

FOR PUBLICATION

**COMMUNITY INFRASTRUCTURE LEVY: PROPOSAL TO
SUBMIT A DRAFT CHARGING SCHEDULE FOR
EXAMINATION (J010R)**

MEETING:	COUNCIL
DATE:	23 APRIL 2014
REPORT BY:	HEAD OF REGENERATION
WARD:	ALL
COMMUNITY FORUM:	ALL
KEY DECISION NUMBER:	388

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS:	
TITLE:	• <i>Draft Charging Schedule</i>
LOCATION	• <u>www.chesterfield.gov.uk/CIL</u>

1.0 PURPOSE OF REPORT

- 1.1 To inform Members about progress on the preparation of a Community Infrastructure Levy (CIL) for the borough.
- 1.2 To inform Members about recent changes to the CIL regulations.

1.3 To seek approval to submit a Draft Charging Schedule to the Planning Inspectorate for independent examination.

2.0 RECOMMENDATIONS

2.1 To approve a response to the consultation comments received during consultation on a Draft Charging Schedule (shown at appendix 2).

2.2 To approve the submission of the Draft Charging Schedule (attached at appendix 1) and associated documentation to the Planning Inspectorate for independent examination.

3.0 BACKGROUND

3.1 The Council approved the introduction of a Community Infrastructure Levy (CIL) in December 2011. In accordance with the CIL regulations, viability evidence work was prepared by consultants during 2012 and recommended CIL zones and rates were put forward to Members in May 2013 and subsequently approved.

3.2 A statutory period of consultation was undertaken on a Preliminary Draft Charging Schedule during June and July of 2013. This was the first stage of CIL consultation, the aim being to ensure that stakeholders and the local development market (agents, landowners, etc) had the opportunity to make comments on the CIL viability evidence and proposed CIL charges and zones.

3.3 The outcomes of this consultation were reported to Members during October 2013 with the recommendation that - with the exception of moving Brimington South ward into the medium residential CIL charging zone (it was previously in the low) - the Council did not modify its CIL proposals and so undertake a further period of statutory consultation.

3.4 Members approved the recommendations and the Council consulted on a Draft Charging Schedule from 14th November 2013 to 13th January 2014. This report will provide an overview of this consultation.

3.5 The report will also outline the next stages of CIL preparation, include a summary of recent amendments to the CIL regulations and recommend that the Council submit a

Draft Charging Schedule to the Planning Inspectorate for independent examination.

- 3.6 The report was considered by Cabinet at its meeting on the 8 April, 2014 and the recommendations were approved.

4.0 **ISSUES TO CONSIDER**

Draft Charging Schedule: Consultation Outcomes

- 4.1 A total of twenty individuals and organisations made representations on the Draft Charging Schedule. Most of the representations were reiterations of the comments that were received during consultation on the Preliminary Draft Charging Schedule; hence there was general support of the Council's proposals from local residents, neighbouring planning authorities and other organisations. But there continued to be objections to the proposed retail rate from the major supermarket operators.
- 4.2 As with consultation on the Preliminary Draft Charging Schedule, there was a minimal response from the major house builders or their representatives (including the House Building Federation). Only one planning agent (promoting a local site for residential development) objected to the Council's proposed residential rates.
- 4.3 Local residents who responded to the previous consultation responded again and were generally happy with the approach the Council was taking. They were also satisfied by how the Council had responded to the concerns or questions raised during consultation on the Preliminary Draft Charging Schedule. One local resident offered new comments which were positive and supportive.
- 4.4 The following provides a brief overview of the response. The full consultee's representations and the proposed Council response is included in the Statement of Consultation which is attached at appendix 2.
- 4.5 Organisations that continue to be supportive of CIL and the Council's proposals are:

- Derbyshire County Council
- North East Derbyshire District Council
- Bolsover District Council
- Homes & Communities Agency
- Derbyshire County Council
- Natural England

4.6 The following are supportive of the Council's proposals, but still have additional comments:

- Chatsworth Settlement Trustees (PDG) – broadly supportive, but still concerned about the Council's proposed instalments policy for CIL payment.
- Sport England – continue to stress the need for an up-to-date evidence base to support sport infrastructure funding.
- Highways Agency – do not wish to be listed as a potential source of funding for road infrastructure projects unless they relate to the operation of the M1.
- Woodland Trust – request that trees and woodland are listed in the Council's infrastructure list as a key component of green infrastructure.
- Theatres Trust – support a nil rate for all non-residential uses.
- English Heritage – urge the Council to offer CIL relief where heritage assets are part of development.

4.7 The following do not object to CIL in principle but continue to be critical of the Council's approach:

- Aldi (Planning Potential) – continue to consider that the £80 per sqm for retail is too high and that the viability appraisals do not take into account Aldi's business model.
- Morrisons (Peacock & Smith/Aspinall Verdi) – continue to question the viability appraisal assumptions and construction costs.
- Asda (Thomas Eggar) – continue to object to the assumptions that have gone in to the viability appraisals, including likely Section 106 costs and land values. Also request that the Council consider delaying progressing

CIL as a result of impending changes to the CIL regulations.

- JVH Planning – continue to argue that the eastern part of the borough should be zero rated for residential development.
- National Farmer’s Union – continue to object to CIL being levied on new farm workers housing as a result of the proposed residential charge.

4.8 The following responded but had no comments to make:

- Derbyshire Wildlife Trust (but request the opportunity to comment on further regulation 123 lists)

Local residents

4.9 Those Local residents that submitted comments continued to be generally supportive of Council’s proposals. The following were the key issues:

- The need to regenerate the Staveley Corridor via CIL funds.
- The need to raise funds to deliver needed borough wide infrastructure.
- A desire to see green infrastructure priorities as part of general infrastructure requirements.
- Concerns about a single borough-wide retail rate.
- Question about the CIL instalments policy.

The Council’s response

Supermarket Operators

4.10 As the comments from the retail operators are mainly reiterations of their comments during consultation on a Preliminary Draft Charging Schedule, the proposed response is broadly the same as previously provided.

4.11 The supermarket operator’s comments generally focus on the viability appraisal and modelling work which underpins the CIL evidence base. As previously reported to Members, this

is not unexpected and is common to all local authorities who are preparing a CIL.

- 4.12 The views of the Council's CIL consultants have again been sought when considering a response to the comments from the retail operators. The consultants are confident that the viability appraisal work undertaken is robust and will stand up to scrutiny at independent CIL examination. They stress that the CIL rates have not been set at the margin of viability and that there is a generous 'buffer' to take into account of such things as unexpected development costs.

Other notable consultation comments

- 4.13 Whilst there were no objections to the Council's proposed instalments policy, Chatsworth Settlement Trustees were concerned that it would not allow payment of CIL to be made on completion of the various phases of development. As currently proposed, the Council's instalments policy is based on payments being made after commencement of development, irrespective of whether that development had been completed.
- 4.14 A charging authority has the discretion to make changes to its instalment policy at any time (the proposed instalments policy is not the subject of examination). Given the importance of development viability and the need to regenerate its key sites (e.g. the Staveley Corridor), it is recommended that the Council reviews its proposed instalments policy after CIL examination and in consultation with the local development industry.
- 4.15 Sport England are objecting to the age of the Council's evidence base for outdoor and indoor sports provision (which was published in 2002) and they highlight it would be difficult to justify utilising CIL for sports improvements on this basis.
- 4.16 The Council is currently in the process of updating this evidence base and it should be completed prior to CIL examination. Hence the Council will be able to justify spending CIL on sports projects (on the proviso that if they are listed in the regulation 123 infrastructure list).

- 4.17 *Note: this evidence does not relate to informal parks and open space provision, where the evidence also dates to 2002. Until a review of the existing Parks and Open Spaces Strategy is complete (currently being prepared by Leisure) it may be difficult to justify using CIL for improvements to the Council's parks and open spaces.*
- 4.18 The NFU's concerns have been addressed by again stressing that farm retail would be exempt from CIL if it is ancillary to the main agricultural use (the Council is not proposing to levy CIL on agricultural development). If there was a need for affordable housing for farm workers, then this ought to be addressed by the social housing sector (affordable housing is also exempt from CIL).
- 4.19 Regarding comments from Natural England stating that the imposition of CIL could make the restoration of heritage assets problematic, then it should be noted that CIL does not apply to historic restoration per se. It would not apply to a change of use of an historic building (e.g. for historic conversion) unless there is a net increase of floor space over 100sqm to new residential development.
- 4.20 Moreover, the Council has the flexibility to introduce an exceptions policy if it is considered that a particular development project is not viable as a result of the imposition of CIL. Whilst the council is not currently proposing to introduce an exceptional circumstances relief policy, this position can be kept under review.

Proposed Next Stages

- 4.21 At this stage the Council has the opportunity to make modifications to the Draft Charging Schedule on the basis of information and evidence submitted by consultees. This would require the publication of Statement of Modifications and a further period of consultation on the proposed changes.
- 4.22 After consideration of the comments received and after taking advice from the Council's CIL consultants, it is recommended that the Council does not modify its proposals and so submits

the Draft Charging Schedule to the Planning Inspectorate for independent examination.

- 4.23 It is considered that that the Council’s CIL proposals remain in accordance with CIL regulation 14 (as amended in 2014) which states that a charging authority, in setting CIL rates must strike an appropriate balance between the desirability of funding infrastructure from CIL and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

Submission

- 4.24 On submission of the Draft Charging Schedule to the Planning Inspectorate, the Council will be expected to sign a Service Level Agreement (SLA). This will set out the steps the Council should take to deliver an efficient examination. This includes: submission of the CIL evidence base documents; identification of a preferred date/venue for the examination; and the contact details of a suitably qualified Programme Officer.

- 4.25 The Planning Inspectorate has indicated that it should be around 10 weeks from submission of the Draft Charging Schedule to commencement of examination. On this basis, the earliest date for an examination would be around July 2014. Table 1 shows a projected CIL timetable.

Table 1. Preparation of Community Infrastructure Levy: timetable		
Stage	Date	Outcomes
1. Evidence Gathering	June - Dec 2012 COMPLETED	<ul style="list-style-type: none"> CIL & Affordable Housing Viability Assessment (inc. proposed CIL charging zones, proposed CIL rates and proposed Affordable Housing Targets) Infrastructure Funding Gap Review
2. Evidence review (as a result of government changes to the CIL guidance)	Jan - March 2013 COMPLETED	<ul style="list-style-type: none"> Reviewed CIL zones
3. Preparation of a Preliminary Draft Charging Schedule	March - April 2013 COMPLETED	<ul style="list-style-type: none"> Preliminary Draft Charging Schedule
4. Statutory consultation on Preliminary Draft Charging Schedule	June - July 2013 COMPLETED	<ul style="list-style-type: none"> Stakeholder input and Council response

5. Statutory consultation on Draft Charging Schedule	Nov 2013 – Jan 2014 COMPLETED	<ul style="list-style-type: none"> Stakeholder input and Council response
6. Draft Charging Schedule Submitted to Planning Inspectorate	May 2014	<ul style="list-style-type: none"> Submission of Draft Charging Schedule to Planning Inspectorate
7. Independent Examination	Summer 2014	<ul style="list-style-type: none"> Independent examination of a Draft Charging Schedule
8. Council approval of introduction of a Charging Schedule	Autumn 2014	<ul style="list-style-type: none"> The Council approves a Charging Schedule sets a date for its introduction.
9. A Charging Schedule is introduced and the Council starts collecting the levy	Late 2014/early 2015	<ul style="list-style-type: none"> The Council begins to collect the levy for local infrastructure.

- 4.26 In accordance with the CIL regulations, consultees can request the right to be heard at CIL examination. Three consultees have made this request: Aspinall Verdi (who are objecting to the retail rates on behalf of Morrisons), JVH Planning (promoting a local site for residential development) and the Planning and Design Group (representing Chatsworth Settlements Trust and generally supportive).
- 4.27 Representing the Council at CIL examination will be Planning Officers from the Strategic Planning & Key Sites team and the Council's CIL consultants.
- 4.28 Examination proceedings will be very much at the discretion of the examiner who decides how the hearing will be conducted. It is expected that the examination will last 1-2 days.
- 4.29 On completion of examination, the examiner must report their recommendations to the Council in writing. The examiner may recommend that the draft charging schedule should be approved, rejected, or approved with specified modifications (note: a recommendation of rejection would only arise if the Council had not complied with procedural requirements as set out in the CIL regulations).
- 4.30 On receipt of the examiner's report (and subject to its recommendations) the Council could then be in a position to formally approve a Charging Schedule by resolution of full council. The resolution should include an appropriate commencement date for the Charging Schedule to take effect. Once a Charging Schedule takes effect then the

Council would begin collecting the levy on qualifying development.

Other issues to consider

- 4.31 Amendments to the CIL regulations came into force on February 24th 2014. The amendments will mean changes to the way CIL will operate. The following identifies the key changes and provides a brief overview.

Exclusion of self-build, residential extensions and residential annexes from levy liability

- 4.32 As the threshold for CIL liability is 100sqm (unless a separate dwelling is being created), it was unlikely that the vast majority of residential extensions would have to pay CIL (considering that an average 3 bedroom house is only around 90 sqm). However the amendments do now provide clarity on this matter.

Allowing levy rates to be set according to the scale of development (in addition to type or location of development)

- 4.33 Normally CIL rates are set according to the type of development and its location (on the basis that the proposed rates are economically viable). Charging Authorities can now set differential rates by the scale of development, either by reference to floor area or the number of units in a development.
- 4.34 One example of this is the retail sector: supermarket operators such as Aldi have argued that they should pay less per sq metre than larger supermarkets because of their particular business model. However, the majority of Councils thus far – including Chesterfield Borough – have set a single retail CIL rate for supermarkets.
- 4.35 The advice of the Council's CIL consultants is to continue to do this until such time as robust evidence is supplied which indicates a different approach is appropriate.

Restricting the use of Section 278 Highways Agreements so they cannot be required for works that are intended to be funded through the levy

- 4.36 In theory a developer could pay twice for the same highways improvement because it was required as part Section 278 Agreement as well as being listed in a charging authority's regulation 123 infrastructure list. The amendments will ensure that section 278 agreements cannot be required for works that are intended to be funded through the levy.
- 4.37 Charging authorities will have to be clear in their regulation 123 infrastructure lists about the role of Section 278 highway infrastructure and whether it should be funded via CIL or not.
- 4.38 Currently the Council's regulation 123 infrastructure list indicates that it will collect CIL for strategic road infrastructure to help deliver its key regeneration sites (such as the Staveley Corridor or proposals in the Chesterfield Town Centre Masterplan) and that it will use S106 for minor on-site road improvements which lie outside of Section 278 agreements.
- 4.39 It is not considered that the CIL amendments undermine this approach. Moreover, the Council does have the flexibility to review and make changes to the Regulation 123 list at any time (subject to consultation with key partners, including Derbyshire County Council as the Highways Authority).

Creating a discretionary power for charging authorities to provide 'discretionary relief' for discount market sale housing

- 4.40 Social housing (as defined under the established definitions, e.g. social rent, affordable rent, intermediate rent and shared ownership) is exempt from CIL liability.
- 4.41 Charging authorities now have the ability to introduce 'discretionary social housing relief'. The government states that dwellings are eligible for discretionary social housing relief if a dwelling is sold for no more than 80% of its market value. Anyone can provide these homes so long as measures are in place to ensure that, if sold, they will continue to be affordable for future purchases at a maximum of 80% of market prices.

- 4.42 The Council's Housing Strategy and Policy Officer has been consulted on this matter. His view is that in terms of meeting local affordable housing need, this type of relief is likely to be of limited value. However, selling properties at 80% market value would have less negative impact on developer profit margins than providing registered social housing provision via section 106 agreements. Hence, where viability is an issue, the relief may help with the delivery of housing on some sites by offering an alternative to the normal way of providing affordable housing.
- 4.43 In view of this, it is recommended that Officers monitor this element of CIL relief and report to Members via the next CIL update report. Should it be deemed appropriate to introduce it, then the Council would have the option to do once a Charging Schedule has been approved and starts taking effect.

Allowing infrastructure to be provided as payment in kind, in lieu of a levy payment

- 4.44 Charging authorities now have the discretion to adopt a policy allowing them to accept infrastructure as payment in lieu of the CIL levy. The aim is to enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered. There is a set criteria that must be met to enable this arrangement, including entering into agreement to ensure that the infrastructure is delivered at the appropriate time and meets the infrastructure needs of the area.
- 4.45 The ramifications of introducing a payment in kind policy will be investigated and reported to Members after CIL examination.

Strengthening the CIL evidence base including the Regulation 123 list

- 4.46 To provide clarity about infrastructure requirements and CIL spending, charging authorities are now required to include the regulation 123 list as part of the evidence for CIL examination. Whilst it is not the purpose of CIL examination to challenge the list, its contents should provide transparency

about what the charging authority intends to fund through the levy and where it may continue to seek section 106 agreements. The Council's current regulation 123 list is shown at appendix 4.

- 4.47 As background evidence, charging authorities should also provide information about the funding collected in recent years through S106 agreements.
- 4.48 In anticipation of the amendments, a regulation 123 list has been prepared and historic 106 rates have been factored into the evidence base, hence the Council is consistent with the new requirement.
- 4.49 There are other amendments to the CIL regulations that relate mainly to payments, the development control process and appeals. Whilst these changes are notable, they relate more to the development management process and not to CIL preparation. A summary of the amendments is shown is at appendix 3.

5.0 CONCLUSIONS

- 5.1 It is not considered that the amendments to the CIL regulations will require a change to the way the Council is currently preparing its CIL or that there should be a delay in CIL preparation. The CIL evidence base is considered to be robust and consistent with the changes.
- 5.2 The Council will be required to review the contents and purposes of its regulation 123 infrastructure list as well as ensure that its instalments policy is appropriate. This can be undertaken, subject to Member approval, after CIL examination and prior to the Council approving a Charging Schedule.
- 5.3 On the basis that the Councils CIL evidence base is considered to be sound and is able to stand up to scrutiny, it is recommended that the Council submit the Draft Charging Schedule to the Planning Inspector for independent examination (with a view to examination in summer 2014).

6.0 FINANCIAL & OTHER CONSIDERATIONS

Capital or revenue financial implications

- 6.1 The financial ramifications of introducing a CIL were reported to Cabinet in December 2011. An Invest to Save request was approved to fund the appointment of CIL consultants and prepare a draft Charging Schedule on the basis that it could be recouped from future CIL income.
- 6.2 In addition to the Invest to Save Request, there will be a requirement to fund the costs of the CIL Examination during the 2014- 2015 financial year. It is difficult to estimate exact costs due to the difficulty of predicting how long an examination will take but based on recent communication with the Planning Inspectorate, these costs are likely to be in the region of £15-20K.
- 6.3 In addition to this, the Council is required to engage a Programme Officer for the CIL examination. These services will be obtained on a consultancy basis and are likely to cost £2-3K.
- 6.4 These costs will be covered by the Council's public inquiry reserve which is already set aside in the budget.
- 6.5 The CIL regulations permit CIL charging authorities to finance initial set-up and ongoing administration costs from up to 5 per cent of CIL receipts. Therefore, over time, it should be possible to recover the costs of preparing a Charging Schedule and holding an examination. However, the speed of this recovery will depend on how quickly the levy is received by the Council as a result of the commencement of major development proposals

Legal and human rights

- 6.6 The preparation, implementation and monitoring of CIL will be in accordance with the CIL regulations.

Public consultation

- 6.7 As highlighted in the main body of this report, there is a requirement for statutory consultation during the preparation of a Charging Schedule.

Environmental sustainability and bio-diversity

- 6.8 Local authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006.
- 6.9 The introduction of a CIL could provide funds to protect enhance and promote the borough's existing green infrastructure assets. Under the CIL regulations green infrastructure is classed as infrastructure in the same way as physical infrastructure (e.g. roads, flood mitigation, etc).

Risk Management

- 6.10 Chesterfield Borough Council's CIL is being prepared in accordance with the CIL regulations so will undergo robust consultation and follow government guidance.
- 6.11 The potential risks of consulting on a Draft Charging Schedule are shown below.

The Council submits a Draft Charging Schedule for examination			
Risk	Likelihood (H/M/L)	Impact (H/M/L)	Mitigating action
On the basis that the Council's has not complied with CIL procedure, the examiner could recommend rejection of the Charging Schedule.	L	H	The Council must make any modifications recommended by the examiner if they intend to adopt the Charging Schedule and submit a revised Charging Schedule to a fresh examination.
The examiner recommends approval of a Charging Schedule subject to modifications.	M	M	The Council makes the recommended modifications and subsequently approves a Charging Schedule.
The Council does not submit a Draft Charging Schedule for examination			
Risk	Likelihood (H/M/L)	Impact (H/M/L)	Mitigating action
The Council cannot carry forward the introduction of a Community Infrastructure Levy. This will limit the Council's ability to fund infrastructure via the planning system	H	H	The Council utilises a scaled-down Section 106 system to remedy infrastructure deficiencies.

Equalities Impact Assessment (EIA)

- 6.12 A preliminary EIA has been undertaken and no negative impacts on protected groups have been identified. This is shown at appendix 5.
- 6.13 A further Equalities Impact assessment (EIA) will be carried out once the spending priorities for the Council are proposed in a Regulation 123 infrastructure list as part of Charging Schedule adoption. This EIA will assess the impacts of the Council's infrastructure funding priorities.

7.0 RECOMMENDATIONS:

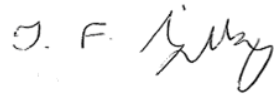
- 7.1 To approve a response to the consultation comments received during consultation on a Draft Charging Schedule (shown at appendix 2).
- 7.2 To approve the submission of the Draft Charging Schedule (attached at appendix 1) to the Planning Inspectorate for independent examination.

8.0 REASONS FOR RECOMMENDATION

- 8.1 To ensure that:
- The Council can continue to prepare a Community Infrastructure Levy.

*You can get more information about this report from **Scott Nicholas** (Senior Planner), Forward Planning (x5796).*

Officer recommendation supported/not supported/modified as below or Executive Member's recommendation/comments if no officer recommendation.



Signed

Executive Member

Date: 24th March 2014

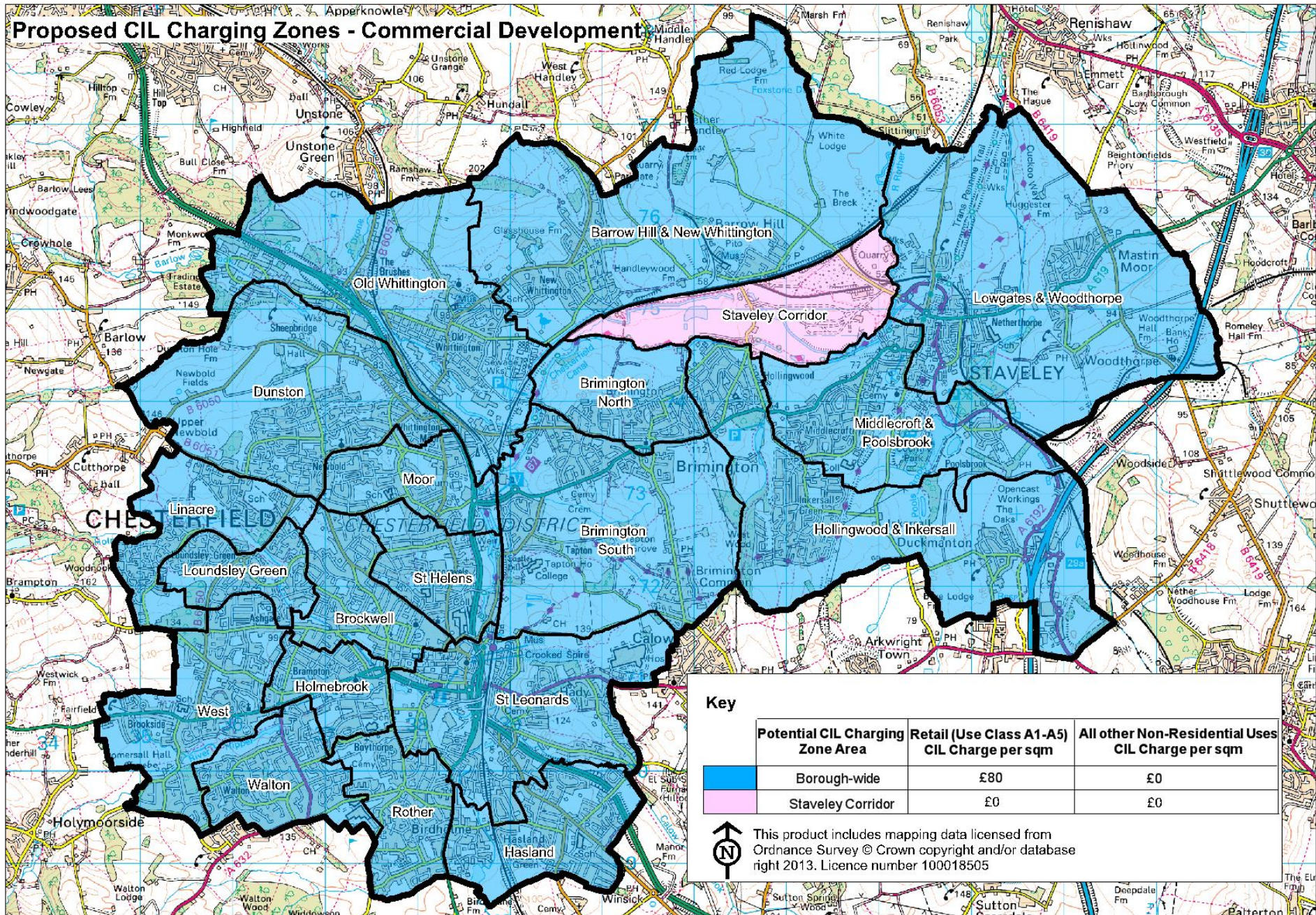
Appendix 1: Chesterfield Borough Council Community Infrastructure Levy: Draft Charging Schedule

Name of Charging Authority	Chesterfield Borough Council
Rates (£m²) at which CIL is to be Chargeable	CIL will be charged in pounds sterling (£) per square metre at differential rates according to the type of development and by location as set out in Tables 1 & 2 (Commercial) and (Residential) of this Schedule.
Charging Zones	The Charging Zones to which CIL will be applied are those as identified on the Maps (Commercial and Residential) of this Schedule.
How the Chargeable Amount will be Calculated	<p>The District Council will calculate the amount of CIL chargeable to a qualifying development utilising the formula set out in Part 5 of the CIL Regulations.</p> <p>In summary the amount of CIL chargeable will be calculated as follows :</p> $\frac{\text{CIL Rate} \times \text{Chargeable Floor Area} \times \text{BCIS Tender Price Index (at Date of Planning Permission)}}{\text{BCIS Tender Price Index (at Date of Charging Schedule)}}$ <p>The Chargeable Floor Area makes allowance for previous development on the site. The net chargeable floor area amounts to the gross internal area of the chargeable development less the gross internal area of any existing buildings that qualify for exemption on the site.</p>
Further Information	<p>The following documents are available on the Council's CIL webpage: www.chesterfield.gov.uk/CIL</p> <ul style="list-style-type: none"> • CIL & Affordable Housing Viability Assessment • Land Value Appraisal Study • Construction Cost Study • Infrastructure Funding Gap Review • Infrastructure Study & Delivery Plan • Historic S106 rates <p>For further information please the Strategic Planning & Key Sites team at:</p> <p>Tel: 0126 345 796 E-mail: forward.planning@chesterfield.gov.uk</p> <p>This summary does not take account of every aspect of the Regulations. The CIL Regulations are available to view on the Planning Advisory Service website at: www.pas.gov.uk/web/pas-test-site/3-community-infrastructure-levy-cil (accessed Oct 2013)</p>

Table 1. Commercial CIL Rates £ per Sqm		
Zone	Retail Class A1- A5	All Other Non Residential (C3)
Borough-wide	£80	£0
Staveley Corridor	£0	£0

Table 2. Residential Rates £ per Sqm	
Zone	Residential (Class C3)
Staveley Corridor	£0
Low	£20
Medium	£50
High	£80

Proposed CIL Charging Zones - Commercial Development



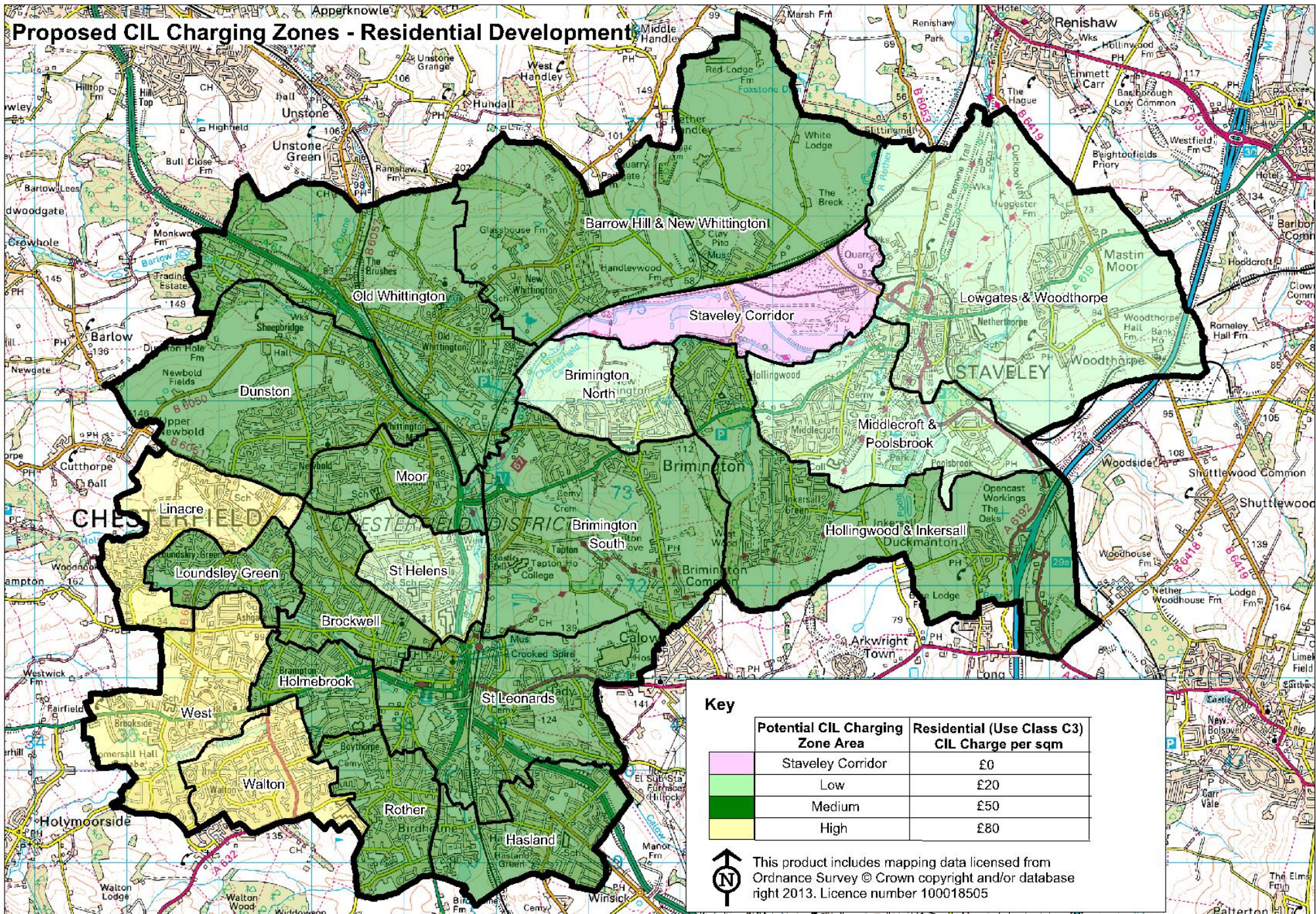
Key

Potential CIL Charging Zone Area	Retail (Use Class A1-A5) CIL Charge per sqm	All other Non-Residential Uses CIL Charge per sqm
Borough-wide	£80	£0
Staveley Corridor	£0	£0




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Proposed CIL Charging Zones - Residential Development



Key

Potential CIL Charging Zone Area	Residential (Use Class C3) CIL Charge per sqm
Staveley Corridor	£0
Low	£20
Medium	£50
High	£80


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APPENDIX 2: Consultation Statement



Community Infrastructure Levy
Regulation 19 (b)

Draft Charging Schedule:
Statement of Consultation

May 2014

Chesterfield Borough Council

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- We want everyone to be able to read our written materials.
- We aim to provide what you need for you to read, talk and write to us.

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Mobile text phone SMS – 079609 10264

Email – eoinfo@chesterfield.gov.uk

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1. Introduction

- 1.1 This Statement of Consultation serves as a record of consultation undertaken by Chesterfield Borough Council in preparing the Community Infrastructure Levy (CIL) Draft Charging Schedule. Its production is in accordance with the Regulation 19 (1) (b) of the Community Infrastructure Levy Regulations, 2010 (as amended). The statement will set out the responses received during the consultation and show how the Council has responded.

- 1.2 The consultation documents referred to in this statement, including the Draft Charging and associated evidence can be viewed on the Council's CIL webpage: www.chesterfield.gov.uk/CIL

2.0 The consultation process

Preliminary Draft Charging Schedule

- 2.1 The Council consulted on a Preliminary Draft Charging Schedule (PDCS) during summer 2013. On completion of the consultation, and in accordance with regulation 15 (7) of the CIL regulations, a Statement of Consultation was prepared which highlighted the bodies and persons who were invited to make representations. A summary of the main issues raised and how they were addressed in the Draft Charging Schedule was also included. The Statement of Consultation for the Preliminary Draft Charging Schedule can be viewed here: www.chesterfield.gov.uk/CIL
- 2.2 With the exception of moving Brimington South ward into the medium residential CIL charging zone (it was previously in the low) - the Council did not propose to modify its CIL proposals and approved a further period of consultation on a Draft Charging Schedule from 14th November 2013 to 13th January 2014.

Draft Charging Schedule

- 2.3 The consultation process for the Draft Charging Schedule was as follows:
- Writing to all the individuals and groups on the Local Plan consultation database, including those who made comments on the PDCS.
 - Making consultation documents available on the Council's dedicated CIL webpage (www.chesterfield.gov.uk/CIL) with hard copies made available at the Planning Information Desk at the Council's Customer Contact Centre.
 - Issuing a press release to the Derbyshire Times and placing it on the Council's website.
 - Placing a formal notice in the Derbyshire Times.
 - Making all consultation documents available on the Council's dedicated CIL webpage: www.chesterfield.gov.uk/CIL

2.4 Table 1 highlights the methods of consultation and relevant dates.

Table 1. Consultation and dates	
Method of Consultation	Date
Letters/e-mail to Specific, General and other consultation bodies held on Local Plan consultation database	13 th Nov 2013
Consultation documents made available on the Council's dedicated CIL webpage	13 th Nov 2013
Consultation documents made available on the Planning Information Desk in the Customer Contact Centre	13 th Nov 2013
Consultation documents made available at Staveley, Brimington and Chesterfield Town Centre libraries.	13 th Nov 2013
Press release issued to the Derbyshire Times	12 th Nov 2013
Press release placed on the Council's website	13 th Nov 2013
Formal notice placed in the Derbyshire Times	14 th Nov 2013

2.5 Evidence of the consultation material can be viewed in the appendices of this document.

3.0 Representations

Summary

- 3.1 A total of twenty-one individuals and organisations made representations on the Draft Charging Schedule. Most of the representations were reiterations of the comments that were received during consultation on the Preliminary Draft Charging Schedule, hence there was general support of the Council's proposals from local residents, neighbouring planning authorities and other planning related organisations. But there continued to be objections to the proposed retail rate from the major supermarket operators.
- 3.2 As with consultation on the Preliminary Draft Charging Schedule, there was a minimal response from the major house builders or their representatives (including the House Building Federation). Only one planning agent (promoting a local site for residential development) objected to the Council's proposed residential rates during consultation on the Draft Charging Schedule.
- 3.3 Local residents who responded to the previous consultation responded again and were generally happy with the approach the Council was taking. They were also satisfied by how the Council had responded to the concerns or questions raised during consultation on the Preliminary Draft Charging Schedule. One local resident offered new comments which were positive and supportive.
- 3.4 The following provides a brief overview of the response. The full consultee's representations and Council response is included at appendix 1.
- 3.5 Organisations that continued to be fully supportive of CIL and the Council's proposals were:
- Derbyshire County Council
 - North East Derbyshire District Council
 - Bolsover District Council
 - Homes & Communities Agency
 - Natural England

3.6 The following were supportive of the Council's proposals, but had additional comments:

- Chatsworth Settlement Trustees (PDG) – broadly supportive, but concerned about the Council's proposed instalments policy for CIL payment.
- Sport England – stress the need for an up-to-date evidence base to support sport infrastructure funding.
- Highways Agency – do not wish to be listed as a potential source of funding for road infrastructure projects unless they relate to the operation of the M1.
- Woodland Trust – request that trees and woodland are listed in the Council's infrastructure list as a key component of green infrastructure.
- Theatres Trust – support a nil rate for all non-residential uses.
- English Heritage – urge the Council to offer CIL relief where heritage assets are part of development.

3.7 The following do not object to CIL in principle but are critical of the Council's approach:

- Aldi (Planning Potential) – consider that the £80 per sqm for retail is too high and that the viability appraisals do not take into account Aldi's business model.
- Morrisons (Peacock & Smith/Aspinall Verdi) – question the viability appraisal assumptions and construction costs.
- Asda (Thomas Eggar) – object to the assumptions that have gone into the viability appraisals, including likely Section 106 costs and land values. Also request that the Council consider delaying progressing CIL as a result of impending changes to the CIL regulations.
- JVH Planning – argue that the eastern part of the borough should be zero rated for residential development.
- National Farmer's Union – object to CIL being levied on new farm workers housing as a result of the proposed residential charge.

3.8 The following responded but had no comments to make:

- Derbyshire Wildlife Trust (but request the opportunity to comment on further regulation 123 lists)

Local residents

3.9 Those Local residents that submitted comments continued to be generally supportive of Council's proposals. The following were the key issues:

- The need to regenerate the Staveley Corridor via CIL funds.
- The need to raise funds to deliver needed borough wide infrastructure.
- A desire to see green infrastructure priorities as part of general infrastructure requirements.
- Concerns about a single borough-wide retail rate.
- Questions about the CIL instalments policy.

The Council's response

Supermarket Operators

3.10 As the comments from the retail operators are mainly reiterations of their comments during consultation on a Preliminary Draft Charging Schedule, the proposed response was broadly the same as previously provided.

3.11 The supermarket operators' comments generally focus on the viability appraisal and modelling work which underpins the CIL evidence base. This was not unexpected and is common to all local authorities who are preparing a CIL.

3.12 The views of the Council's CIL consultants were sought when considering a response to the comments from the retail operators. The consultants are confident that the viability appraisal work undertaken is robust and will stand up to scrutiny at independent CIL examination. They stress that the CIL rates have not been set at the margin of viability and that there is a generous 'buffer' to take into account of such things as unexpected development costs.

Other notable consultation comments

3.13 Whilst there were no objections to the Council's proposed instalments policy, Chatsworth Settlement Trustees were concerned that it would not allow payment of CIL to be made on completion of

the various phases of development. As currently proposed, the Council's instalments policy is based on payments being made after commencement of development, irrespective of whether that development had been completed.

- 3.14 A charging authority has the discretion to make changes to its instalment policy at any time (the proposed instalments policy is not the subject of examination). Given the importance of development viability and the need to regenerate its key sites (e.g. the Staveley Corridor), the Council is able to review its proposed instalments policy after CIL examination in consultation with the local development industry.
- 3.15 Sport England are objecting to the age of the Council's evidence base for outdoor and indoor sports provision (which was published in 2002) and they highlight it would be difficult to justify utilising CIL for sports improvements on this basis.
- 3.16 The Council is currently in the process of updating this evidence base and it should be completed prior to CIL examination. Hence the Council will be able to justify spending CIL on sports projects (on the proviso that they are listed in the regulation 123 infrastructure list).
- 3.17 The National Farmers Union concerns have been addressed by stressing that farm retail would be exempt from CIL if it was ancillary to the main agricultural use (the Council is not proposing to levy CIL on agricultural development). If there was a need for affordable housing for farm workers, then this ought to be addressed by the social housing sector (affordable housing is also exempt from CIL).
- 3.18 Regarding comments from Natural England stating that the imposition of CIL could make the restoration of heritage assets problematic, then it should be noted that CIL does not apply to historic restoration per se. It would not apply to a change of use of an historic building (e.g. for historic conversion) unless there is a net increase of floor space over 100sqm to new residential development.
- 3.19 Moreover, the Council has the flexibility to introduce an exceptions policy if it is considered that a particular development project is not viable as a result of the imposition of CIL. Whilst the council is not currently proposing to introduce an exceptional circumstances relief policy, this position can be kept under review.

3.20 Appendix 1 details every representation and provides a response from the Council to each objection and query made.

Appendix 1: Full summary of consultation comments and Council response

Ref	Name/Organisation	Summary of comments	Officer response	Changes?
001	Roger Davenport, local resident	I consider that the 'low band' as now proposed is appropriate.	Support noted.	No changes.
		I still have concerns about the Staveley Corridor and compensation payable to Chatsworth estate from previous lessees. However, taking into account officer response and because I believe the regeneration of this brownfield site is of great importance, I accept a 0% CIL may help appropriate regeneration. Accordingly I support the Chesterfield Borough Council Infrastructure proposals.	Support noted.	No changes.
002	Paul Tame, National Farmers Union	The NFU is opposed to any CIL being levied on new farm buildings and farm and rural business diversification including farm shops and tourism development as it will just make the development uneconomic and help to destroy jobs in the agricultural and rural sectors of the economy.	The Council is not proposing to levy CIL on agricultural development. Regarding retail development, whilst the Council supports rural diversification, it has not received any evidence which indicates that farm retail cannot support CIL. Moreover, some types of farm retail may be ancillary to the agricultural use and be exempt. A change of use from agricultural to retail use would also be exempt, unless there is an increase in floor size (the increase would also have to be over 100sqm before CIL is payable).	No changes.
		We are opposed to CIL being levied on new farmworkers' houses which have an agricultural tie placed on them as their value is only two	If affordable housing is delivered through a registered social landlord then CIL would not apply. Moreover, given the generally compact urban nature of Chesterfield Borough, purchasing affordable housing in locations accessible to the work	No changes.

		<p>thirds of the market value without the agricultural tie. Similarly, we are opposed to CIL being levied on new houses for rural workers built with planning ties on them. These houses are necessary to house employees of the business and the business will be affected if CIL boosts the cost of the project.</p>	<p>place is unlikely to be serious problem for farm workers who work on farms within the borough.</p>	
		<p>We would be grateful if the CIL charging document makes it clear that rural housing for farm and business employees and all farm and rural business buildings are to be free of CIL.</p>		
003	David Curtis, Homes and Communities Agency	<p>The HCA support the proposals but have no specific comments to make at this stage of the consultation process.</p>	<p>Support noted.</p>	<p>No changes.</p>
004	Charlotte Boyes, Planning Potential (representing Aldi Stores Ltd)	<p>We agree with the Council's approach in setting variable rates but continue to consider the proposed rate of 80/sqm for A1-A5 retail development high in comparison to neighbouring authorities: Sheffield = £60 Rotherham = £60 Doncaster = not viable</p>	<p>As indicated during consultation on the Preliminary Draft Charging Schedule, the CIL and Affordable Housing Viability Assessment has been produced by experienced consultants and based on extensive and detailed research. The assumptions are considered appropriate and the Council and consultants have been cautious not to propose rates at the margins of viability. Developers and local agents were contacted in the development of the assumptions during the research phase. The Affordable Housing and CIL Viability Assessment report tests a series of development scenarios and concludes that, in the main, the proposed zones and rates are appropriate. The study set out ranges of CIL levels that different types of development schemes should be able to absorb.</p> <p>Is still not considered consistent with the CIL regulations and guidance to take into account individual retailers'</p>	<p>No changes.</p>
		<p>The proposed rate may deter future Aldi development in the borough to neighbouring authority areas, as development will be rendered unviable which is not consistent with paragraph 175 of the</p>		

		NPPF ('CIL should support and incentivise new development').	business models when carrying out CIL viability appraisals. NCS consultants have taken an overview of the economic viability of retail development in terms of its ability to make CIL contributions. This necessarily requires a broad view on retail property values and retail development costs to be taken, based on appropriate available evidence. NCS consultants have taken the view that the retail sector can stand the CIL charges proposed without the economic viability of the sector being threatened.	
		Aldi's business model is designed to deliver food to a local catchment and high levels of efficiency to enable cost savings to customers. Discount operators are important to provide realistic choices for those suffering from social exclusion issues in line with the NPPF		
		We support the introduction of an instalments policy as it will help the viability of development, particularly for Aldi who have a preference to locate within centres on sites that are considerably constrained which adds to costs.	Support noted	No changes.
005	Peacock & Smith/Aspinall Verdi (on behalf of Morrisons)	The full development appraisals need to be provided	These were supplied and new comments provided by Aspinall Verdi on 13.2.14 (see below).	No changes.
		There needs to be a more comprehensive narrative such that we can see the summary of the market evidence (rents, yields, land values) clearly sourced; how this relates to the development appraisal assumptions actually used for each typology; and how the CIL £ rate has been derived from the viability appraisal results.	It is considered that a clear narrative has been provided in the CIL and Affordable Housing Assessment, including sourcing, development appraisal assumptions, typologies and resultant CIL rates.	No changes.
		The level of developers' profit should be increased.	Profit is calculated as 20% on Gross Development Value for residential and 17.5% Gross Development Value for commercial. The Council has taken the views of NCS	No changes.

			consultants and they are confident these figures are appropriate for CIL purposes	
		We would recommend a revised approach to the generic one size scheme, which does not accurately reflect actual store sizes (and thus the associated costs/values). The analysis should be decided by the market/stores recently developed/coming forwards.	The Council is aware that the February 2014 amendments to the CIL regulations allow charging authorities to set differential rates by the scale of development (either by reference to floor area or the number of units in a development). This would include retail development. The advice of the Council's CIL consultants is to continue to propose a borough-wide retail rate until such time as robust evidence suggests otherwise. It is not considered that convincing evidence has yet been submitted.	No changes.
		When considering larger scale development the following factors/costs need to be taken into account as the scale of the site needed results in additional costs: <ul style="list-style-type: none"> • Land assembly costs; • The additional costs associated with brownfield development (e.g. remediation and site preparation costs); • With larger schemes development related 'local' S278 and S106 costs are taken in to account. 	A buffer has been built into the proposed CIL rates to ensure that rates are not set at the margin of viability. In the main, this buffer should offset any abnormal costs. Historic S106 rates have also been factored into the setting of rates.	No changes.
		Can you send us a copy for the food store comparable evidence schedule (see heb report page 27) for us to review.	This request was made during consultation on the Preliminary Draft Charging Schedule. The food store comparable evidence (in the form of a Supplementary Report to the Land Value Appraisal Study) was emailed to and acknowledged by Atem Verdi on 16/7/03 and 17/7/03 respectively. The evidence was sent again and acknowledged by Aspinall Verdi on 13.2.14.	No changes.

		<p>The Council has not provided the appropriate evidence because we are not aware that the NCS appraisals have been published in full and not all of the appraisal assumptions have been made explicit.</p>	<p>It is considered that the evidence has been made explicit via the CIL and Affordable Housing Assessment and accompanying documents. Any further requests for information from Aspinall Verdi have been dealt with transparently and efficiently including time given for Aspinall Verdi to make further comments should they so wish.</p>	<p>No changes.</p>
		<p>At the most basic level we are not aware that NCS have stated the Threshold Land Value that has been adopted to appraise the CIL.</p>	<p>Threshold land values are included in the full viability appraisals. These were emailed to Aspinall Verdi on 4.2.14. Aspinall Verdi subsequently made no further comments on the Threshold Land Values but instead focussed on construction cost assumptions (see below).</p>	<p>No changes.</p>
		<p>We cannot see how the other various appraisal assumptions have been applied and which are missing. We therefore have no way of reviewing and commenting properly on the assessment and setting of the CIL rate.</p>	<p>See previous comment.</p>	<p>No changes.</p>
		<p>We note that the Council has responded to many of our PDCS representations about the viability appraisal assumptions in the Statement of Consultation (October 2013) by referring to the heb Supplementary Land Value Appraisal Study (June 2013). This provides a schedule of retail market data at Appendix 3, however, it still does not clarify what <i>actual</i> Threshold Land Value has been assumed in the appraisals. Furthermore the appraisals themselves have still not been published</p>	<p>See previous comment.</p>	<p>No changes</p>

		<p>as far as we are aware and therefore we cannot verify the appraisal approach and assumptions. We have in the past been able provide authorities with a useful critique of the consultants work and this has resulted in changes to the Charging Schedule. We would therefore request that the NCS residual appraisals are made available.</p>		
		<p>Further comments from Aspinall Verdi received on 13.2.14:</p> <p>1. Construction Costs – we would consider that the costs of development have been underestimated by some considerable margin. The consultants have assumed a relatively low rate of construction cost and have explained that this is to a shell finish. However it would be appropriate to make allowances for:</p> <ul style="list-style-type: none"> • External works – it would be reasonable to assume that there will be landscaping, hard-standing and car parking works to be undertaken which have not been accounted for. • Fitting Out – as stated above the costs reflect a shell finish, however it would be normal to expect the landlord to make a “fit out” 	<p>The Council has sought the views of NCS consultants regarding these comments. NCS are of the view that whilst construction costs may have moved on since the original study was published, there has been a concomitant rise in sales values. But for the sake of clarity, NCS have re-run the food retail appraisal with a higher £850sqm construction cost. Even at this level, NCS are confident that a proposed CIL rate of £80 sqm is justified and defensible.</p> <p>NCS are confident that the viability appraisal assumptions are sound, including shell finish costs. They do not accept the view that services fit-out should be included for the purpose of the value/cost exercise.</p>	<p>No changes.</p>

		<p>contribution and this would be a cost to the development. We attach an extract from BCIS and it can be clearly seen that the consultants have taken the allowance based on a retail warehouse and that the foodstore construction costs are significantly higher.</p> <ul style="list-style-type: none"> Abnormal costs of development – whether a site is greenfield or brownfield there will inevitably be costs associated with one or more of the following: <ul style="list-style-type: none"> Service connections Drainage Site re-profiling Highways connections Piling With brownfield sites – demolition, site remediation etc <p>2. Construction Period/Finance Costs - no pre-planning period has been assumed and with retail developments such a period can be significant.</p>		
		Request to be heard by the Inspector at examination.	Request noted	No changes. Respondent requests to be heard at examination.
006	Daniel Sellers, local resident	I feel the priority should be to develop brownfield sites	This is the Council's preferred approach to regeneration as outlined in Core Strategy: Local Plan policy	No changes.

		rather than building on greenfield land.	(see policies CS1 and CS2 for instance).	
		I strongly support the remediation of Staveley Works, the restoration of the Chesterfield Canal and the other 'Green' schemes.	Support noted.	No changes.
		In the 'amber' list, the greatest priorities should be the Northern Gateway and West Bars road junction improvements, as these are the busiest 'pinch points' on the town centre approaches. Removal and replacement of the 'eyesore' car parks at both these locations would lead to a major improvement in these areas, both of which form part of the Town Centre Masterplan. I would welcome these investments in the future.	Comments noted. The Chesterfield Town Centre Masterplan is an important evidence base document in identifying the Council's road infrastructure needs.	No changes.
		I would suggest building the planned relief road across the former railway yard in advance of the northern gateway and West Bars alterations, as this would avoid the total gridlock that would occur otherwise.	Comments noted. The Highways Authority (Derbyshire County Council) would ensure that any disruption to the road network would be kept to a minimum during any improvements.	No changes.
		I also strongly support the Chatsworth Road Corridor Green Infrastructure and pedestrian / cycling improvements and flood defences in the River Rother / Hipper corridors.	Support noted.	No changes.
		6) With regard to additional retail	Comments noted.	No changes.

		<p>floorspace, I suggest the development of the Northern Gateway, re-use of the Co-Op and other vacant shops, the Horns Bridge (Donkin) site and redevelopment of Staveley Town Centre (addressing unattractive 1960-70s units and extending Morrisons / reprovision of the Post Office).</p>		
		I fully support CIL levels as identified.	Support noted.	No changes.
007	Kamaljit Khokar, Highways Agency	<p>The Council's CIL proposals have limited implications in relation to SRN infrastructure issues in the area. The Regulation 123 list needs to be published prior to the adoption of the Charging Schedule. We have no comments to make on the current list.</p>	Comments noted.	No changes.
		<p>We note that for two schemes; "Improvements to A61 Chesterfield Inner Relief Road Junctions" and "A619 Staveley – Brimington Bypass – Chesterfield", we are listed as an available funding source. However, these schemes relate to sections of the highway network for which we have no responsibility. Our specific interest in the Chesterfield Borough relating solely to the operation of the M1 in the vicinity of M1 J29A.</p>	<p>Comments noted. Any review or further reiteration of the Infrastructure Schedule will omit the Highways Agency as a potential source of funding for those schemes.</p>	<p>Omit the HA as a funding sources for schemes within the Infrastructure Schedule.</p>

		Therefore, we do not consider that we should be listed as being a potential source of funding for these schemes and requests that the Infrastructure Schedule should be amended to remove reference to the HA.		
		We are keen to maintain engagement with Chesterfield Borough Council as it prepares for the introduction of a CIL and anticipates the publication of the Regulation 123 List in due course.	Comments noted.	No changes.
008	Thomas Eggar (representing Asda)	The approach taken to assessing the Charging Schedule does not achieve an appropriate balance between the desirability of funding the cost of infrastructure and its potential effects on the economic viability of development.	The CIL and Affordable Housing Viability Assessment has been produced by experienced consultants and based on extensive and detailed research. The assumptions are considered appropriate and the Council and consultants have been cautious not to propose rates at the margins of viability. Developers and local agents were contacted in the development of the assumptions during the research phase. The Affordable Housing and CIL Viability Assessment report tests a series of development scenarios and concludes that, in the main, the proposed zones and rates are appropriate. The study set out ranges of CIL levels that different types of development schemes should be able to absorb.	No changes.
		The supporting papers do not acknowledge the role of the retail sector in the local and national economy.	It is not the role of the CIL evidence to highlight macro economic conditions, rather to concentrate on viability matters.	No changes.
		A substantial CIL charge on retail and a very low or nil on all other uses could effectively undermine	See initial comment.	No changes.

	the retail function of local and town centres, detracting from their viability and vitality.		
	All other forms of development will receive a significant subsidy at the expense of supermarkets and there will be a corresponding disincentive (and market distortion accordingly) to investment in the supermarket sector.	Only those types of development which are considered to be viable for CIL are proposed for charging. This only includes retail and residential.	No changes.
	The study does not adequately demonstrate how the Viability Assessment calculates s106 contributions. Residual section 106 and section 278 contributions are likely to vastly exceed the allowance indicated (£18 per sq metre). The Council's Reg 123 list indicated that the vast majority of prospective infrastructure will have to be funded through section 106 or section 278 contributions.	The study is clear in identifying how historic S106 contributions have been factored into the viability appraisals. Thomas Eggar have not supplied evidence specific to Chesterfield to justify their claims regarding likely section 106/278 contributions. The Council's Reg 123 list does not indicate that the vast majority of prospective infrastructure will be funded via S106 or section 273 agreements. In fact the list indicates that that CIL will be expected to be the key contributor to the borough's infrastructure needs.	No changes.
	No reference is made to whether figures include section 278 contributions which need to be borne in addition to CIL.	The figures do not include section 278 agreements as these contributions are outside the CIL regime. This situation was clarified in the government's February 2014 CIL guidance which states that section 278 agreements cannot be required for works that are intended to be funded through the levy. A developer should not enter into a section 278 agreement to provide items that appear on the charging authority's regulation 123 infrastructure list.	No changes.
	The Council will not be able to pool section 106/278 contributions once CIL is adopted to fund increased requirements on large scale retail	For the sake of clarity it might be worthwhile highlighting what the government's February 2014 CIL guidance says on this matter (page 53): <i>When the levy is introduced (and nationally from April 2015), the</i>	No changes.

		developments.	<p><i>regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.</i></p>	
		<p>A 3,000 sqm supermarket with construction costs of £1,665,000 (using the Viability Assessment's median figure of £555 per sqm) would be expected to bear a CIL payment of £240,000 as well as number of other on-site and off-site potential costs (e.g. demolition, highway improvements, bus service improvements, CCTV, local employment, environmental mitigation , ongoing management & monitoring , etc). £83,250 (5% contingences on the constructions costs) plus £54,000 s106 contributions (£3,000 sqm x £18) provides a budget of merely £137,250 to meet all these costs. To put his into context: other supermarket schemes have cost more in S106 contribution, e.g. .3,000 sqm store in Ware (£871,800) and a 6,700 sqm store in Newhaven (£1345,544). The Council may have underestimated the impact of CIL on the viability of food</p>	<p>The CIL and Affordable Housing Viability Assessment and associated evidence is clear in showing how the proposed CIL rates have been arrived at. The proposed rates are underpinned by extensive research which has been produced by experienced CIL consultants. The assumptions are considered appropriate and the consultants have been cautious not to propose rates at the margins of viability (there is a significant 'buffer zone' to accommodate both developer profit and development costs).</p>	<p>No changes.</p>

	<p>store development and artificially inflated the relevant benchmark land values used for the financial viability models. This will have inflated the amount of CIL proposed for retail. We request the Council explain how the Viability Study calculates these contributions and/or that the underlying viability evidence be revised accordingly.</p>		
	<p>As a result of impending changes to the CIL regulations it would be sensible to consider delaying progressing the Charging Schedule further to enable the Council to assess the impacts on its proposals.</p>	<p>The Council is aware of the changes introduced by the Feb 2014 amendments to the CIL regulations. It is confident that the Council's proposals and evidence are consistent with the amendments and sees no need to delay CIL preparation.</p>	<p>No changes.</p>
	<p>We endorse the Council's decision to introduce an instalments policy as this helps with cash flow and scheme delivery.</p>	<p>Support noted.</p>	<p>No changes.</p>
	<p>Request that the Council reviews its instalments policy to ensure that developers are not disadvantaged by the decision to submit a full planning application for phased development.</p>	<p>The Council considers its draft instalments policy as currently drafted to be consistent with the CIL regs and guidance. However, the Council is aware of the Feb 2014 amendments to the CIL regulations which allow phases of development to be separate chargeable development. This would be outlined in an instalments policy.</p> <p>The Council intends to review its draft instalments policy prior to a Charging Schedule coming into force. This will be done in accordance with the CIL regs and in consultation with the local development industry.</p>	<p>No changes.</p>
	<p>We urge the Council to adopt Exceptional Circumstances Relief (ECR) on the basis that it will give the</p>	<p>The Council has considered the introduction of an exceptional circumstances relief policy. However, given that the Council is proposing to zero rate the Staveley Corridor as a</p>	<p>No changes.</p>

		<p>Council the flexibility to allow strategic or desirable but unprofitable development schemes to come forward on the basis that:</p> <p>The government wish to make the application for ECR relief easier</p> <p>Exempting schemes from s106 obligations is unlikely to be sufficient to counteract the negative impact of a CIL charge</p> <p>Large regeneration schemes with heavy site specific infrastructure costs are the types of schism most likely to qualify for ECR</p>	<p>result of concerns about abnormal development costs, and given that there are unlikely to be sites in the borough with the same level of constraints and issues (contamination, flood mitigation, road infrastructure requirements, etc) the Council is not currently proposing to offer discretionary relief for exceptional circumstances.</p> <p>This recommendation however acknowledges that there will be a need to keep this aspect of CIL under continual review. If a strong case is being made for the introduction of an exceptional circumstances policy (as a result of abnormal development costs caused by the borough's industrial legacy) then the Council may wish to re-consider.</p>	
		<p>A much fairer solution would be to divide the Council's estimate of total infrastructure costs over the charging period by the total expected development floor space and apply a flat rate levy across the borough and across all forms of development. The potential impact of a flat rate levy on the viability of development which is not currently viable could be balance by the Councils implementation of ECR.</p> <p>Reducing the levy for retail and residential floor space would not result in a proportionate increase in the levy for other forms of development. The current proposed levy risks diminishing the number of retail</p>	<p>This approach is incongruous with the CIL regulations and guidance. CIL rates should be based on viability and justified with robust evidence.</p>	<p>No changes.</p>

		stores built and a consequential loss of employment opportunities and investment,		
		We request that the Council reduce the CIL charges for large scale retail development to that of small scale retail development to ensure consistency and applies a nil rate to all developments uses with strategic development areas.	The Council is proposing a single borough-wide retail rate, not differential rates based on size of supermarket. The Council is confident that - on the basis of the current evidence - this is appropriate.	No changes.
009	Helen Fairfax, North East Derbyshire District Council	North East Derbyshire District Council has no specific comments to make on the Chesterfield Borough Council Draft Charging Schedule.	Comment noted.	No changes.
		Through our partnership working with Chesterfield Borough Council such as the Local Plan Liaison Group and other joint working forums, the Council has been kept up-to-date on the Borough Council's work towards the introduction of a Community Infrastructure Levy. The Council looks forward to continuing this approach of partnership working with neighbouring authorities and particularly to addressing key cross boundary matters (such as the approach to the A61 Corridor) for the mutual benefit of both Councils and our stakeholders.	Comments noted.	No changes.
010	Rode Freeman,	We support a nil rate for	Comments noted.	No changes.

	The Theatres Trust	<p>'All other Non-Residential Uses' (Commercial Development) for Borough-wide and the Staveley Corridor, as D1, D2 and some sui generis uses (e.g. theatres) often do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate and this type of facility is very unlikely to be built by the private sector.</p>		
		Please amend the incorrect spelling of 'centres' in Table 4 middle CIL column, last entry.	Typo noted.	Typo change in draft Regulation 123 list
011	Robert Dawson	<p>Broadly I am personally in agreement with the approaches adopted however:</p> <ul style="list-style-type: none"> The single rate for Retail appears rather blunt and does not enable the Council to use the CIL to encourage any particular type of development. 	<p>The Council is proposing a single borough-wide retail rate, not differential rates based on size of supermarket. The Council is confident that - on the basis of the current evidence - this is appropriate. As there is a requirement to keep the CIL evidence base under review (every 2-3 years) the Council will have the opportunity to look at any new evidence provided which might suggest a different approach could be justified.</p>	No changes.
		<ul style="list-style-type: none"> The instalment policy appears rather harshly weighted against payments up to £50,000 compared with (say) an amount of £52,000. 	<p>An instalments policy is not the subject of CIL examination and the Council has the ability to review and change it at any time in accordance with the CIL regulations. The Council will review its instalments policy after CIL examination but prior to any Charging Schedule taking effect. This will be done in consultation with the local development industry.</p>	No changes.
		<ul style="list-style-type: none"> The Council's needs to establish its role in ensuring how potentially large sums of neighbourhood funding are spent to best advantage. 	<p>The February 2014 CIL guidance (see section 2:4) is quite clear on how neighbourhood funding should operate. The Council intends to operate within this framework.</p>	No changes.
012	Helen Fairfax, Bolsover District Council	Bolsover District Council has no specific comments to make on the Chesterfield Borough Council Draft	Noted.	No changes.

		Charging Schedule.		
		Through our partnership working with Chesterfield Borough Council such as the Local Plan Liaison Group and other joint working forums, the Council has been kept up-to-date on the Borough Council's work towards the introduction of a Community Infrastructure Levy. The Council looks forward to continuing this approach of partnership working with neighbouring authorities and particularly to addressing key cross boundary matters (such as the approach to the A61 Corridor) for the mutual benefit of both Councils and our stakeholders.	Comments noted.	No changes.
013	Teresa Hughes, Derbyshire Wildlife Trust	DWT have no further comments to make at this stage, but hope that Chesterfield City Council will continue to consult us on the development of the Regulation 123 document and other relevant policy documents such as those relating to Green Infrastructure, green wedges or biodiversity.	Comments noted.	No changes.
014	Claire Searson, English Heritage	We urge the Council to reserve the right to offer CIL relief for particular cases which affect heritage assets in order to avoid unintended harm to the historic	CIL does not apply to historic restoration per se, i.e. it would not apply to a change of use of an historic building (or historic conversion) unless there is a net increase of floor space over 100sqm to new residential development.	No change.

		<p>environment through the application of CIL. For example, there may be instances where the requirement to pay CIL would threaten the viability of schemes designed to ensure the reuse of heritage assets identified as being 'at-risk' through enabling development.</p>	<p>Where historic restoration is part of a wider regeneration project and is incurring significant costs, then it is accepted that this could impact on the viability of the project. The Council considers the protection and enhancement of heritage assets as an important policy issue and the council is committed to safeguarding the value of the historic environment. Consequently whilst the Council is not currently proposing to introduce an exceptional circumstances relief policy, this will be kept under review. The Council will take on board evidence which suggests that restoration costs are making development projects unviable.</p>	
015	Edward Cratchely, J VH Planning	<p>Oppose a £20 per sqm low zone and a zero rated Staveley Corridor. The eastern villages should enjoy a 0 CIL charge to encourage their regeneration and upgrading as envisaged in the adopted Core Strategy. The low house values within the regeneration zones means that the CIL levy may threaten the viability of sites as the full impact of other S106 contributions are not yet known [notwithstanding that no affordable housing can be deemed viable]. The whole development process must encourage land owners to bring their land forward for development and to achieve a reasonable return in accordance with para 173 of the NPPF. On this basis the Council are asked to reconsider the application of the levy in the eastern regeneration villages and to include this regeneration area as an area of 0 CIL</p>	<p>It is acknowledged that the eastern villages have been identified as regeneration priority areas, but it does not follow that Greenfield sites in these areas cannot support a CIL. The viability evidence suggests that residential development in the low zone can support a charge, albeit a low one. The Council has been consistent with the CIL guidance by setting differential rates which reflect local conditions; hence the eastern villages are located in the low zone and not within the medium or high zone. This reflects the fact that land and property prices tend to be lower in the east of the borough. Evidence to counter the evidence in the CIL and Affordable Housing Viability Assessment has not been submitted. The Council is confident that, in the main, the Heb evidence accurately reflects local land and market conditions.</p>	No changes.

		contribution.		
		On the basis that the Council do not propose to amend the schedule on the above basis then Ackroyd and Abbott would wish to be heard at the examination and to be notified of the submission and examination dates.	Request noted.	No changes. Respondent requests to be heard at examination.
016	Nick Sandford, Woodland Trust	We would like to see table 4 in the document include a reference to trees and woodland as a key component of green infrastructure, which could be funded through CIL or Section 106 contributions. For example, it might be possible to include some trees or a small wood onsite on a larger housing development or CIL contributions could be used to fund larger woods in a wider area.	Trees and woodland are included as part of green infrastructure (as acknowledge in Core Strategy Local Plan policy, CS9: Green Infrastructure & Biodiversity).	No changes.
017	Jamie Robert Melvin, Natural	We view CIL as playing an important	All points noted. The Council would refer Natural	No changes.

	<p>England</p>	<p>role in delivering a strategic approach to natural environment infrastructure in line with para 114 of the NPPF such as:</p> <ul style="list-style-type: none"> • Access to natural greenspace. • Allotment provision. • Infrastructure identified in the local Rights of Way Improvement Plan. • Infrastructure identified by any Local Nature Partnerships and or BAP projects. • Infrastructure identified by any AONB management plans. • Infrastructure identified by any Green infrastructure strategies. • Other community aspirations or other green infrastructure projects (e.g. street tree planting). • Infrastructure identified to deliver climate change mitigation and adaptation. • Any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant (further discussion with Natural England will be required should this be the case.) 	<p>England to Table 4 of the Preliminary Draft Charging Schedule which identified green infrastructure as potential recipient of CIL funding. The Council has prepared a Green Infrastructure Study which sets out the council's approach to the protection and enhancement of GI. See here: http://www.chesterfield.gov.uk/Green-Infrastructure-Study-564.html</p>	
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018	Tony Beasley, local resident	My query regarding boundaries has been addressed and the level of exemption to residential property is not unreasonable.	Comments noted.	No changes.
019	Helen Cattle, Sport England	<p>Sport England wishes to reaffirm previous comment on the PDCS regarding deficiency in the available evidence base to inform and justify inclusion on indoor and outdoor sports provision in the Regulation 123 list. A robust evidence base should be progressed for both indoor and outdoor sports facilities in line with Paragraph 73 of the National Planning Policy Framework, and then used to help inform and justify the range and detail of projects and types of infrastructure included within the IDP and Regulation 123 list.</p> <p>There seems to be clear acknowledgement of the current evidence base deficiencies. It is important that evidence is progressed to a conclusion so that there is a robust foundation to inform and underpin the CIL proposals and to ensure that all necessary sports infrastructure items are clearly identified.</p>	Comments noted. The Council has engaged Neil Allen Associates to prepare a borough-wide sports pitch assessment. A final draft of the report is expected to be reported to Members during April 2014. This report will provide evidence to inform the Council's regulation 123 list.	No changes.

020	David Peck, PDG (representing Chatsworth Settlement Trustees)	<p>CIL has the potential to be a positive force to support development within the Borough, but could also threaten development if implemented inappropriately.</p> <p>CIL could provide enhanced certainty to developers; developer confidence is a critical factor in deciding whether to proceed with a development – or not.</p>	Comments noted.	No changes.
		<p>CIL could help to fund strategic infrastructure, where the benefits of development may extend beyond a specific site. Continued recognition within the Council's CIL proposals of a number of 'CIL schemes' that would support development of the Staveley and Rother Valley Corridor Strategic Site (as identified in the adopted Core Strategy) is particularly welcome.</p>	Support noted.	No changes.
		<p>CIL also has the potential to impose additional costs on development. Proposals to differentiate CIL rates by development type and location across the Borough are welcome, as this approach will reduce the risk of development (that may otherwise be acceptable) not proceeding.</p>	The general consensus amongst the planning and development industry is that CIL will – overtime – reduce land costs and not increase development costs.	No changes.
		<p>Chatsworth Settlement Trust welcome the proposed zero rating for all development types within the</p>	Support noted.	No changes.

	Staveley Corridor.		
	Inclusion of Mastin Moor within the Low Residential Zone is appropriate, provided that all contributions are specifically earmarked to facilitate the provision of infrastructure that will contribute to key plan objectives (e.g. the regeneration of the Staveley Works Area).	Comments noted.	No changes.
	CST recognises that the Instalment Policy is based on requirements set out within the CIL regulations. Concerns remain as to the practical impact of the instalments policy, both in terms of the percentage of levy payable and the timing of those payments in relation to progress with development schemes (in particular larger schemes) and how that might impact upon cash flow, financial planning and overall scheme viability. The Instalments Policy proposed by the Council could result in significant proportions of the levy payable by a development scheme being due far in advance of completion or occupation of development upon which the levy liability is based. That is, CIL will impose additional costs before value has been secured from the scheme.	The Council recognises the benefits of an instalments policy and acknowledge that it should reflect the contingencies of development phasing and developer finance. An instalments policy is not the subject of CIL examination and the Council has the ability to review and change it at any time in accordance with the CIL regulations. The Council will review its instalments policy after CIL examination but prior to any Charging Schedule taking effect. This will be done in consultation with the local development industry.	No changes.
	Request to be heard at the Examination, to be notified of	Request noted.	No changes. Respondent requests to

		submission, recommendations of the examiner; and Charging Schedule approval.		be heard at examination.
021	Harriett Fisher, Derbyshire County Council	Based on the viability evidence provided to accompany the Draft Charging Schedule, officers are of the view that the proposed residential charging zones and rates are appropriate and viable.	Support noted.	No changes.
		In line with Government proposals, self-build and residential annexes will also be granted relief from CIL. The proposed approach to relief and discretionary relief from liability to pay CIL is welcomed.	Comments noted.	No changes.
		The instalments policy is welcomed because, for smaller developers or for those developments with marginal viability, it will provide much needed flexibility regarding finance and cash flow.	Comments noted.	No changes.
		Through consultations on Local Plans, the County Council has encouraged local planning authorities to include both local and strategic infrastructure in their Infrastructure Plans.	Agree. The Council's currently proposed regulation 123 infrastructure list reflects this. It highlights that strategic infrastructure is likely to be funded via CIL and that on-site or local infrastructure is likely to be funded via section 106.	No changes.
		It is anticipated that Chesterfield Borough Council could raise £17.5 million from CIL over the Local Plan period to 2031. Inevitably, there will be a funding gap between the total cost of infrastructure	Agree. CIL is unlikely to fund all the borough's infrastructure needs. Priorities will have to be set.	No changes.

		required and income that CIL will generate, and the Borough Council will need to balance competing infrastructure requirements.		
		There is generally good alignment between the Derbyshire Infrastructure Plan and Chesterfield's Infrastructure Plan and Draft Charging Schedule. However, the Derbyshire Infrastructure Plan identifies a need to provide an additional household waste recycling centre (HWRC) to service new residential development in Chesterfield. This Strategic Priority Project is omitted from Chesterfield's Infrastructure Plan. Waste management should be added to the list of infrastructure types to be funded via CIL.	See previous comment. Whilst the Council recognises the importance of waste recycling infrastructure, it is not currently considered essential to the delivery of the borough's regeneration sites. Consequently it has not been listed as priority infrastructure in the Council's draft regulation 123 infrastructure list. However the Council will continue to liaise with Derbyshire County Council in line with the County's Developer Contributions Protocol to identify potential waste infrastructure needs (subject to evidence of need and viability).	No changes.
		Whilst it is recognised that Charging authorities are required to pass a proportion of CIL receipts to Town and Parish Councils in the form of neighbourhood funding and that this is consistent with national legislation, there is concern that any transfer of funds down to neighbourhoods will result in less funding available for strategic infrastructure and services delivered by the County Council.	Comments noted. The Council has to operate within the CIL regulations and February 2014 CIL guidance (section 2:4).	No changes.

Appendix 2: Consultees

Consultees – organisations
4th Chesterfield Cubs or Scouts
3rd Brampton Scout Group
Abercrombie Primary School
Ackroyd & Abbott
Acorn Christian Ministries
African Caribbean Community Association
Age Concern Derbyshire
Alfred McAlpine Capital Projects
Alfred McAlpine Homes
Alyn Nicholls & Associates
Amber Valley Borough Council
Amblers Estate Agents
AMEC
Anchor Trust
Ancient Monument Society
Andrew Granger and Co
AP Building Design
Arch Liaison Off Divisional HQ
Architectural Design Studio
Aristocat Luxury Cat Hotel
Armstrong Burton Planning
Ashgate Allotment Association
Ashgate Croft School
Asian Association Chesterfield (NED) Secretary
ATC 331(Chesterfield)Sq
Avenue Road Allotment Association
AWG c/o Savills Commercial Planning
B & Q PLC c/o RPS Planning
Baker Barnett
Balborough Parish Council
Bardill Barnard
Barlow Parish Council
Barratt Homes (East Mids)
Barratt North Midlands
Barrow Hill & Whittington Community Forum
Barrow Hill Allotment Association
Barrow Hill Engine Shed Society
Barrow Hill Primary School
Barton Wilmore
Bassetlaw District Council
Bellhouse Lane Allotment Association
Berrys
Birgit Baker-Schellhorn

Bloor Homes Ltd
Bloor Homes, JS Bloor (Services) Ltd
Bo Peeps Parents & Toddlers Group
Bolsover and Staveley Circuit No.25/11
Bolsover District Council
Boythorpe Activity Club
Boythorpe Allotment Association
Boythorpe TARA
Brampton Home Furnishers
Brampton Manor Recreation Ltd
Brampton Parish Council
Brampton Primary School
Brampton TARA
Brampton Tenants & Residents Association
Brimington & Barrow Hill Methodist Church
Brimington & Tpton Community Forum
Brimington Bowling Club
Brimington Club Secretary
Brimington Junior School
Brimington Manor Infants School
Brimington Manor Rest Centre & Welfare Committee
Brimington Parish Council
Brimington Tenants and Residents Association
British Horse Society
British Rail Property Board
British Telecom
British Wind Energy Association
Brockwell Allotment Association
Chesterfield Allotment Network
Brockwell Infants and Junior School
Browne Jacobson LLP
BWEA
Cable and Wireless Communications
Cadbury Schweppes
Calow Parish Council
Campaign for Real Ale
Campaign to Protect Rural England
Cancer Research Campaign (Chesterfield)
Capital & Estate Development Manager
Capital Planning Manager, Derbyshire Mental Health Trust
Carr- Gomm
CASH Project
Cathelco Limited
Cavendish Junior School
CBC Tenants Executive
Central Networks plc

Cerda Planning
CHARM
Chesterfield & District Smallholders Association
Chesterfield & NE Derbyshire Pensioners Action Association
Chesterfield & North Derbyshire NHS Trust
Chesterfield Action for Access
Chesterfield and District Civic Society
Chesterfield and North East Derbyshire Ramblers Association
Chesterfield Area Regeneration Team
Chesterfield Borough Council
Chesterfield Canal Partnership
Chesterfield Canal Trust
Chesterfield Care Group
Chesterfield Central Area Community Association
Chesterfield Churches Housing Association Limited
Chesterfield College
Chesterfield Credit Union Ltd
Chesterfield Cricket Club
Chesterfield Cycle Campaign
Chesterfield Gospel Hall Trust
Chesterfield Gospel Trust
Chesterfield Muslim Association
Chesterfield Muslim Welfare Association
Chesterfield RUFC
Chesterfield Spire Road Cycling Club
Chesterfield Sure Start HLC
Chesterfield Time Bank
Chesterfield Walk This Way
Chevin Housing Association Limited
Chinese Association
Chinese Community Association
Christ Church CE Primary School
Christ Church Toddlers
Church Commissioners For England
Citizens Advice Bureau (Chesterfield)
Civic Trust
Clowne Parish Council
Colliers CRE
COLT
Commission For Racial Equality
Community Sitters
Connect Utilities Ltd
Copesticks
Corus UK Ltd. - Property Department
Covidien
CPRE

CPRE Peak District and South Yorkshire Branch
Crown Estates Commissioners
Cycle Touring Club
David Wilson Homes North Midlands
DdEF c/o Law Centre
Department for Transport
Derbyshire & Peak District Transport 2000
Derbyshire and Nottinghamshire Chamber of Commerce
Derbyshire and Nottinghamshire LEP
Derbyshire Archaeological Society
Derbyshire Coalition For Inclusive Living
Derbyshire Constabulary
Derbyshire Countryside Service
Derbyshire County Council
Derbyshire County Primary Care Trust
Derbyshire Dales District Council
Derbyshire Economic Partnership
Derbyshire Fire and Rescue Service
Derbyshire Gypsy Liaison Group
Derbyshire Historic Buildings Trust
Derbyshire Urban Studies Centre
Derbyshire Wildlife Trust
Derwent Living
Development Land & Planning Consultants Ltd
Development Planning Partnership
Director, Universal Hydraulics Ltd
DLP Planning Ltd
DPDS
DPP
Drivers Jonas
Drivers Jonas Deloitte
DTZ Pieda Consulting
Duckmanton Primary School
Duckmanton TARA
Duckmanton Tenants & Residents Association
Dunston Community Group
Dunston Ladies Club
Dunston Moor & St Helens Community Forum
Dunston Primary School
Dunston Residents Action Group
Dunston Walking for Health Group
Dunston, Moor and St Helen's Community Forum
East Midlands Council
East Midlands Electricity Plc
East Midlands Housing Association Limited
East Midlands Planning Aid Service

East Midlands Strategic Health Authority
East Midlands Trains
Easynet Ltd
Eckington Parish Council
English Heritage
English Historic Towns Forum
Entec UK Ltd
Environment Agency
Envoprint
EON Energy
Erewash Borough Council
Eventide Group
Eventide Group
F G Sissons (Chesterfield) Ltd
FFT Planning Friends
Fields in Trust
Firstplan
Fisher German
Fitzwise Ltd
FLP
Forestry Commission
Frank Shaw Associates
Freethcartwright LLP
Friends of Brearley Park
Friends of Sheepbridge Fields
Friends of the Inkerman
Friends of the Trans Pennine Trail Ltd
Fuller Peiser
Fusion Online Ltd
George Wimpey South Yorkshire Ltd
GKN
GKN Group Services Limited
GL Hearn
Goldwell No 1 Allotment Association
Goldwell No.2 Allotment Association
Goodman Court Tenants Association
Government Office For The East Midlands
Grangewood TARA
Grangewood Tenants & Residents Association
Grassmoor Primary School
Grassmoor, Hasland & Winsick Parish Council
Greater Manchester Pension Fund
Greenfarm/Loundsleygreen TARA
Groundwork Creswell
Grove Allotment Association
Grove Road Allotment Association
Hady Action Group

Hady Hill Allotment Association
Hady Primary School
Hall Construction Services Ltd
Hallam Land Management
Harris Lamb Chartered Surveyors
Hartington Allotment Association
Haslam Homes
Hasland & St. Leonard's Community Forum
Hasland Hall Community School
Hasland Infants School
Hasland Junior School
Hasland Resource Centre
Hawksmoor
Heart of England Tourist Board
Heath and Hardy Trust
Heath Family Properties
Henry Boot Developments Ltd
Henry Boot Homes
High Peak Borough Council
Highfield Hall Primary School
Highways Agency
HM Prison Service
Hollingwood After School Club
Hollingwood Primary School
Hollingwood Residents Association
Holme Hall Primary School
Holmebrook & Rother Community Forum/
Holymoorside & Walton Parish Council
Home Builders Federation
Home Central South Yorkshire and North Midlands
Home Group Limited
Homes and Communities Agency
Homes and Communities Agency (Leeds)
Housing 21
HOW Planning LLP
Hunloke Avenue Allotments Association
Hunloke Community Garden
Ian Baseley Associates
ID Planning
In Touch
Inkerman Developments (c/o Freethcartwright LLP)
Inkersall Allotment Association
Inkersall Primary School
Inkersall Tenants & Residents Association
'Inspire' 50+
Inventures
iPlan Solutions Ltd

IPM Communications Ltd
J A B Short Ltd
J.V.N. Architecture
John Church Planning Consultancy Limited
'Johnnie' Johnson Housing Trust Ltd
JPC Commercial Services
Junction Arts
KeyLand Developments
King Sturge
Kingdom Mills Ltd
Kingston Communications LTD
Knight Benjamin & Co. Chartered Surveyors
Knight Frank
Koyanders Associates
Lafarge Aggregates Ltd
Land Securities
Landlord of 9 Birch Kiln Croft, Brimington, S43 1NY
Landmark Information Group Ltd.
Law Centre
LIDL UK CMBH
Links
Lisa Hopkinson
Lister Property Developments
Littlemoor Allotment Association
Littlemoor Charity
Longden Homes
Loundsley Green Community Trust
Loundsley Green Parish Church
Lowland Derbyshire Biodiversity Partnership
Malcolm Smith Associates
Managing Director, International Drilling Services Ltd
Marden Estates Ltd
Marion Malcolmson
Marshgate Developments Limited
Mary Swanwick Primary School
Mastin Moor Allotments Association
Mastin Moor Miners Welfare
Mastin Moor Miners Welfare 'One Stop Shop' Project
Mastin Moor TARA
Mastin Moor Tenants & Residents Association
McCarthy and Stone Retirement Lifestyles Ltd.
Member, Walton & West Community Forum Planning Committee 3
Middlecroft TARA
Milesden Estates Ltd
Miller Homes Ltd

Millers Homes
Mobile Operators Association
Multiplex Engineering Limited
N Derbys Confed of adult Mental Health Services
Nathaniel Lichfield & Partners
National Childbirth Trust (Chesterfield)
National Council for Divorced and Separated
National Farmers Union
National Grid Plant Protection
National Trust
Natural England
Netherthorpe Community School
Network Rail
Network Rail
New Whittington Allotment Association
New Whittington Primary School
Newbold & Brockwell Community Forum
Newbold CE Primary School
Newbold Community Association
Newbold Community School
Newbold Parish Church Pre-school
Newbold TARA
Newbold Tenants & Residents Association
Newland Dale Community Group
NHS Derbyshire County
NHS Derbyshire County Primary Care Commissioning
NHS Estates East Midlands Division
Niche Architects LLP
Nigel Pugsley
Norbriggs Primary School
Norseman Holdings Limited
North Cheshire Housing Association
North Country Homes Group Limited
North Derbyshire District Office Employment Service
North Derbyshire Training and Enterprise Council
North East Derbyshire District Council
North East Derbyshire Primary Care Group
North East Derbyshire Rural Transport Partnership
Northern Counties Housing Association Limited
Npower Renewables
NTL
Old Bolsover Town Council
Old Hall Junior School
Old Whittington Allotment Association
Old Whittington Miners Welfare
Old Whittington TARA

Outdoor Advertising Association
Parish Centre Stonegravels
Pavilion Playgroup
Peak And Northern Footpaths Society
Peak District National Park
Pegasus Planning Group LLP
Persimmon Homes
Persimmon Homes (South Doncaster) Ltd
Peter Webster Youth Centre
Peter Wigglesworth Planning Ltd
Planarch Design Ltd
Planning Potential
Plot of Gold Ltd
Poolsbrook Primary School
Poolsbrook Tenants and Residents Association
Poolsbrooks Centre Group Industrial
Post Office
Radleigh Homes
Rae Watson Development Surveyors
Railway Paths Ltd.
Rainbow Alliance
Rapleys
Ravenside Investments Ltd
Rhodesia Avenue Allotment Association
Rhodia Eco Services Ltd
Robert Turley Associates Ltd
Robinsons plc
Roger Tym & Partners
Rother Walking Group
Rotherham Metropolitan Borough Council
Royal Mail Group Legal (Real Estate)
Royal Mail Group Ltd
Royal National Lifeboat Institution
Royal Society For The Protection Of Birds
RPS Planning, Transport And Environment
Rufford Close Allotment Association
SAIL
Sainsbury's Supermarket Ltd
Saints Augustine with Saint Francis
Salvation Army Housing Association
Sarah Brown
Savills Commercial Planning
Scott Wilson
Severn Trent Water
Sheffield City Council
Sheffield City Region LEP
Sime UK

Single Parent Network
Solar Contracts
South Derbyshire District Council
South Yorkshire Housing Association Ltd
Spectrum Sign and Display Ltd
Speed Plastics Ltd
Spire Infants and Nursery School
Spire Junior School
Sport England
Springbank Centre
Springwell Community School
Sproghop Playscheme
St Augustines Allotment Association
St Augustines/Birdholme TARA
St Gobain Pipelines
St Helens Cmnty Worker
St Johns Ambulance (Chesterfield Quad Division)
St Josephs Catholic Church
St Mary and All Saints Church
St Mary's RC School
St. Joseph's RC Primary School
St. Mary's RC Primary School
Stagecoach East Midland
Staveley Church Parent And Toddler Group
Staveley Community Forum
Friends of Poolsbrook Country Park
Old Whittington Junior F.C.
Staveley County Junior School
Staveley Health & Fitness Group
Staveley History Society / Staveley Community Forum
Staveley Town Council
Stewart Ross Associates
Stonham Housing Association Ltd
Sunnycroft Elderly Peoples' Club
SUON Ltd
Sutton-Cum-Duckmanton Parish Council
Taylor Woodrow Developments Ltd.
Telewest Broadband
Terence O'Rourke
The Boyd Partnership Chartered Architects LLP
The Coal Authority
The Compassionate Friends
The Derby Diocesan Board Of Finance Ltd
The Friends of Poolsbrook Country Park
The Garden History Society
The Georgian Group

The Grove Allotment Association
The Guinness Trust
The Lawn Tennis Association
The Meadows Community School
The National Trust (East Midlands)
The Planning & Design Practice
The Planning Bureau Ltd
The Showmen's Guild of Great Britain
The Theatres Trust
The Three Valleys Project
The Twentieth Century Society
The Woodland Trust
Thornfield Developments
Threadneedle Property Investments
Townswomen's Guild
TPT Officer
Trans Pennine Trail
Transco
Transition Chesterfield
Transition Town
Transition Town Chesterfield
Turley Associates
UK Coal Mining Ltd
United Co-operatives
Unstone Parish Council
Vicar Lane Centre Manager
Victorian Society
Viridor
Viridor Waste Management
W M Morrison Supermarkets PLC (Property & Development Division)
Walton & Co Planning Lawyers
Walton & West Community Forum
Walton and West Community Forum
Walton Evangelical Church
Walton Holymoorside Primary School
Westbury Homes (Holdings) Ltd
Western Power Distribution
Westfield Allotment Association
Westfield Infants School
Whelmar Homes
Whitecotes Primary School
Wilcon Homes
Wilkinson
William Davis Limited
William Rhodes Primary School

William Sutton Housing Association Ltd
Wingerworth Parish Council
Women's Aid
Woodthorpe CE Primary School
Woodthorpe Village Community Group
WYG PLANNING & ENVIRONMENT
Yorkshire Water
Young at Heart
Zion Church

Consultees - individuals

Richard	Allen
Andrew and Denise	Allen
Arthur	Allen Clark
B A	Allott
J	Ambler
C	Ambler
C.A.	Ambler
D.J.	Appleyard
Edwina	Archer
Audrey	Archer
R.E.	Archer
C P	Archer
George	Ashley
Peter	Ashmore
D	Ashmore
Mark	Atkinson
Tina	Bagshaw
G T & P S	Bailey
Peter	Bailey
K	Bailey
A P	Bailey
W	Baines
J and S	Baker
M	Bannister
Harold Maureen	Bargh
R	Barker
Barbara	Barker
Shaun	Barkley
Linda and Frank	Barlow
Guy	Barnett
J	Barnett
J A	Barr
John D	Bartram
Ann	Bashford
Paula	Batey
Tony	Beasley
J I	Beckingham, J.P.

P D	Beeson	Jane	Carver
David	Belfitt	L	Cattee
G	Bellas	Maria-Clara	Chadwick
A	Bellas	B.	Chapman
J.	Bennett	T	Chocker
Nichola	Bennett	Ivor	Churchard
J	Bentley	Alan	Clark
G and V	Beresford and Gillespie	D.A.	Clark
D	Bevilacqua	N	Clarke
Pauline	Billyeald	B	Coburn
K R	Bingham	C.	Coleman
Jane	Bingham	A.	Colley
D.	Birchall	K.	Collingwood
Janet	Bland	W	Cooney
Pauline	Blowers	A	Coop
Terrence & Carol	Boler	P	Cordell
A G	Booth	D	Cory
Chris and Sue	Booth	P	Cotterill
H	Borrell	Sylvia	Cottrell
Brian and Norma	Bowe	Lisa	Coupe
J.A.C	Bower	Philip	Cousins
Donna	Bradley	Heather	Creaves
Stella	Brailsford	J	Crossley
Max	Bramley	Monica	Cunningham
Joan	Bramley	A	Curtis
W	Brennan	John	Cuttriss
M	Bridge	Karen	Czernik
J	Brien	G.	Daffin
L W	Briggs	J.	Dalton
Joan	Briggs	Andrew	Daly
Richard	Briggs	Roger	Davenport
Antony	Brooks	Angela	Davies
Eric	Brooks	Grant	Davies
John	Browett	Henry	Davis
Joyce and Ian	Brown	Lynne	Davison
Peter	Brown	Ruth and Mark	Davison
Karen	Brownlee	Carol	Dawson
Marion	Bryan	Robert	Dawson
F	Buckley	Jane	Day
Laura J	Burgess	J	Deane
Michael	Burke	David	Dodsworth
M	Burnell	Steve	Dolby
K A	Burton	R.S	Dunn
N S	Buxton	A and L	Dyson
E	Buxton	W.	Edinboro
M.	Candall	B	Edwards
L	Cannon	J	Elliott
Stephen	Cannon	Kathryn and Kev	Elliott
Matthew	Capper	Steve	Ellis

Angela	Ellis	Tracey	Hand
Tim	Ellis	Alan	Hardwick
P. Bryan	Enfield	Frank	Hardy
Anthony	Evans	Julie	Harrington
Lorina	Eyre	D W	Hart
M	Fallding	Susan	Hartley
P	Farmer	Lee	Hartshorne
M and K	Farr	Jill	Harwood
John	Farrow	K	Heap
Malcolm	Fawcett	J C	Heath
Stephen	Fenwick	Charlotte	Heath
R	Fisher	S.	Heathcote
David	Fisher	Chris	Heaton-Harris MEP
Gareth	Fisher	C	Herbert
R.	Fletcher	Alan	Hessey
Angela	Fookes	J C	Hewitt
J	Ford	Mike	Hewitt
Elizabeth	Foster	Oliver	Hewitt
D B	Fox	S	Hibbert
J	Frangos	R	Hibbert
Debs	Frazer	J.	Hibbert
John	Fredwell	David	Hill
Rachel	Froggatt	Anthony	Hobson
R & P	Gadd	PH & KR	Holden
C	Gascoyne	J	Holland
J	Gee	A.	Holliday
T	Gee	Robert	Hollingworth
Jo	Gibson	Paul	Holmes
M	Gilbert	Jamie	Holmes
P.A.	Gilby	P	Hooper
P, CM & RJ	Glover	Sandie	Hooton
Andrew and Susan	Glover	David	Hopkinson
Karol	Glynn	D.	Howarth
Pamela	Gofton	Kerry	Howie
Charles Henry	Goldby	Kenneth	Hubbard
D R	Golder	Helen	Hughes
Ami	Goodlad	V	Hughes
Ron	Goodwin	Emma	Hulley
Joan	Graham	S G	Humphreys
John	Graham	P	Humphreys
C & B	Greenway	G	Humphries
Bruce	Grinnell	J & S	Hurt
I.T.	Gudgeon	E	Ison
S	Hague		Jachymski Family
P.L.	Hague	M	Jackson
Susan	Hall	David & Sue	Jenkins
Neil	Hall	T.R.	Jennings
J and D	Hall	Stephen	Johnson
Stuart	Hall	J	Johnson

S	Johnson	J.H.	Marlow
Vicky	Johnson	B A	Marples
Will	Johnston	J R	Marriott
Mark	Jones	Mary	Marshall
Fiona	Jones	H	Marshall
I	Jones	A	Marshall
Michael	Jones	A	Martin
Robert and Jill	Jones	Rosemary	Mason
Sonia and Daniel	Jones	Michael	Mason
Georgina Anne	Joy	Ian	Mateer
R M	Kelly	Lesley	Mathews
Neil & Antonietta	Kirkham	M	Mathews
Adrian	Knight	Margaret	McAteer
Barry	Knock	Ann	McIntyre
J	Kugler	Gordon	Mclaren
Patricia	Laming	Graham	Meades
Kevin	Laming	Alastair	Meikle
Vicki	Lang	B	Mettam
R P	Langton	Sarah	Mettam
Paul	Latham	F	Middup
A M	Lawley	J	Miller
S	Lawley	M.A.	Millward
Keith	Lawson	S.	Millward
Donna	Leatherday	Ann	Millward
Harry	Leatherday	Robert	Minskip
Shirley	Leatherday	Geoff	Mitchell
C	Lee	J	Mitchell
M	Leverton	Helen	Mitchell
E & G L.	Linacre & Drew	G	Morris
Yasmin	Lloyd	H	Morris
R. E.	Lock	M.A.	Morton
John	Lomas	Caroline	Mosley
B	Lomas	Alison	Muddiman
S	Lord	T	Mulcaster
Paula	Lowe	M	Mullins
P	Lowe	J.	Murphy
Harold	Lowe	Karen	Mustafa
E.A	Lowry	C	Narrainen
A	Loxton	Jacqueline	Needham
R	Ludditt	E.	Needham
Chris	Luff	Eileen	Newham
Gary	Lunn	Violet	Noakes
Cynthia	Machent	JK	Noble
B L	Maidens	R	Nunn
Kathleen	Maidens	R	Nunn
C.M.	Mallender	Nicholas	O' Farrell
W.	Maloney	R	O'Connor
Peter and Sandy	Mann	Nicholas	O'Farrell
William	Mann	M P	O'Neill

Sally	Orton	Rachel	Sainty
Michael	O'Sullivan	B.	Sanderson
Mick	Packwood	A	Saunders
Steve and Sally	Palfreyman	Linda	Savage
Barrie and Maureen	Palfreyman	James P	Savage
John	Parker	G	Sawyer
Ronald	Parker	Gerald	Sawyer
Ronald	Parlett	W	Saxby
Mr K and Mrs B	Pass	Sean R	Saxton
Aaron	Pauk	Ian	Scott
Brian	Payton	Judith	Scott
Linda	Pearson	S D	Sears
Keith	Perryman	Daniel	Sellers
R	Pickerell	Kate	Sewell
Jean	Pickering	Pat	Shaw
J.S.	Pitchford	D	Shaw
Tony	Platt	P.J.	Shelton
Mary	Platts	L	Sheppard
J A	Pople	R.	Sheppard
W	Potter	Jennifer	Sheriff
Michael	Powell	J A	Sherwin
Audrey	Powell	D H	Shires
Kenneth	Price	Philip	Shirley
Herbert	Priest	N W	Short
G	Proctor	H	Shum
J and M	Proctor and Brookes	Barclay	Simpson
Angela	Purshouse	Douglas	Slater
C	Radford	T	Smith
V	Raines	P	Smith
John and Pearl	Rawding	M L	Smith
John	Redfern	L	Smith
Rob	Rees	John	Smith
M	Regelous	Michael G	Smith
Jenny	Rhodes	Lisa	Smith
Louise	Richards	David	Smith
D & M K	Richell	W O	Snow
C	Riggott	P.A.	Solway
T	Ripley	Owen	Spencer
Karl and Eva	Rix	Stephen	Spencer
Joseph	Roberts	Anne Lorna Joyce	Squires
Renie	Robinson	Lorna Joyce Lilian	Squires
Richard DB	Robinson	Mark	Staniland
S.E.	Roe	W	Stanton
Colin	Rogers	Gillian	Stanton
Frank	Rossiter	B	Stevens
Christine	Rowbottom	A E	Stevenson
Dorothy	Rutter	J H	Stinton
Steve	Ryan	Roy	Stott
Ruth	Sadler	Malcolm	Strong

Richard	Tatlow-Turner	Michael	Williams
A R	Taylor	S	Wills
R	Taylor	M	Wills
Barry & Ann	Taylor	Brian	Wilson
Debi	Taylor	J	Wilson
Trevor	Taylor	R.L.	Wilson
D.	Taylor	R	Windle
F.	Taylor	J	Windle
P	Telford	Yvonne	Winnard
Chris	Thomas	S	Wodsworth
M.	Thomas	J	Wood
M	Thomps	A and C	Wood
M	Tideswell	Lorraine	Woodhead
Brenda	Towse	Ray	Woolley
MN and JA	Toyn	Alan	Wragg
C M	Turner	K	Wragg
Mark	Turner	P.	Wright
Phillip	Turner	Pat Jeremy	Wright
Tania	Twelvetree	Brian	Young
D.G.	Ulyett		
G	Vardy		
G.J.	Walker		
Alan and Sheila	Waltes		
Michael and Josephine	Ward		
John and Debbie	Waters		
M D	Watkinson		
James	Watson Bentley		
G	Watts		
Ivy	Watts		
G.R	Weatherall		
P J	Weaver		
Raymond	Webb		
Gwendoline	Webb		
Fiona	Webb		
John	Webley		
K	Webster		
Margaret	Wells		
Jane	Weston		
Dennis	Wharmby		
S	Wheatcroft		
E	White		
J.	White		
DT and DM	White		
Peter	Whiteley		
G	Whittaker		
Ashley	Wilkinson		
Dorothy and Brian	Willacy		
Helen	Williams		

**Individuals & organisations who made comments on the Preliminary Draft Charging Schedule
(summer 2013)**

Ref	Name	Organisation	Comments on the Draft Charging Schedule?
1	Andy Pearson	AP Building Design	
2	Roger Davenport	Local resident	√
3	Matthew Gibson	Yorkshire Water	
4	Steve Southern	Severn Trent	
5	Alan Hubbard	National Trust	
6	Alan Crow	Local resident	√
7	Paul Tame	National Farmers Union	
8	BT Arnold	Local resident	
9	Tom Hockin	Hunloke Ave Allotments	
10	Robert Drury	Derbyshire Police	
11	Graeme Challands	Staveley Town Council	
12	Kamaljit Khokar	Highways Agency	√
13	Clair Searson	English Heritage	√
14	Robert Dawson	Local resident	√
15	Claire Temple	Aldi (Planning Potential)	√
16	Bryan Thompson	Chesterfield & District Civic Society	
17	Howard Featherstone	Duckmanton Primary School Governors	
18	Ziyad Thomas	Churchill Living/Mcarthy & Stone (The Planning Bureau)	
19	Ann Barker	Homes & Communities Agency	√
20	William Stanton	Local resident	
21	Piotr Behnke	Natural England	√
22	Sophie Taylor	Saint Gobain (Knight Frank)	
23	David Peck	Chatsworth Settlements Trust (Capita Symonds)	√
24	Edward Cratchley	JVH Planning	√
25	Patricia Laming	Local resident	
26	Robert Jays	William Davis	
27	Helen Fairfax	North East Derbyshire District Council	√
28	Helen Fairfax	Bolsover District Council	√
29	Laura Fern	Morrisons (Peacock & Smith)	√
30	Teresa Hughes	Derbyshire Wildlife Trust	√
31	Matthew Robinson	Waterside (How Planning)	
32	Helen Cattle	Sport England	√
33	Harriet Fisher	Derbyshire County	√

		Council	
34	Tony Beasley	Local resident	√

Appendix 3: Consultation letter

Regeneration Services

Town Hall, Rose Hill
Chesterfield
Derbyshire S40 1LP

Please ask for	Strategic Planning & Key Sites
Direct Line	01246 345796
Fax	01246 345809
Email	forward.planning@chesterfield.gov.uk

Our Ref	CIL/DCS
Your Ref	00016

13th November

2013
Dear

Re: Community Infrastructure Levy - consultation on a Draft Charging Schedule

Chesterfield Borough Council is currently preparing a Community Infrastructure Levy (CIL). A CIL will set a financial levy on new developments which will be used to fund essential infrastructure required to support planned growth. It will cover the whole of the borough and the money raised can be used to fund a wide range of infrastructure such as transport schemes, flood defences, schools, parks and open spaces.

CIL is a levy that is charged when planning permission is granted on qualifying development. Rates of CIL will be set out in a document known as a Charging Schedule which will set out a rate per square metre for qualifying development.

The Council consulted on a Preliminary Draft Charging Schedule during summer 2013. This put forward the council's initial proposals on CIL rates and zones.

The Council is now publishing a Draft Charging Schedule. This is the final stage of CIL consultation before the Council appoints an independent examiner and submits the Draft Charging Schedule for examination.

In accordance with Regulation 16 of the CIL Regulations (as amended), comments are invited on the Draft Charging Schedule, and its associated evidence base documents, during the consultation period starting **14th November 2013 and ending 13th January 2014 at 5pm.**

How to view documents and make comments

The council has prepared the following documents:

- A Draft Charging Schedule
- Evidence to support the Community Infrastructure Levy Draft Charging Schedule

- This Statement of Representations Procedure
- Preliminary Draft Charging Schedule Statement of Consultation (this collates and provides a response to all the consultation comments received on the Preliminary Draft Charging Schedule).

All CIL documents can be viewed on the Council's website at:

www.chesterfield.gov.uk/CIL

Paper copies of the documents are available at:

- Customer Contact Centre, 85 New Square, Chesterfield, S40 1AH (open 8.30am to 5pm on Monday, Tuesday and Thursday, 10am to 5pm on Wednesday and 8.30am to 4.30pm on Friday).
- Staveley, Brimington and Chesterfield Town Centre libraries during each library's normal opening hours (www.derbyshire.gov.uk/leisure/libraries/find_your_local_library/default.asp)

The council would like to hear your views on any aspect of the Draft Charging Schedule and supporting evidence. Representations can be submitted as follows:

- By email: forward.planning@chesterfield.gov.uk
- By post or by hand: Strategic Planning & Key Sites, Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, S40 1LP
- By fax: 01246 345 809 (marked for the attention of Forward Planning)

Please note that copies of representations will be made available on request for inspection at Council offices so cannot be treated as confidential. All responses must be received by **5pm 13th January 2014**.

Next Stages

After consultation on the Draft Charging Schedule the Council intend to submit it to the Planning Inspectorate for independent examination. All representations made on the Draft Charging Schedule will be submitted to the examiner. Organisations and individuals making representations may request the right to be heard at the CIL examination in accordance with the Statement of Representation Procedure.

Should the Council decide to amend the schedule in response to comments received, then consultees will be notified of the proposed modifications in a Statement of Modifications in accordance with Regulation 19 of the CIL Regulations 2010 (as amended). During this time there may be a further period of consultation prior to submission of the Draft Charging Schedule.

We look forward to hearing from you.

Yours sincerely,



MIKE HAYDEN
Head of Regeneration

Appendix 4: Press release

Further views wanted on the Community Infrastructure Levy

During the summer Chesterfield Borough Council asked residents and businesses for their views on proposals for the Council to raise funds from new developments in the borough for vital infrastructure projects. Having taken the comments received into consideration, the council is now publishing its proposed 'Charging Schedule' for final comments before it is submitted to the Government for examination so that it can be adopted by the Council. This public consultation will run from 14th November 2013 to January 13th 2014.

The Community Infrastructure Levy (CIL) will allow the Council to raise funds from developers depending on the size and type of new buildings.

The money raised can be spent on a wide variety of infrastructure needed to serve new developments, including new roads, flood defenses, schools, health and social care facilities and improvements to open spaces.

Proposed charges are £80 per square metre for retail projects, while residential charges will vary across the borough, with a proposed charge of £80 per square metre where house prices are at their highest.

There are a number of new developments which will be exempt from the levy, including:

- Developments up to 100 square metres (including most domestic extensions)
- Social housing
- Developments used for charity

The Borough Council has also released a list of infrastructure projects which would benefit from money raised through the levy.

A number of organisations as well as local people made comments during the previous consultation. Most were supportive, including Derbyshire County Council and neighbouring planning authorities. After consideration of these comments, and with the help of professional advice from Community Infrastructure Levy experts, the Council has decided not to make further changes to the proposed charges.

Councillor Terry Gilby, Chesterfield Borough Council's deputy leader and executive member for planning said:
"One of the council's main aims is to encourage regeneration and investment in the borough but in order for new buildings to be built, finance must be raised to pay for the vital infrastructure that will serve them, including roads, flood defences and medical care.

"We are inviting residents to have their say on the proposals for the Community Infrastructure Levy and I would encourage all interested parties to read and comment on the proposals."

The public consultation will run from 14th November 2013 to January 13th 2014. Details of the CIL rates and the council's Infrastructure Plan can be viewed on the council website (www.chesterfield.gov.uk/cil) or at the council's Customer Contact Centre.

If you require any further information about this consultation please contact the Strategic Planning & Key Sites team on 01246 345796 or e-mail forward.planning@chesterfield.gov.uk

Appendix 5: Derbyshire Times Formal Notice

Chesterfield Borough Council
Community Infrastructure Levy
Draft Charging Schedule
Statement of Representations Procedure

Under Section 212 of the Planning Act 2008 (as amended by Section 114 of the Localism Act 2011), Chesterfield Borough Council intends to submit a Community Infrastructure Levy Draft Charging Schedule for Examination. The Council is inviting representations on the Draft Charging Schedule from **14th November 2013 to 5pm on Monday 13th January 2014** under Regulation 16 and 17 of the Community Infrastructure Levy Regulations 2010 (as amended).

In accordance with the Regulations, Chesterfield Borough Council has made available for consultation:

- A Draft Charging Schedule
- Evidence to support the Community Infrastructure Levy Draft Charging Schedule
- This Statement of Representations Procedure

The above documents can be viewed on the Council's website at:

www.chesterfield.gov.uk/CIL

Paper copies of the documents are available at: Customer Contact Centre, 85 New Square, Chesterfield, S40 1AH (open 8.30am to 5pm on Monday, Tuesday and Thursday, 10am to 5pm on Wednesday and 8.30am to 4.30pm on Friday). Staveley, Brimington and Chesterfield Town Centre libraries during each library's normal opening hours

www.derbyshire.gov.uk/leisure/libraries/find_your_local_library/default.asp

Representations on the Draft Charging Schedule must be made within the specified period from 14th November 2013 to be received no later than 5pm on Monday 13th January 2014 and should be sent in writing to:

By E-Mail forward.planning@chesterfield.gov.uk

By Post Strategic Planning & Key Sites, Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, S40 1LP

Any organisation or individual may request the right to be heard at the Examination. This request must be submitted in writing and received within the specified consultation period from 14th November 2013 to 5pm on Monday 13th January 2014. Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:

- That the Draft Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008.
- The publication of the recommendations of the examiner and the reason for these recommendations.
- The approval of the Charging Schedule by the Council.

Any organisation or individual who decides to make representations about the Draft Charging Schedule may withdraw those representations at any time by giving notice in writing to the Council sent to the specified address and email account detailed above.

For further information on the Community Infrastructure Levy please contact the Strategic Planning & Key Sites team on 01246 345 796, or email forward.planning@chesterfield.gov.uk

Appendix 6: Dedicated CIL webpage



[Community Infrastructure Levy](#)

Chesterfield Borough Council is currently preparing a Community Infrastructure Levy (CIL). A CIL will set a financial levy on new developments, which will be used to fund essential infrastructure required to support planned growth. It will cover the whole of the borough and the money raised can be used to fund a wide range of infrastructure such as transport schemes, flood defences, schools, parks and open spaces.

A [timetable](#) has been prepared showing CIL preparation. Rates of CIL will be set out in a document known as a Charging Schedule, which will set out a rate per square metre for qualifying development.

Draft Charging Schedule

The Council is consulting on a Draft Charging Schedule and supporting documents from **Thursday November 14th 2013 to Monday 13th January 2014** in line with Regulation 16 and 17 of the Community Infrastructure Regulations 2010 (as amended). The full draft Charging Schedule including the charging maps is available to view here:

[Draft Charging Schedule \(Nov 2013\)](#)

The consultation is accompanied by a Statement of Representation Procedure which outlines how comments can be submitted and where the document may be viewed.

[Draft Charging Schedule - Statement of Representations Procedure](#)

There are also a number of supporting documents to the Draft Charging Schedule:

[CIL & Affordable Housing Viability Assessment](#)

[Appendix 1a: Land Value Appraisal Study \(LVAS\)](#)

[Appendix 1b: LVAS Supplementary Report](#)

[Appendix 2: Construction Cost Study](#)

[Appendix 3: Infrastructure Schedule](#)

[Appendix 4a. Staveley Corridor Residential Appraisal](#)

[Appendix 4b. Staveley Corridor Commercial Appraisal](#)

[Appendix 5: Historic S106 Rates](#)

[Infrastructure Funding Gap Review](#)

[Infrastructure Study & Delivery Plan](#)

 [Affordable Housing Studies](#)

In compliance with Regulation 15(7) of the CIL Regulations 2010 (as amended) the Council considered all representations made in response to the [Preliminary Draft Charging Schedule](#) published in June 2013. A Statement of Consultation has been prepared:

[Preliminary Draft Charging Schedule \(June 2013\) - Statement of Consultation](#)

Paper copies of the Draft Charging Schedule, CIL & Affordable Housing Viability Assessment and Statement of Representation Procedure are available to view at:

Customer Contact Centre, 85 New Square, Chesterfield, S40 1AH (open 8.30am to 5pm on Monday, Tuesday and Thursday, 10am to 5pm on Wednesday and 8.30am to 4.30pm on Friday).

Staveley, Brimington and Chesterfield Town Centre libraries during each library's normal opening hours (http://www.derbyshire.gov.uk/leisure/libraries/find_your_local_library/default.asp)

How to make comments

The Council would like to hear your views on any aspect of the Draft Charging Schedule and supporting evidence. Representations can be submitted as follows:

By email: forward.planning@chesterfield.gov.uk

By post or by hand: Strategic Planning & Key Sites, Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield, S40 1LP

By fax: 01246 345 809 (marked for the attention of Forward Planning)

Please note that copies of representations will be made available on request for inspection at Council offices so cannot be treated as confidential. All responses must be received by **5pm 13th January 2014**.

Next Stages

After consultation on the Draft Charging Schedule the Council intend to submit it to the Planning Inspectorate for independent examination. All representations made on the Draft Charging Schedule will

be submitted to the examiner. Organisations and individuals making representations may request the right to be heard at the CIL examination in accordance with the [Statement of Representation Procedure](#).

Should the Council decide to amend the schedule in response to comments received, then consultees will be notified of the proposed modifications in a Statement of Modifications in accordance with Regulation 19 of the CIL Regulations 2010 (as amended). During this time there may be a further period of consultation prior to submission of the Draft Charging Schedule.

Further information

Government CIL guidance and regulations can be viewed on the Planning Advisory Service (PAS) website: www.pas.gov.uk (accessed Nov 2013)

If you wish to find out more about the Council's CIL, please contact the Strategic Planning & Key Sites team on forward.planning@chesterfield.gov.uk or telephone 01246 345 796.

Contact Us



Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield
S40 1LP

Tel: 01246 345345
Text: 07960 910264
Fax: 01246 345252

Email: enquiries@chesterfield.gov.uk

APPENDIX 3: Summary of CIL amendments

The 2014 regulatory changes to the levy are summarised as follows:

Exemptions and Reliefs

- Exempting those building their own homes, extending existing ones or building residential annexes, from the levy
- Extending social housing relief from the levy to include communal areas (such as stairs and corridors) and ancillary areas (such as car-parking)
- Creating a discretionary relief power for discount market sale developments
- Extending the criteria for granting discretionary relief when a Section 106 agreement is in place

Payments

- Allowing infrastructure to be provided as a payment in kind, in lieu of a levy payment
- Allowing each phase of a development to be treated as a separate development, to stagger levy liabilities
- Allowing levy liabilities to be re-calculated when the provision of affordable housing is later varied
- Allowing offsetting of levy liabilities when development is altered prior to completion
- Lessening levy liabilities for buildings brought back into use by either removing liability altogether if there is no change of use or considerably extending the qualifying criteria for relief when there is a change of use

Rate Setting

- Strengthening the evidence required when setting proposed levy rates
- Requiring any Regulation 123 list (the infrastructure list setting out the infrastructure to be funded by the levy) to form part of the evidence during rate setting and examination
- Allowing levy rates to be set by scale of development (as well as by use and location)

Interaction with Section 106 & 278 Agreements:

- Extending the date when further limitations on the use of pooled Section 106 planning obligations will apply to April 2015
- Restricting the use of Section 278 Highways Agreements to remove potential for “double dipping” (where overlapping contributions for infrastructure are sought under both the levy *and* Section 278). *The restriction does not apply in respect of Section 278 agreements sought by the Highways Agency, Transport for London and Welsh Ministers in respect of the trunk road network.*
- Extending the criteria for granting discretionary relief when a Section 106 agreement is in place (as stated under exemptions and reliefs)

Appeals

- Requiring comments on representations on appeals to be received within 14 days
- Extending the review and appeal process to those obtaining planning permission after development has commenced and in respect of self build development

APPENDIX 4: Draft regulation 123 infrastructure list

Provisional S106 and CIL list			
S106	Evidence	CIL (regulation 123 list)	Evidence
Affordable housing	N/A (affordable housing is outside the CIL regime).	Green infrastructure network improvements (including parks and open space, protected sites, greenways and the Chesterfield Canal)	<ul style="list-style-type: none"> • Chesterfield Borough Council Infrastructure Study & Delivery Plan • Chesterfield Borough Council Green Infrastructure Study • Derbyshire County Council Infrastructure Plan • East Derbyshire Greenways Strategy • Chesterfield Greenprint • Staveley & Rother Valley Corridor Area Action Plan • Chesterfield Borough Council Parks & Open Spaces Strategy (under review) • Chesterfield Canal Partnership work
Small areas of open space or play provision (on-site)	Based on the Council's use of S106 between 2005 and 2012.	Road infrastructure (excluding motorway and major trunk roads)	<ul style="list-style-type: none"> • Chesterfield Borough Council Infrastructure Study & Delivery Plan • Derbyshire County Council Infrastructure Plan • Staveley & Rother Valley Corridor Area Action Plan • Local Transport Plan 3 • Chesterfield Town Centre Masterplan
Minor road improvements outside of Section 278 agreements (on-site)		Flood mitigation	<ul style="list-style-type: none"> • Chesterfield Borough Council Infrastructure Study & Delivery Plan • Draft Chesterfield Flood Alleviation Scheme • Staveley & Rother Valley Corridor Area Action Plan
Footpath/cycling improvements (on-site)		Land remediation	<ul style="list-style-type: none"> • Chesterfield Borough Council Infrastructure Study & Delivery Plan • Staveley & Rother Valley Corridor Area Action Plan
Education contributions for existing schools to address shortfalls in capacity (but excluding a brand new school or schools that may be on the CIL list)		A new school (or schools)	<ul style="list-style-type: none"> • Chesterfield Borough Council Infrastructure Study & Delivery Plan • Staveley & Rother Valley Corridor Area Action Plan • Derbyshire County Council Infrastructure Plan
Sustainable design or energy efficiency measures (on-site)		Sustainable transport measures (including walking and cycling).	<ul style="list-style-type: none"> • Chesterfield Borough Council Infrastructure Study & Delivery Plan • Derbyshire County Council Infrastructure Plan • Local Transport Plan 3 • Chesterfield Cycle Network • Staveley & Rother Valley Corridor Area Action Plan • East Derbyshire Greenways Strategy
CCTV (on-site)		Other large-scale community facilities such as libraries, art centers, health centers and sports/leisure centers	Where evidence of need is provided.
Percent for Art (on-site)			

APPENDIX 5: Preliminary Equalities Impact Assessment (EIA)

EQUALITY IMPACT ASSESSMENT – PRELIMINARY ASSESSMENT

Service Area: **Regeneration/Planning**

Section: **Forward Planning**

Lead Officer: **Scott Nicholas**

Title of policy, project, service, function or strategy the preliminary EIA is being produced for:
Introduction of a Community Infrastructure Levy

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed **YES**

Q1 – What is the aim of your policy or new service?

The aim of a Community Infrastructure Levy is to ensure that, where viable and necessary, development in the borough provides funding for new infrastructure. The definition of infrastructure is wide and includes green infrastructure (parks and open space), physical infrastructure (roads, flood defence, etc) and community infrastructure (health, education, etc).

Q2 – Who is the policy or service going to benefit?

Benefits should accrue to the residents and businesses of Chesterfield Borough.

Q3 – Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women, etc.

Group or Protected Characteristics	Potentially positive impact	Potentially negative impact	No impact
Age – including older people and younger people	✓		
Disable people – physical, mental and sensory including learning disabled people and people with HIV/Aids cancer	✓		
Gender – men, women and transgender	✓		
Marital status including civil partnership	✓		
Pregnant women and people on maternity/paternity. Also breastfeeding mothers.	✓		
Sexual Orientation – Heterosexual, Lesbian, gay men	✓		

and bisexual people			
Ethnic Groups	✓		
Religions and Beliefs including those with no religion and/or beliefs	✓		
Other groups e.g. those experiencing deprivation and/or health inequalities	✓		

If you have answered that the policy, project, service, function or strategy could have a negative impact on any of the above characteristics then a full EIA will be required.

Q4 – Should a full EIA be completed for this policy, project, service, function or strategy?

NO

Q5 – Reason for this decision

Because the aim of a Community Infrastructure Levy is to provide infrastructure to meet a community’s needs, hence it is considered that impacts are likely to be positive.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EA is not needed or offer you further advice and support should a full EIA be necessary.