assessments. By taking this approach it is hoped that the impact on their enabling qualities is not adversely affected." This has not been carried forwards into the PDCS.
Carter Jonas	The EVS identifies that the level of CIL proposed would potentially render schemes unviable especially on brownfield, constrained and large sites. This is considered counterproductive given that the Council wishes the majority of housing to take place on previously developed land
Aldi	Retail sites are generally in centres and so are considerably constrained which adds further costs e.g. complicated highways solutions and de-contamination. It also affects their optimum requirements and standard business model regarding e.g. car parking floor area and build costs.
VIABILITY – SITE SPECIFIC	
Hammerson UK Properties	Especially unviable for complex major City Centre retail-led schemes such as Victoria Gate.
Homes and Communities Agency and Leeds Teaching Hospitals NHS Trust	Seacroft Hospital site requires significant infrastructure for a transport solution for the site, SUDs, and major reconfiguration of electricity supply network. The imposition of a CIL charge will have a negative impact on the scheme and the extent to which it can help deliver the city's regeneration and housing objectives.
COMPARISON WITH OTHER AUTHORITIES	
North Yorkshire County Council	Supportive of the approach taken so far and not aware of any cross-boundary issues at this stage. Would have concerns if the 10% rate below the maximum level in the EVS for residential meant setting a rate substantially higher than in Harrogate and Selby Districts, as 10% is high in relation to viability buffers being set elsewhere nationally.
Highways Agency	The proposed rates are reasonable on the basis of comparison with rates adopted or under consideration by other local planning authorities.
Harrogate Borough Council	The residential rate of £90 psm for the Outer Northern is broadly similar to Harrogate Borough Council's proposed PDCS residential rate of £85 psm.
Sanderson Associates	Rates set should reflect those in neighbouring districts.
Aldi	Compared with other cities' retail rate is disproportionately high.
SJS Property Management	Most local authorities propose a nil rate for offices, so Leeds should have further evidence to support above zero and no higher than £10psm as in the S106 data.
Land Securities, Leeds Property Forum	The difference between the average highest retail rates across the country compared with their highest residential rates, comparatively Leeds would be significantly out of step. Only 15 maximum retail rates across the country are higher than Leeds, with only Trafford in the north. Comparative rates across the region will directly affect investment decisions.
Sanderson Associates	The PDCS assumes Leeds is the key area in West Yorkshire which is no longer true, development will simply go to the neighbouring areas which do not have CIL.

REVIEW MECHANISMS	
Metro	Not clear if the rates will be reviewed to reflect any changes in the economic climate and the timetable / process to do this.
Morley Town Council Planning Committee	Reassured that the first CIL Charging Schedule is, to some extent, experimental and that it will be subject to early review.
URS Infrastructure and Environment UK	Should have a mechanism to take account of wider market fluctuations. Need a more frequent review of the charges than 2016/2017. At the very least, the CIL evidence must be subject to annual reviews.
Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Suggest monitoring every 6 months.
Hammerson UK Properties	Support an early review of the Charging Schedule in 2016 / 2017
Resident - Martin, Lisa, and Audrey Fox	The rates cannot be increased quickly enough via review when market conditions change.
INSTALMENTS POLICY	
Asda, Ashdale Land, Metro, Morley Town Council Planning Committee, Morrison Supermarkets, Sainsbury's Supermarkets, SJS Property Management, McCarthy and Stone, Sanderson Associates, Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Support principle of the instalments policy.
Resident - Martin, Lisa, and Audrey Fox	Object to any instalments policy otherwise there is a major risk that the developer could go in to liquidation.
Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Impact on viability regarding the instalments policy needs to be considered in more detail. Dates should be put back to give more leeway and improve cashflow.
Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Extending instalments timescales should have no bearing on the actual provision of the necessary infrastructure to support that particular development as the CIL aim is to sever this link.
Metro	In order to keep consistency, payments over £100,000 could be split into 5 equal payments at 60 day intervals. This would reduce the initial payment but result in a quicker payment of the full amount.
Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Provides example instalments policy with additional bracket for over £500,000.

East Leeds Extension North Quadrant Consortium, Great North Developments, John Wilson, The Burford Group, Thornhill Estates	Instalments policy needs negotiating on site by site basis.
Ashdale Land, McCarthy and Stone	Instalments policy phasing should be amended to enable development to be completed before payment, or phased depending upon occupation levels.
Asda	Instalments policy should ensure that developers are not disadvantaged by the decision to submit a full planning application for a phased development scheme.
Country Land and Business Association North	Should be more flexible on instalment policy for rental dwellings built as part of farm diversification.
Bardsey Parish Council	More details on instalment policy for phased developments. Assume the phased payments only apply to the intended build in each particular phase and will not all have to be tied in to the first set of instalments.
Save Our Scholes	Need to clarify when the CIL will be payable.
Metro	Note: Table C band >£60,000 - £99,000 should be £99,999.
Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Support potential for payment in kind over £50,000.
Leeds and District Allotment Gardeners Federation	It would be vital if in kind contributions could include: free use of an operative and a JCB, and donations of topsoil / timber / building materials (e.g. as have been donated by recent PFI contractors).
EXCEPTIONAL CIRCUMSTANCES POLICY	
Asda, Ashdale Land, English Heritage, McGregor Brothers Ltd, Morrison Supermarkets, Sainsbury's Supermarkets, SJS Property Management, Home Builders Federation Consortium, Land Securities, Leeds Property Forum	Support exceptional circumstances policy (albeit some representors have caveats).
Resident - Martin, Lisa, and Audrey Fox	Object to any exceptional circumstances policy, every development must pay in full as every development should be stand alone in its funding package.
Asda	Should be more detailed with different options to suit different situations.
Ashdale Land	Should be set with clear evidence, viability assessment and subject to full consultation and consideration of comments prior to being adopted, rather than just by Development Plan Panel.
McGregor Brothers Ltd	Should state that the CIL will be waived if evidence is submitted demonstrating that the charge would make the development unviable because the site has contamination.

SPENDING AND APPORTIONMENT	
Barwick in Elmet & Scholes Parish Council	Accept that meaningful proportion is set by Government, and giving 75% to the Council will give the flexibility to direct these monies to the most urgent and beneficial projects for the whole area.
Bardsey Parish Council	The CIL contribution is minor in relation to the overall infrastructure need so the more relevant comparison is with the replacement of S106 money which seems to be of the right order.
Leeds and District Allotment Gardeners Federation	It would be hugely helpful if CIL could be spent outside of the area in which it was levied. Although we are active city-wide we all have our own local interests centred on our local allotment site. Would therefore support an equitable share of CIL investment being made available both locally and across the District.
Bardsey Parish Council, Barwick in Elmet & Scholes Parish Council, Leeds and District Allotment Gardeners Federation	The 15% may unfairly impact on some communities who have yet to get involved with neighbourhood plans. It is not right to be penalised for agreeing to the Council's request about NP boundaries.
Resident - George Hall, Save Our Scholes	Lack of calculation of administrative costs, should not take 5% of meaningful proportion for costs, no details of how passed to parish councils and if will be charged.
Resident - George Hall, Save Our Scholes, Bardsey Parish Council	NPPF refers to 'meaningful proportion' to ensure that development in the area is sustainable. The evidence base and proposals do not address the conflict between sustainability and viability, meaningful proportion needs to be higher as is not an incentive to accept development. PDCS assumes maximum meaningful proportion will be as set out by government.
Resident - Martin Brown, Resident - Martin, Lisa, and Audrey Fox, Save Our Scholes	Wrong for the CIL from a development that affects one community which loses their quality of life being used to benefit other communities not impacted by it. Those directly affected should receive all the CIL, it should not be used as a bail out for wider council projects, otherwise it is not localism.
Save Our Scholes	The current PDCS will be challenged as its impact will be to make any development forced upon Scholes unsustainable and unviable. It is in effect a tax on development in greenspace in order to supplement the Councils budget in other areas of the City.
Metro	A clear spending protocol needs to be in place to ensure that funding is allocated to infrastructure projects in a transparent manner. Establishing a ranking system of infrastructure scheme across a number of sectors (Highways, Public Transport, Education etc) would be very difficult to achieve. Could instead divide the CIL monies by sector, and then each sector would then be able to priorities where the CIL Money was spent within the sector. A risk with this approach is that delivery of schemes within each sector could be restricted if the level of CIL money collected is low.
Sanderson Associates	All CIL revenue gained from non-residential development should be directed to highways and transport as clearly they would not be directly associated with the need for affordable housing or education.
SJS Property Management	CIL receipts should be spent locally and on related infrastructure. E.g. office developments should not fund the education shortfall created by new housing.
Sanderson Associates	Spending needs to be transparent and justified including for the meaningful proportion.
Morley Town Council Planning Committee	This consultation has revealed fears that CIL receipts might be taken from where a development has taken place to fund prestige or other projects elsewhere. Developers fear that CIL charged against their schemes might not be used to provide infrastructure to support them. The % for the meaningful proportion has not dispelled these fears and some effort must be made to produce a policy on the spending and distribution of CIL.

Metro	Needs more clarity - want to avoid a scenario where public transport S106 contributions (especially bus service enhancements, required in the areas with the highest CIL rates) are reduced to allow CIL to be collected, and then not spent on public transport infrastructure schemes.
Sainsbury's Supermarkets, Sanderson Associates, Ashdale Land, Carter Jonas	Need to prepare R123 List alongside PDCS with justification for the priority afforded to each element.
SPECIFIC REQUEST FOR INFRASTRUCTURE FUNDING	
Canal & River Trust	Need to prioritise CIL funding for the improvement of the towpath along Leeds Core Cycle Routes 1 and 8.
Highways Agency	Keen to ensure that any pinch-points on the local road network, in the vicinity of the Strategic Route Network that may impact on its operation, are also included in the R123 List. The Leeds Infrastructure Study will be available by early autumn, so request discussion on this before consultation on the Draft Schedule.
Leeds and District Allotment Gardeners Federation	New housing development may prompt allotment demand so would be helpful if CIL could bring back into use a local unused allotment site or further enhancing an existing local site.
Metro	The infrastructure for transport schemes must be aligned with the LTP priorities. Metro are keen to be involved with this and together we need to determine if any project can be brought forward early with payback coming from CIL. Want to ensure that the level of public transport contributions secured through CIL is no worse than currently secured through the SPD.
Yorkshire Wildlife Trust, Natural England	CIL funding should be directed towards projects which will maintain, restore and enhance strategic Green Infrastructure corridors. How the CIL is to deliver a strategic approach to networks of biodiversity and green infrastructure as required by the NPPF is not set out. The local plan may not be consistent with the NPPF if CIL funding does not enhance the natural environment as the only enhancements would be ad hoc which would not deliver a strategic approach.
Bardsey Parish Council	Very few of the infrastructure projects identified will benefit Outer North East residents, particularly in relation to public transport. This should be addressed in the spending priorities.
MISCELLANEOUS	
Natural England	The Council may only agree to a plan or project after having ascertained that it will not adversely affect the integrity of a European site. CS policy G1 supporting text states that consideration will need to be given to the proximity of the South Pennine Moors Special Protection Area and Special Area of Conservation. If the Habitats Regulations Assessment of the Site Allocations Plan concludes that residential and/or employment allocations will adversely affect their integrity (or effects remain uncertain), GI and/or other measures will be required to mitigate their effects. The Council should therefore consider whether the CIL (reinforced by Site Allocations Plan) can contribute to the funding of GI mitigation. To ensure compliance with the Habitats Regulations, the Council needs to demonstrate in advance of adopting a Charging Schedule, that there is sufficient certainty of the required financial commitment to deliver mitigation, if necessary, to the required quality and in perpetuity. Any mitigation with respect to European sites should be prioritised with CIL as the potential mechanism for delivery.
Sanderson Associates	Retail contributions should be lower as they do not create the need for education or greenspace.
Resident - Martin, Lisa, and Audrey Fox	Office rates have been set very low to stimulate growth, but this will not occur it will just increase the margin for developers.
Sport England	Refer to their objection to Core Strategy evidence base regarding sport.
URS Infrastructure and Environment UK	In the past, the rigid application of planning contribution requirements has resulted in many being renegotiated or needing new applications which takes time and money.
Bardsey Parish Council	Smaller developments previously exempt from S106 payments will be affected resulting in the extra cost being passed onto the end buyer rather than the land owner, or will make sites unviable.

Yorkshire Wildlife Trust	Rates proposed are not ambitious enough.
Home Builders Federation Consortium	Clarification on whether appraisals consider Policy EN2 and Code 4.
Carter Jonas	Affordable housing will suffer as developers will look to negotiate it.
Home Builders Federation Consortium	No information is provided indicating the extent to which affordable housing and other targets have been met.
Hammerson UK Properties	It is unclear whether 'Retail' applies to all Class A1-A5 development, or just Class A1. This requires clarification for the avoidance of doubt.