

London Borough of Barnet

The Community Infrastructure Levy

Preliminary Draft Charging Schedule

**Consultation Report:
Response to Representations**

July 2012

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London Borough of Barnet – CIL Preliminary Charging Schedule

The Council is in the process of adopting a Community Infrastructure Levy (CIL) for the borough which will set a single flat rate of £135 per square metre of net additional floor space. By setting it at this rate the Council will ensure that it is a rate affordable for all viable development proposals brought forward and will support continued investment in the borough during the current difficult economic times.

Under Regulation 15 of the CIL Regulations, it was a required part of the process for the Council to offer a Preliminary Draft Charging Schedule for consultation. This took place between 12 March 2012 to 23 April 2012. Aside from support provided through telephone and email conversations, the Council ran a Developers Forum on 27 March 2012 and a further session for Regeneration Partners on 18 April 2012 to assist developers to adjust to Mayoral CIL and to respond to the PDCS consultation. Space for questions to be asked and answers given was therefore available throughout the consultation period to assist local developers to understand CIL and how the system will operate. We were able to engage and interact directly with various stakeholders and residents; as a result we received a significant number of responses to our consultation.

In compliance with Regulation 15(7) the Council has considered all representations made in response to the Preliminary Draft Charging Schedule, and this has been reflected in the Draft Charging Schedule.

The consultation focussed on the five questions that will be tested at the formal examination.

1. Appropriate range of evidence
2. Appropriate interpretation of evidence
3. Overall rate proposed is appropriate
4. Rate consistent with the evidence
5. Rate will not cause borough wide developments to be unviable.

List of Respondents

Sports England	Alan Cox Associates
East Finchley Community Trust	North London Waste Authority (NWL A)
UBS Global Asset Management (UK) Ltd	Asda Stores Limited
Quadrant Town Planning	Mayor's Office for Policing and Crime / Metropolitan Police Service
Comer Group	British Library
Medical Research Council	Tesco Stores Limited
A2Dominion Group	Brent Cross Cricklewood Development Partners
Consortium of London Developers	Berkeley and St. George
Finchley Society	McCarthy & Stone Retirement Lifestyles Ltd
Highways Agency	Natural England
Mayor of London	Theatres Trust
Thames Water	International Bible Students Association
London Fire and Emergency Planning Authority	Mill Hill Preservation Society
English Heritage	

Question 1	Is the range and content of the evidence appropriate?
<u>Summary</u>	
Two important documents formed the evidence base for the charge setting.	
The Infrastructure Delivery Plan, which was originally published in October 2010, and was updated in November 2011 to provide the costing for all infrastructure with available sources of funding quantified.	
The Affordable Housing Viability Study, published in May 2010, and recently updated in September 2011. The existing modelling was used to identify the rate of CIL that could safely be levied on different kinds of development without causing it to become unviable.	
There was generally no issues found with the range of evidence bar two specific requests:	
<ul style="list-style-type: none"> i) Accommodation for elderly people to recognised as different to other forms of residential development. ii) That existing viability appraisal information from large sites submitted to the Council to be used as an additional source of evidence to support viability appraisal. 	

	Organisation	Comment	Council's Response
1	Sport England	Yes	Noted.
2	Alan Cox Associates	Yes	Noted.
3	East Finchley Community Trust	No, The use of a single CIL rate across the borough indicates a lack of sensitivity analysis to various forms of development and the need for further evidence of development costs across different areas and types of development in the borough.	<p>The proposed CIL rate will on the whole reduce the costs burden of current planning obligations tariffs on a development compared to the existing charge applied through 'planning obligation tariffs' for Education, Libraries, Healthcare and monitoring.</p> <p>With regards to community facilities, projects proposed by charities will be eligible for 100% relief from CIL payments and those brought forward by the Council & its partners will have the full CIL payment returned back towards supporting the project as a grant, provided that the project is recognised as of importance within the Council's Infrastructure Delivery Plan.</p>
4	North London Waste Authority (NLWA)	No.	Noted.
5	UBS Global Asset Management (UK) Ltd	No Comment.	

	Organisation	Comment	Council's Response
6	Asda Stores Limited	No. The Council has produced a number of supporting documents to seek to justify the Community Infrastructure Levy Charging Schedules proposed; the evidence base for non-residential charges having been prepared by BNP Paribas. However the principal work undertaken by BNP Paribas appears to be simply to assess each segment of the development economy as a potential source of revenue, without carrying out any meaningful, exercise to assess the infrastructure likely to arise from any particular class of development.	The Council is required to prepare two key documents to underpin the levying of a Community Infrastructure Levy, an appraisal of development viability and an Infrastructure Delivery Plan (IDP). The details of the required infrastructure are contained within the IDP, which has utilised available information and current forward plans at the borough wide scale to determine the nature of developments anticipated to come forwards. Development Management Policies document does provide guidance on specific types of development.
7	Quadrant Town Planning	Yes. We note the assessment undertaken by BNP Paribas in the CIL Update Affordable Housing Study and consider this to be satisfactory, but note that it does not consider the impact of CIL on community proposals (Class D1) in any detail.	The nature of community facility proposals are that the purposes to which such a facility is put are rarely income generating to any meaningful commercial level. Certainly this is the case for capital as well as the revenue costs of maintaining the building, therefore a CIL charge would only make such building work even more unviable than it currently was, it was therefore not deemed necessary by BNP to run actual model examples to prove this case.
8	Mayor's Office for Policing and Crime/Metropolitan Police Service	No Comment.	
9	Comer Group	No Comment.	
10	British Library	No Comment.	
11	Medical Research Council	No Comment.	
12	Tesco Stores Limited	No, Tesco is concerned that the balance may not have been struck, and that the evidence may not fully justify the approach currently proposed.	Noted.
13	A2Dominion Group	No Comment.	
14	Brent Cross Cricklewood Development Partners	No, the council has a significant amount of 'available' evidence contained in viability assessments relating to large scale developments and this should be considered.	An assessment of viability appraisal information submitted to the Council will be undertaken over the coming months to be certain there is no clear departure from the report produced by BNP Paribas. However it must be noted that the independent assessments of viability undertaken for specific sites by default relate to the situations where developers have exceptional reasons for being unable to provide over

	Organisation	Comment	Council's Response
			30% affordable housing on site. It is therefore not thought that such few sites with specific issues create an appropriate dataset for considering the viability of development as a whole within the borough.
15	Consortium of London Developers	No Comment.	
16	Berkeley and St George	No Comment.	
17	Finchley Society	No Comment.	
18	McCarthy & Stone Retirement Lifestyles Ltd	No, the viability appraisal does not consider specialist housing such as owner occupier older persons housing and generalises all residential together, when in reality there are clear differences, which has the potential to discriminate against such provision when using a pounds per sqm tariff.	The Council cannot consider every specific development situation within the borough, and therefore having assessed housing by 'area' as well as considering alternative accommodation arrangements such as residential institutions and HMOs, that to separately assess owner-occupied older persons housing and treat it differently to either 1 bedroom flats, studios or residential institutions would be an inappropriate approach to differential rates.
19	Highways Agency	No Comment.	
20	Natural England	Yes.	Noted.
21	Mayor of London	Yes.	Noted.
22	Theatres Trust	No Comment.	
23	Thames Water	No Comment.	
24	International Bible Students Association	No Comment.	
25	London Fire and Emergency Planning Authority	No Comment.	
26	Mill Hill Preservation Society	No Comment.	
27	English Heritage	No Comment.	

Question 2	Is our interpretation of the evidence appropriate?
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Summary

The main issue raised on this matter related to the content of the BNP Paribas report and how it was referred to within the rate setting process in the document. But also responses focussed on it failing to account for the way larger sites are often bought forwards as mixed use developments with differences in viability between commercial uses such as for industrial or office floor space or with the requirement to provide D1 or D2 uses.

	Organisation	Comment	Council's Response
1	Sport England	No, further references could be made to the appropriate background documents and evidence base and the findings of the BNP Paribas Viability Study, thus providing a clear link between the charging schedule and the evidence that it is based on.	The Council has revised the Draft Charging Schedule to provide a more detailed analysis of the evidence to the rate setting, this includes explaining the relationship with community facilities and infrastructure, and regeneration and mixed use developments.
2	Alan Cox Associates	Yes	Noted.
3	East Finchley Community Trust	No, for reasons similar to those given in answer to Q5	Noted.
4	North London Waste Authority (NLWA)	<p>No, the CIL tariff that is set should account for the 'area-wide' viability of development. The Authority considers that it is inappropriate to levy a relatively high CIL of £135 per square metre on those types of development that have the least ability to pay, such as waste facilities (charitable developments attract some CIL relief, but industrial developments do not).</p> <p>It may also be the case that the sales value of commercial and industrial properties does not rise at the same rate as that for residential properties and therefore the ability to offset CIL costs over time may be lower.</p>	<p>In terms of office, industrial and community development, the update report identified that over the current period to 2016 it is unlikely that these types of development will be sufficiently viable to come forwards, unless part of a mixed-use scheme. In any event it is clear that such development makes up such a small contribution to overall levels of new development <5% of total new build and replacement floor space, so as to be insufficient to the broader concern for development delivery.</p> <p>Where non-commercial community uses are brought forwards, as indicated above, projects proposed by charities will already be eligible for 100% relief from CIL payments under the regulations and those brought forward by the Council & its partners (such as the North London Waste Authority) will have the full CIL payment returned to support the project as a grant, provided that the project is recognised as of importance within the Council's Infrastructure Delivery Plan. Specific local mitigation measures relating to each development will then be addressed through planning obligations.</p>
5	UBS Global Asset Management (UK) Ltd	No Comment.	

	Organisation	Comment	Council's Response
6	Asda Stores Limited	No. The council's proposal fails to take into account the fact that many mixed use schemes are bought forward by developers who only have a financial interest in one specific part of the scheme.	Whilst the encouragement of mixed-use development is important, it would be impossible to test the viability of every single combination of developments and therefore the BNP Paribas report considers each type of use and not how such uses may come forward in combination. It is for the developer to bring forward viable proposals in such mixed-use situations, bearing in mind the broader system of charitable / social housing relief set out within the CIL regulations.
7	Quadrant Town Planning	<p>The assumption made by BNP Paribas, based on experience elsewhere, is that community uses always require cross subsidy from another use or some form of public subsidy in order to be financially available. Accordingly, BNP recommends that the Council sets a zero rate for community uses. This recommendation has not been adopted by LBB in its draft CIL regulations.</p> <p>We note that it is the intention for the LBB CIL to be applied across all use classes in a blanket approach, (with the exception of social housing). This is a significant departure from the recommendation put forward in the evidence base that the viability of community uses would be further undermined by a CIL payment. It is our view that LBB's CIL should not apply to the provision of community facilities.</p> <p>We note also that BNP Paribas advises that the vast majority of D2 uses do not generate sufficient income streams to cover their cost of construction and accordingly, it seems unlikely that they will be able to afford CIL .Furthermore, the evidence recommends that CIL should not be applied to office and industrial floor space, but this approach has not been adopted by LBB.</p>	Please see response to comment #4.
8	Mayor's Office for Policing and Crime/Metropolitan Police Service	No Comment.	
9	Comer Group	<p>No evidence in BNP Paribas states that "commercial development is unlikely to be able to support CIL contributions unless there is a significant increase in office rents" and zero rate on office and industrial development is therefore recommended. The council does not adopt the advice in maintaining a "single flat rate of CIL".</p> <p>Further, the Council also does not adopt this advice with Community floor space.</p>	Please see response to comment #4.

	Organisation	Comment	Council's Response
10	British Library	No Comment.	
11	Medical Research Council	No Comment.	
12	Tesco Stores Limited	No.	Noted.
13	A2Dominion Group	No.	Noted.
14	Brent Cross Cricklewood Development Partners	No, The assumptions that a high rate of CIL can be adopted without impacting viability of development and affordable housing is an unsafe assumptions. It does not consider the full spectrum of land value and the model does not consider the balance of use classes which a large development site will bring forward.	Please see response to comment #4. The Council further recognises that Brent Cross Cricklewood is a critically important and unique development situation in Barnet. That said the specific circumstances and challenges for this scheme do not serve as a good parallel when considering the nature of other developments across the borough. Please also refer to Section 3 in the DCS.
15	Consortium of London Developers	No.	Noted.
16	Berkeley and St George	No Comment.	
17	Finchley Society	No Comment.	
18	McCarthy & Stone Retirement Lifestyles Ltd	No.	Noted.
19	Highways Agency	No Comment.	
20	Natural England	Yes.	Noted.
21	Mayor of London	Yes.	Noted.
22	Theatres Trust	No Comment.	
23	Thames Water	No Comment.	
24	International Bible Students Association	No Comment.	

	Organisation	Comment	Council's Response
25	London Fire and Emergency Planning Authority	No Comment.	
26	Mill Hill Preservation Society	No Comment.	
27	English Heritage	No Comment.	

Question 3	Is a 'single low flat rate' approach appropriate?
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Summary

In terms of retail development, a borough wide assessment on the viability of retail developments was undertaken which demonstrates that up to four different rates of significant variation in value could be applied to setting a suitable CIL rate for new development. £135/spm is the rate of the lowest viable form of development.

This was the main area of contention for most respondents to the consultation, it was almost entirely focused on the decision to adopt a single CIL rate:

- i) A key concern from 8 of the negative respondents was the decision not to have a £0 rate for community style uses reflecting the evidence that a £0 rate be applied.**
- ii) The second key concern focused on requesting that the Council permit Exceptional Circumstances Relief.**
- iii) All other negative comments were either unspecific or related to matters of detail about the documents.**

	Organisation	Comment	Officer Response
1	Sport England	<p>No, The purpose of the CIL Charging Schedule is to clearly communicate the rate of CIL charge that will apply to various forms of development. Yet there is no concise table which clearly communicates this within the document.</p> <p>It is understood that a flat rate of £135/sqm will be applied across all forms viable development, namely residential? Although it is unclear if this is an accurate conclusion. Para 3.7.6 and 3.7.7 could communicate this more clearly. These paras are somewhat confusing.</p> <p>It is suggested that a simple table be provided indicating the level of CIL charge that will apply for each category of development:</p> <p>£x per dwelling</p> <p>£x per sqm retail</p> <p>£x per sqm B1, B2, B8</p> <p>etc.</p>	<p>A single flat rate of CIL will be applied to all development. £135/spm is the affordable rate of the lowest viable form of development as identified within the BNP Paribas report, and is substantially lower than the residential maximum rates that could have been applied across the borough.</p> <p>Amendments have been made to the paragraphs to make this clearer. Furthermore a 'CIL rate' box has been added to provide a clear visual reference for readers, whilst also reminding them of the social housing, charitable floor space and existing floorspace reliefs / deductions that operate. (Section 4.2 onwards)</p>
2	Alan Cox Associates	Yes.	Noted.
3	East Finchley Community Trust	No, It is debatable if the rate set can be considered a 'single low flat rate' in the current economic climate.	Please see #1.

	Organisation	Comment	Officer Response
4	North London Waste Authority (NLWA)	No, the authority considers that it is inappropriate to apply such a high level of CIL as that proposed across all types of development and in particular the Authority does not believe that the proposed level of CIL is viable for all industrial and commercial developments.	Please see #1. Please also note the response provided to Q2 that addressed the matter of the CIL rate + community infrastructure / critical infrastructure. The draft charging schedule now includes paragraph 3.8 to address this matter.
5	UBS Global Asset Management (UK) Ltd	No, to ensure that the Barnet CIL aids the process of economic growth and does not adversely impact the delivery of development, a necessary framework should be established as part of the Charging Schedule to assess its viability in respect of individual proposals. To accord with the objective of the National Planning Policy Framework (NPPF) to deliver sustainable economic growth, the framework should provide an opportunity for applicants to provide evidence relating to the viability and deliverability of a chargeable development. If evidence can demonstrate that the CIL would have an unacceptable impact on the delivery of the development, but the development is considered to deliver wider social and economic benefits, the Council should be able to waive the CIL.	The CIL regulations do not allow for the wider social and economic benefits of a development to be taken into account in order to consider waiving a charge. The only way exceptional circumstances could be taken into account would be if 'exceptional circumstances relief' is enabled. In order to grant such relief a s.106 of equal or greater value than the CIL charge would need to be levied on the development, therefore it would make no practical difference to the type of developments referred to in the response. Lastly, viability appraisals will continue to be used when considering affordable housing requirements where there are clear and justifiable reasons for being unable to meet such requirements in relation to a specific site. In these situations the CIL charge will still apply in full.
6	Asda Stores Limited	No, exceptional circumstances relief to be introduced within the borough.	It is not considered that there are any development schemes in Barnet that will require exceptional circumstances relief to be enabled at this time where such relief would make the difference between such development being viable or unviable. When considering the appropriateness of enabling such relief it is important to bear in mind the stringent tests a development must meet to be permitted such relief: i) S.106 agreement of greater value than CIL liability has been entered into and that payment of the charge would have an unacceptable impact on development viability. ii) Granting relief would not constitute a notifiable state aid due to the de minimis block exemption (i.e. in total this and all other aid over a 3 year period is worth less

	Organisation	Comment	Officer Response
			<p>than €200,000 across Europe for the company, all its subsidiaries and its parent company)</p> <p>Given that exceptional circumstances relief can be introduced outside the charging schedule framework, it has been decided to only introduce such relief if and when a credible and meaningful local case is clearly established.</p>
7	Quadrant Town Planning	<p>The single low flat rate will seriously undermine the provision of community facilities within the Borough. Our specific concern relates to the provision of education floor space, but it applies equally to other types of community facilities. It is wholly inappropriate for such facilities to be subject to a CIL payment, when their viability is already marginal. The CIL will harm the provision of the infrastructure it is seeking to fund through CIL receipts. Why seek a payment from proposed community facilities when they are the uses which are supposed to benefit from CIL?</p>	Please see response to Q1 #3
8	Mayor's Office for Policing and Crime/Metropolitan Police Service	<p>It is noted that the Council intend to apply the levy to all chargeable development in Barnet. By being subject to a CIL payment, community uses including policing are prejudiced in being able to provide essential policing facilities contrary to the aims of the NPPF, London Plan and Core Strategy. It is therefore essential that CIL is not payable for new policing floor space in the Borough.</p> <p>MOPC/MPS strongly recommend that, when formulated, application for policing facilities attract a nil rate under section 4.3 of the draft charging schedule.</p>	Please see response to Q1 #3
9	Comer Group	<p>No, Our principal objection to the PDCS is the decision of LB Barnet not to offer exceptional circumstances relief. We consider that this will have a demonstrably negative impact upon the ability to bring forward development, and in particular will reduce the quantum of affordable housing that can be delivered whilst maintaining scheme viability.</p>	Please see response to #6
10	British Library	No Comment.	
11	Medical Research Council	No Comment.	
12	Tesco Stores Limited	No.	Noted.
13	A2Dominion Group	No, Exceptional Circumstances Relief.	Please see response to #6

	Organisation	Comment	Officer Response
14	Brent Cross Cricklewood Development Partners	No, Exceptional Circumstances Relief.	Please see response to #6
15	Consortium of London Developers	No, Exceptional Circumstances Relief.	Please see response to #6
16	Berkeley and St George	No, it may be beneficial for the Council to consider aligning future reviews of the borough's CIL charging schedule with that of the Mayoral CIL. This is in the view to ensure that the two tier charging system in London operates as effectively as possible and that future development viability in the Borough continues to incorporate a full consideration of the Mayoral CIL charge applicable.	<p>It is the aim of the Council to mirror the approach taken for the Mayoral CIL to create a more transparent and easy to understand planning operation.</p> <p>The Council's programme for CIL aligns with the Infrastructure Delivery Plan period, as well as accounting for the need to reconsider viability in the development market sooner rather than later.</p>
17	Finchley Society	No, we note that Barnet is proposing a flat rate that is much higher than that in one of the boroughs which are in advance of Barnet in progress on the CIL (Redbridge) and much lower than that in Wandsworth, and we wonder if such significant differences are likely to distort development. We also note that Barnet is proposing a single flat rate throughout the borough, while Wandsworth are proposing differences in different areas; we wonder if the simplicity of this system may be outweighed by its adverse impact in some areas. We also wonder if the absence of any exemptions for 'charitable investments' will have a seriously adverse effect on 'community' development.	<p>With regards to the rates set by Redbridge and Wandsworth, the Redbridge single flat rate is based on the viability information (also produced by BNP Paribas) relating to development in that area. The decision to set multiple rates in Wandsworth relates in part to the nature of the viability difference between Riverside sites in the Vauxhall Nine Elms Battersea (VNEB) area, the other sites in the rest of the VNEB and then the rest of the borough where development is already present. The situation of Barnet's rate between that of Redbridge and Wandsworth is entirely appropriate to the way land values operate between the three boroughs.</p> <p>With regards to community and charitable development, please see Q2 response #4 for details.</p>

	Organisation	Comment	Officer Response
18	McCarthy & Stone Retirement Lifestyles Ltd	No, it is noted that the intention in finding an appropriate measure to use in calculating CIL rates is to ensure 'uniformity', or put another way, fairness for all classes of development liable to CIL payment. One of the principle intentions is to avoid producing a system that inadvertently produces advantages or disadvantages upon certain developers. My Client would wholly concur with the intention that CIL rates should be uniform, fair and avoid bias towards certain types of developments within a particular use. However, it is considered that the chosen 'metric' of 'pounds per square metre of gross internal floor space' unfairly penalises my Client and other developers of similar retirement housing when assessed against other forms of residential accommodation. The oversimplification of the charging level by setting this at a uniform £135 per sqm across the board is seen as unduly harmful to specialised housing and care providers such as McCarthy and Stone, particularly when similar retirement/extra care developments (Class C2 uses) are exempted. Inadequate viability testing would appear to have been undertaken to cover this point	In deciding to set a single flat rate it is not possible to also set a £0 rate for specific use classes, therefore the viability issues for community infrastructure will need to be resolved through a different process that will be considered by the Council. Furthermore, it is important to be clear that class C2 uses are not exempted from CIL. The rate of £135 per sqm applies to every single development use class. The only types of development eligible for 100% relief are charitable development (for its charitable purposes) and social housing, and this relief is available where such development remains within these agreed types of use for at least 7 years.
19	Highways Agency	No Comment.	
20	Natural England	Yes.	Noted.
21	Mayor of London	Yes.	Noted.
22	Theatres Trust	No Comment.	
23	Thames Water	Water and wastewater infrastructure buildings should be exempt from payment of the Community Infrastructure Levy.	Please see Q1 response #3.
24	International Bible Students Association	Allow for relief under Regulation 45.	It has been determined not to permit this relief due to the scale of infrastructure required within the borough and the nature of such development being for investment purposes rather than the direct objects of the charity.
25	London Fire and Emergency Planning Authority	Fire stations are a vital community safety facility and should be excluded from the payment of this levy.	Please see Q1 response #3.
26	Mill Hill Preservation Society	No Comment.	
27	English Heritage	No Comment.	

Question 4	Is the rate proposed consistent with the evidence?
<u>Summary</u>	
The main area of contention for most respondents almost entirely focused on the decision to adopt a single rate of CIL and the issue of how the requirement for mixed use development changes the nature of land values, therefore making them at risk of being unviable.	

	Organisation	Comment	Officer Response
1	Sport England	No, It is difficult to assess the rate alongside the evidence as the evidence base is not clearly referenced and made available to view.	The evidence base is available online and was provided as part of the consultation documents.
2	Alan Cox Associates	Yes.	Noted.
3	East Finchley Community Trust	No, for the reasons already given in answer to previous questions	Noted.
4	North London Waste Authority (NLWA)	No.	Noted.
5	UBS Global Asset Management (UK) Ltd	No Comment.	
6	Asda Stores Limited	No. The CIL charges for all development identified as unviable by BNP Paribas be reduced to £0	The proportion of sites where development that would otherwise be viable is rendered unviable solely by the levying of a CIL charge is considered to be so small as to fail to justify the introduction of additional complexity and confusion through operation of multiple CIL rates.
7	Quadrant Town Planning	No, the rate is lower than the evidence suggests. BNP Paribas recommend a variable rate of between £210 and £350 across the Borough to reflect residual land values in different areas. The evidence indicates that retail uses, in particular, could support a much higher rate of (£925/sq m in some wards). The viability evidence supports the need for differential rates depending on area. It would appear that in seeking simplicity, LBB has set a level which is lower than recommended, in order to justify its application across the whole Borough, and across all use classes, but this approach will undermine those uses which can least afford it and enable those which can afford it.	The comments are noted, but when taken into consideration with the comments of other parties in favour of a single rate it is viewed that the single rate is the more preferable option.
8	Mayor's Office for Policing and Crime/Metropolitan Police Service	No Comment.	

	Organisation	Comment	Officer Response
9	Comer Group	No.	Noted.
10	British Library	No Comment.	
11	Medical Research Council	No Comment.	
12	Tesco Stores Limited	No.	Noted.
13	A2Dominion Group	No.	Noted.
14	Brent Cross Cricklewood Development Partners	No, the report identifies a range of CIL outcomes which vary from nil upwards with the main variables being the current use value of the site, site location and proposed use class. It is important to note that not all types of development can viably support a CIL payment.	The position that not all types of development can viably support a CIL payment is recognised within the charging schedule and its evidence base. The important distinction is whether the application of a CIL rate would make development 'that would otherwise be viable' unviable, all the types of development associated with a £0 / sqm rate in the BNP Paribas evidence (except for retail) would be unviable to come forwards in any event. Please also refer to Para 3.7 onwards.
15	Consortium of London Developers	No.	Noted.
16	Berkeley and St George	Yes.	Noted.
17	Finchley Society	No Comment.	
18	McCarthy & Stone Retirement Lifestyles Ltd	No, The oversimplification of the rate charged is unduly harmful to specialist housing and inadequate viability testing would appear to have been undertaken to cover this point.	This point is addressed in Q1 comment #18 and Q3 comment #18.
19	Highways Agency	No Comment.	
20	Natural England	Yes.	Noted.
21	Mayor of London	Yes.	Noted.
22	Theatres Trust	No Comment.	
23	Thames Water	No Comment.	

	Organisation	Comment	Officer Response
24	International Bible Students Association	No Comment.	
25	London Fire and Emergency Planning Authority	No Comment.	
26	Mill Hill Preservation Society	No Comment.	
27	English Heritage	No Comment.	

Question 5	Will overall development in Barnet be out at significant additional risk by the proposed rate?
Summary	
Together the evidence shows that the level of CIL proposed to be charged on all development is both appropriate and justified in terms of the economic viability of all future development. The rate proposed will not out at serious risk development across the area.	

	Organisation	Comment	Officer Response
1	Sport England	Yes.	Noted.
2	Alan Cox Associates	Yes.	Noted.
3	East Finchley Community Trust	No, for reasons already given to previous answers.	Noted.
4	North London Waste Authority (NLWA)	Yes, Setting an unviable level of CIL risks dissuading developers from situating developments in the borough therefore risks missing out on the opportunities for jobs that such developments create.	Please see response to Q1 response #3.
5	UBS Global Asset Management (UK) Ltd	No Comment.	
6	Asda Stores Limited	Yes.	Noted.
7	Quadrant Town Planning	Yes, The proposed CIL rate and its blanket application across the Borough will put at risk those uses which are already marginal, leading to a reduction in the provision of community facilities. It is perverse that the CIL should tax the infrastructure which it is seeking to fund.	Please see response to Q1 response #3.
8	Mayor's Office for Policing and Crime/Metropolitan Police Service	No Comment.	
9	Comer Group	Yes.	Noted.
10	British Library	No Comment.	
11	Medical Research Council	No Comment.	
12	Tesco Stores Limited	No Comment.	

	Organisation	Comment	Officer Response
13	A2Dominion Group	Yes.	Noted.
14	Brent Cross Cricklewood Development Partners	Yes.	
15	Consortium of London Developers	Yes.	Noted.
16	Berkeley and St George	No Comment.	
17	Finchley Society	No Comment.	
18	McCarthy & Stone Retirement Lifestyles Ltd	Yes.	Noted.
19	Highways Agency	No Comment.	
20	Natural England	No.	Noted.
21	Mayor of London	No.	Noted.
22	Theatres Trust	No Comment.	
23	Thames Water	Yes, Impact on the ability to deliver important water and wastewater infrastructure required to support growth	Please see response to Q1 response #3.
24	International Bible Students Association	No Comment.	
25	London Fire and Emergency Planning Authority	No Comment.	
26	Mill Hill Preservation Society	No Comment.	
27	English Heritage	No Comment.	

Additional Comments	
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	Organisation	Comment	Officer Response
3	East Finchley Community Trust	Apart from the level of payment due under CIL it is also important to have a transparent approach to the payment system that will be employed. This is as yet unclear. A payment system that requires substantial payments upfront could serious disadvantage small business and community groups. Therefore it is important that the payment system is set out in detail.	The Council Intends to adopt the same instalment policy as those proposed by the Major of London for the Mayoral CIL.
4	North London Waste Authority (NLWA)	Possible contribution from CIL receipts The Authority considers that the Authority should be able to put forward waste facilities in the borough for a possible contribution from Cil receipts. The Authority has previously argued e.g. in its response to the North London Waste Plan proposed submission version consultation, that waste facilities provide an amenity. Waste facilities are essential community infrastructure and accordingly provide a community benefit as they provide a service for local people. The Authority argues that it should therefore be able to put forward such facilities for inclusion on the Borough's list of infrastructure (Regulation 123 list). The Authority recognises that the list is now set for the first three-year CIL period of 2013-16, but would argue that the Authority should be able in principle to put forward waste facilities for consideration in the future.	The Council's Regulations 123 list will be published and updated as part of the annual budgeting process, drawing on the Infrastructure Delivery Plan for clarity on the types of projects that are of highest priority. Decisions on funding priorities will be agreed through the Council's existing partnership structures and the formal allocation procedures linked to the annual budget process.
6	Asda Stores Limited	A draft stages payments policy is produced so that the staged CIL payments are linked to developments phases, rather than to the period of time that has passed since the commencement of development, or otherwise ensures that developers are not disadvantaged by submitting an applications for full, rather than outline planning permission.	Please see response to #3.
7	Quadrant Town Planning	We note that LBB does not propose to allow 'exceptional circumstances' to be made for exemption from CIL. LBB appears to justify this by setting 'a low single flat rate', but it is our view that this represents a significant departure from the 2010 CIL Regulations and it is onerous to omit such a provision. The 'no negotiation' approach will hinder the ability for those schemes which have significant S106 contributions, (maybe in respect of highways works, for example), to come forward if an additional CIL payment is required. We recommend the introduction of an exceptional circumstance exemption. We also note that the proposed LBB CIL does not enable an exemption to be made for charitable institutions, which is allowed for in the 2010 Regulations. This is onerous and inflexible and will significantly impact on	Please see response to Q3 #5 & #24.

	Organisation	Comment	Officer Response
		<p>the ability of such institutions being able to bring forward development proposals.</p> <p>The Mayoral CIL allows for exemptions in respect of education floorspace and it would be appropriate for LBB to adopt a similar approach. The fact that the Mayoral CIL is to be used to pay for Crossrail does not alter the application of this strategic approach to LBB.</p>	
8	Mayor's Office for Policing and Crime/Metropolitan Police Service	<p>In addition to the above it is recommend that, when formulated, the list of beneficiaries of CIL (Regulation 123) includes policing facilities and that this includes a contribution towards policing where development would have a material impact upon policing provision in the Borough. This is consistent with the DCLG guidance - Community Infrastructure levy: An Overview published in May 2011 which states that the levy can 'be used to fund a very broad range of facilities such as [inter alia] police stations and other community safety facilities ' (Para 12).</p>	Please see response to #4 and Q1 #3.
10	British Library	<p>The BL notes that the Council is considering the potential for CIL payments to be made in instalments in certain circumstances to ensure development viability. The BL would welcome the introduction of an instalments mechanism for the collection of CIL, to provide flexibility for developers and to ensure development remains deliverable and viable.</p>	Please see response to #3.
11	Medical Research Council	<p>Infrastructure Funding</p> <p>The MRC support the use of CIL to fund infrastructure in the Borough and raise circa £13m towards the delivery of required infrastructure between 2011-16. It is noted that the IBB propose to publish a list of local infrastructure priorities in accordance with Reg. 123 of the CIL Regulations. The MRC encourage the early publication of this list of priorities to provide certainty for landowners and developers before the adoption of the CIL schedule.</p> <p>Payment</p> <p>It is noted that the Council intend to set in place an instalments policy that will recognise the impact of how the timing of CIL payments affect development viability. This policy is to be developed in consultation with the Mayor of London to see if there is a possibility of delivering a shared approach. This approach is supported as the introduction of an instalments policy which will help ensure development remains deliverable and viable.</p>	Please see response to #3.
14	Brent Cross Cricklewood Development Partners	<p>Clarification of S73 applications and liability for CIL / Grampian Conditions and double charging.</p>	CIL Regulations relating to Section 73 are currently being considered for revision. The Council aims to produce SPDs for Planning Obligations, Affordable Housing and Employment and Training to clarify issues outside of CIL for developers.

	Organisation	Comment	Officer Response
16	Berkeley and St George	Payment by instalments	Please see response to #3.
18	McCarthy & Stone Retirement Lifestyles Ltd	Payment by instalments	Please see response to #3.
19	Highways Agency	CIL Contributions to M1	
20	Natural England	Payment by instalments	Please see response to #3.
27	English Heritage	English Heritage would strongly advise that the Borough's own conservation staff are closely involved throughout the preparation of the CIL, as they are often best placed to advise on: local historic environment issues and priorities, sources of data; and consideration of options relating to the historic environment, that could benefit from the application of the CIL.	Noted.

Note: A number of respondents did not complete the question form. These have been reviewed and, where it is considered they raise issues under other questions, they have been copied under those questions.

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