

## Appendix A: Summary of the responses to the CIL Preliminary Draft Charging Schedule Consultation

Consultation responses were received in regards to the Preliminary Draft Charging Schedule, the Viability Assessment and the Draft Regulation 123 (Infrastructure) List. The following tables include a summary of the responses received, and a recommended response/action. The full comments are available on the Council's consultation portal.

### Summary of responses on the Preliminary Draft Charging Schedule

Respondent	Summary of Comments	Response	Recommendation
Mr Wykes	<ul style="list-style-type: none"> <li>All development should be subject to the levy</li> </ul>	<ul style="list-style-type: none"> <li>Rates need to be based on development viability. The viability assessment has shown that a CIL charge is not viable across the whole District.</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule.</li> </ul>
Mr Gallen	<ul style="list-style-type: none"> <li>Schedule does not accommodate self builders</li> </ul>	<ul style="list-style-type: none"> <li>Government's proposed changes to CIL regulations indicated removing self-builders from the scope of CIL.</li> </ul>	<ul style="list-style-type: none"> <li>Await outcome of Government CIL reforms</li> </ul>
Norfolk Fire and Rescue	<ul style="list-style-type: none"> <li>How will fire hydrants be funded?</li> <li>Will new fire stations receive CIL funding?</li> </ul>	<ul style="list-style-type: none"> <li>Fire hydrants will continue to be funded by s106 as they are onsite infrastructure. All infrastructure funded by CIL will need to be included on the Regulation 123 list.</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule</li> </ul>
Norfolk County Council	<ul style="list-style-type: none"> <li>Concern that sites with planning permission within the £0 per sqm zone will seek to renegotiate s106 agreements, which could lead to the loss of contributions for new education provision.</li> <li>Support Attleborough and Thetford Urban Extensions being dealt with by S106</li> <li>Detailed comments on changes to the Charging Schedule based on updates to the CIL regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Viability tests to be reviewed to include higher levels of s106 to account of education being excluded from CIL. However there are potential issues with the pooling of s106 contributions for education.</li> </ul>	<ul style="list-style-type: none"> <li>Update charging schedule in regards to the changes to the CIL regulations, as detailed within the County Councils representation.</li> </ul>
Broadland District Council	<ul style="list-style-type: none"> <li>Detailed comments on changes to the Charging Schedule based on updates to the CIL regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Comments noted.</li> </ul>	<ul style="list-style-type: none"> <li>Update charging schedule in accordance with the CIL regulations.</li> </ul>
Croxton Parish Council	<ul style="list-style-type: none"> <li>Objections based on the use of a zero rated CIL zone and new development not needing to fund infrastructure in these areas. Particular concern of</li> </ul>	<ul style="list-style-type: none"> <li>CIL rates and zones need to be informed by development viability. CIL money goes into a single pot and can be spent anywhere within</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule.</li> </ul>

	the use of the policy in areas with deprivation, low aspiration and low academic achievement.	the District.	
Mr Addison	<ul style="list-style-type: none"> <li>• Lack of consultation/publication of consultation.</li> <li>• Rates should be proportional to the development proposed and applicable across Breckland.</li> <li>• Self builders should be exempted from CIL charges</li> </ul>	<ul style="list-style-type: none"> <li>• The consultation carried out in accordance with the CIL regulations.</li> <li>• Government consultation has been carried out on proposed changes to CIL regulations in regards to excluding self-builders.</li> </ul>	<ul style="list-style-type: none"> <li>• Await outcome of Government consultation on reforms to the CIL regulations.</li> </ul>
Bidwells on behalf of Attleborough Land Ltd	<ul style="list-style-type: none"> <li>• Objections to the CIL rates proposed based on: <ol style="list-style-type: none"> <li>1. The exclusion of parts of the District form a CIL zone</li> <li>2. The funding of infrastructure items in Attleborough by s106 for the urban extension and the unfair burden this places on the development of the urban extension.</li> </ol> </li> <li>• Objection to the instalment policy proposed</li> <li>• Objection to CIL zones proposed for residential development.</li> </ul>	<ul style="list-style-type: none"> <li>• CIL rates and zones need to be informed by development viability. Further analysis is required on residential sales values across Breckland.</li> <li>• The strategic infrastructure set out within the regulation 123 list is required to support the development of the urban extension within Attleborough.</li> <li>• Charging Authorities are not required to introduce an instalment policy, however the Council has published a policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Revise instalment policy with a view to including a lower threshold for instalment payments.</li> <li>• Further work required looking at residential charging zones. This work should include an assessment of the most recent residential sales values.</li> </ul>
Thomas Eggar LLP on behalf of Asda Stores Ltd	<ul style="list-style-type: none"> <li>• Objection to the high rates applicable to A1 use class development outside of town centre – particularly that the rates are higher than the infrastructure requirement for this type of development.</li> <li>• Encourage the use of an instalment policy</li> <li>• Encourage the use of exemptions policy if the s106 costs are greater than CIL</li> </ul>	<ul style="list-style-type: none"> <li>• The viability assessment showed that out of town centre retail was one of the most viable forms of development.</li> </ul>	<ul style="list-style-type: none"> <li>• Revised retail scenarios within the viability assessment to include assumptions on s106 and s278 costs.</li> </ul>
Attleborough Town Council	<ul style="list-style-type: none"> <li>• Objection to the viability of the charging schedule, with the levy placed on Attleborough being unrealistic to fund the infrastructure requirements for the town.</li> <li>• Objection to the fact that Attleborough is the only area with major development in the District to pay CIL. Concern that Attleborough will be needed to fund the infrastructure requirements across Breckland..</li> </ul>	<ul style="list-style-type: none"> <li>• CIL rates need to be based on development viability, and can be influenced by the residential sales values within an area.</li> <li>• CIL charges must be based on development viability and cannot be set at a level that would put the majority of development at risk.</li> <li>• Money collected through CIL goes into a single pot to be spent across the District.</li> </ul>	<ul style="list-style-type: none"> <li>• Further work required looking at residential charging zones. This work should include an assessment of the most recent residential sales values.</li> </ul>

Sport England	<ul style="list-style-type: none"> <li>Support for charging schedule</li> </ul>	<ul style="list-style-type: none"> <li>Support noted</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule</li> </ul>
Environment Agency	<ul style="list-style-type: none"> <li>Support PDCS</li> </ul>	<ul style="list-style-type: none"> <li>Support noted</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule</li> </ul>
Natural England	<ul style="list-style-type: none"> <li>Use of s106 for monitoring and management of Breckland SPA is in accordance with the requirements of the habitats regulations assessments.</li> </ul>	<ul style="list-style-type: none"> <li>Comment noted</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule</li> </ul>
English Heritage	<ul style="list-style-type: none"> <li>The Council needs to be aware of the implications of CIL on heritage assets and enabling development.</li> </ul>	<ul style="list-style-type: none"> <li>Comments noted</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule</li> </ul>
Hans House Group of Companies	<ul style="list-style-type: none"> <li>Objection to the rates proposed based on the exclusion of parts of the District from CIL and the burden this places on Attleborough to fund infrastructure.</li> <li>Levy on houses in Attleborough is unrealistic</li> </ul>	<ul style="list-style-type: none"> <li>CIL charges need to be based on development viability, and need to be set at a level which does not put the majority of development at risk.</li> <li>Money collected through CIL goes into a single pot to be spent across the District.</li> </ul>	<ul style="list-style-type: none"> <li>Further work required looking at residential charging zones. This work should include an assessment of the most recent residential sales values.</li> </ul>
The Planning Bureau Ltd on behalf of McCarthy and Stone Retirement Lifestyles Ltd	<ul style="list-style-type: none"> <li>Charging schedule should take into account different types of residential development including sheltered accommodation</li> <li>The instalment policy should reflect the longer timescales needed to build out sheltered housing schemes.</li> </ul>	<ul style="list-style-type: none"> <li>There needs to be significant evidence available to differentiate between developments within a single use class. It is not possible to test all types of development within a single use class.</li> <li>Instalment policies are option, the default position is 60 days after the commencement of development.</li> </ul>	<ul style="list-style-type: none"> <li>No change to charging schedule</li> </ul>

### Summary of responses received on the Viability Assessment

Respondent	Summary of Comments	Response	Recommendation
Bidwells on behalf of Attleborough Land Ltd	<ul style="list-style-type: none"> <li>Objections to the viability assessment based on:               <ol style="list-style-type: none"> <li>Need to see the full detailed appraisals</li> <li>Size of the development appraisals undertaken (largest on 200 dwellings)</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>The scenarios tested are based on notional schemes as required by the guidance. The likelihood of larger schemes of 1000 dwellings or more coming forward within Breckland is</li> </ul>	<ul style="list-style-type: none"> <li>Further updates on recent residential sales values are needed. This work should utilise the</li> </ul>

	<ol style="list-style-type: none"> <li>3. Sales rates are too aggressive</li> <li>4. No abnormal costs included in appraisal for greenfield schemes</li> <li>5. Unclear what infrastructure items will be charged S106.</li> <li>6. Inclusion on Attleborough within the high value zones</li> <li>7. Payment thresholds not compatible with a larger site, should allow for phased payments</li> <li>8. Sensitivity testing is not clear</li> <li>9. Document has a lack of clarity and poor formatting</li> </ol>	<p>rare. Therefore the site size tested is considered appropriate.</p> <ul style="list-style-type: none"> <li>• Abnormal costs have not been included for greenfield sites, as they are likely to differ for every site.</li> <li>• The zones have been determined by recent housing sales values.</li> </ul>	<p>Councils HomeTrack system and will provide an update on</p> <ul style="list-style-type: none"> <li>• Include full viability appraisals within assessment.</li> </ul>
Aspinall Verdi on behalf of W.M.Morrison Supermarkets Plc	<ul style="list-style-type: none"> <li>• Objections to the viability assessment based on: <ol style="list-style-type: none"> <li>1. Need to see full detailed appraisals</li> <li>2. Lack of justification for the mix and size of retail scenarios tested.</li> <li>3. Lack of evidence for rental values</li> <li>4. Build costs should have adopted median average rather than mean – figure too low</li> <li>5. No allowance in the retail scenarios has been made for s106/s278 costs</li> <li>6. No allowance included in assumptions for BREEAM</li> <li>7. Benchmark land values are too low</li> <li>8. The use of sensitivity testing to reduce the level of costs for external works and contingency</li> <li>9. Objections to other assumptions including level of developers profit, planning costs and risks, and no allowance has been made for abnormal costs.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Assumptions tested within the scenarios, were agreed through two meetings with stakeholders.</li> <li>• The benchmark land values have been informed by recent land sales values.</li> <li>• Recent reports from the District Valuer into planning applications have used assumptions similar to those within the sensitivity testing.</li> </ul>	<ul style="list-style-type: none"> <li>• Further viability work is needed to assess the typical costs associated with s106 and s278 for retail developments. The retail scenarios within the viability assessment should then be revised to include this information.</li> <li>• Include full appraisals within assessment.</li> </ul>
Thomas Eggar LLP on behalf of Asda Stores Ltd	<ul style="list-style-type: none"> <li>• Objection to the viability assessment in terms of commercial developments as it has not included s106/s278 costs within the assumptions</li> <li>• No evidence has been put forward by the Council</li> </ul>	<ul style="list-style-type: none"> <li>• Further viability evidence is required to include assumptions for s106 and s278 agreements within the retail assessments.</li> </ul>	<ul style="list-style-type: none"> <li>• Provide an analysis of typical s106 and s278 costs associated with retail developments</li> </ul>

	on the current revenue from s106 contributions within the District.		within Breckland, <ul style="list-style-type: none"> <li>Revise retail scenarios within the viability assessment, to include costs associated with s106 and s278 agreements.</li> </ul>
Attleborough Town Council	<ul style="list-style-type: none"> <li>Objection to Attleborough being included within the £60 per sqm charging zone as the house prices within the town are more closely aligned to the other market towns.</li> <li>Concern that the level of contribution needing to be sought to pay for the infrastructure within Attleborough would make the scheme unviable.</li> </ul>	<ul style="list-style-type: none"> <li>Attleborough has higher residential sales values than the other market towns within the District.</li> <li>CIL rates have to be based on viability evidence, and the rates proposed must ensure that the majority of development still occurs.</li> </ul>	<ul style="list-style-type: none"> <li>Further analysis is needed on the most recent residential sales values within the District. This will enable a review/update of the residential sales values.</li> </ul>
Hans House Group of Companies	<ul style="list-style-type: none"> <li>Objections to the viability assessment based on: <ol style="list-style-type: none"> <li>The level of interest rates used within the assumptions is too low at 6.5% should be 7 or 8%</li> <li>Benchmark land values that have been used for residential schemes are too low.</li> <li>The CIL rate proposed in the high value zone is too high</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Recent planning applications have shown that an interest of 6.5% is appropriate.</li> <li>The CIL rates have been determined by the viability, and the zones based on recent residential sales value data.</li> </ul>	<ul style="list-style-type: none"> <li>No change to viability assessment</li> </ul>
The Planning Bureau Ltd on behalf of McCarthy and Stone Retirement Lifestyles Ltd	<ul style="list-style-type: none"> <li>Objections to the viability assessment based on: <ol style="list-style-type: none"> <li>The flat rate for residential development, not taking into account different types of residential units, particularly sheltered accommodation.</li> <li>Sheltered accommodation has less saleable floor area than other types of developments and this should be taken into account in the viability assessment.</li> <li>The timescales for sales are significantly longer</li> <li>The build costs for sheltered accommodation are higher than for other types of residential</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Sheltered accommodation still falls within a C3 use class. The examiners report for the GNPD confirmed that it is not possible to test all types of residential scenarios.</li> <li>Whilst build out times can be longer for this type of scheme, analysis of current McCarthy and Stone properties within the District shows higher sales values for this type of unit.</li> </ul>	<ul style="list-style-type: none"> <li>No change to viability assessment</li> </ul>

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### Summary of responses received in the Draft Regulation 123 List

Respondent	Summary of Comments	Response	Recommendation
Bidwells on behalf of Attleborough Land Ltd	<ul style="list-style-type: none"> <li>• Objection to the use of s106 agreements to fund infrastructure within the urban extension as this will also be used other developments (i.e. link roads and schools) and should instead be funded by CIL.</li> <li>• Objection that the urban extension will be funding all strategic infrastructure in the town.</li> </ul>	<ul style="list-style-type: none"> <li>• The strategic infrastructure requirements within Attleborough are directly associated with the urban extension and will predominantly be located on-site.</li> <li>• Other developments within the town would be expected to fund their own on-site infrastructure and also contribute towards CIL.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to regulation 123 list</li> </ul>
Attleborough Town Council	<ul style="list-style-type: none"> <li>• Concern about the infrastructure packages identified within the IDD and there being a lack of a strategic plan to fund infrastructure within the plan.</li> <li>• Concern that development within Attleborough would be supporting infrastructure provision across the rest of Breckland.</li> </ul>	<ul style="list-style-type: none"> <li>• The regulation 123 list has been informed by both the EDAW infrastructure study and the IDD.</li> <li>• CIL removes the link between the place of payment and the provision of infrastructure.</li> <li>• It is proposed that the majority of the infrastructure required for the urban extension will be funded via s106 agreement.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to regulation 123 list</li> </ul>
English Heritage	<ul style="list-style-type: none"> <li>• Hope that infrastructure projects can have a positive effect on the historic environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Comment noted.</li> </ul>	<ul style="list-style-type: none"> <li>• No change to regulation 123 list</li> </ul>
Hans House Group of Companies	<ul style="list-style-type: none"> <li>• The level of infrastructure required to support the urban extension within the town is likely to lead to the development being unviable unless there is support from other parts of the district.</li> </ul>	<ul style="list-style-type: none"> <li>• Money from CIL will go into a single pot to fund infrastructure provision across Breckland</li> </ul>	<ul style="list-style-type: none"> <li>• No change to regulation 123 list</li> </ul>