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8th May 2012

Forward Planning Team
East Cambs District Council
The Grange
Nutholt Lane
Ely
Cambs, CB7 4EE

Dear Sirs,

RE: CIL Draft Charging Schedule – Representation on Behalf of Grovemere Property Limited

Following a review of the Council's CIL Draft Charging Schedule, please find below representations made on behalf of Grovemere Property Limited in relation to the Community Infrastructure Levy (CIL) consultation. While the online questionnaire was felt too restrictive to adequately cover my client's concerns I have formulated the attached response around the questions contained within the questionnaire for ease of reference.

Question 7

Appendix 2 Instalment policy: Object – While the acknowledgement of the need to phase contributions is welcomed, greater emphasis should be put on the importance of cash flow for businesses. The District Council must acknowledge that front loading payments can make it difficult to commence delivery and that often revenues are not achieved until post completion. Greater flexibility is needed to provide the necessary infrastructure while assisting delivery. As such a greater number of smaller payments should be included for all forms of development as follows:

Amount of CIL liability	Number of instalments	Payment periods and amounts
Less than £40,000	3	25% payment within 60 days of the commencement date, 50% within 360 days of the commencement date 25% on completion
£40,000 to £100,000	4	25% payment within 60 days of the commencement date, 25% within 360 days of the commencement date, 25% within 540 days of the commencement 25% on completion
More than £100,000	5	10% payment within 60 days of the commencement date, 20% within 360 days of the commencement date, 20% within 540 days of the commencement 20% on completion and 30% within 360 days of completion

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Question 10

Table 4: Support – The reduction of the levy imposed on business envelopment from £10 per square metre to £0 per square metre and the acknowledgement that CIL must not unduly burned the economic development of the district is welcomed.

Table 4: Object – Clarity over the review period of CIL viability should be contained within Table 4.

Paragraph 3.2: Object – The use of 'gross internal floor space', including circulation and storage space, such as corridors, stairs and lifts is unhelpful. The inclusion of non-productive floor space should be reviewed to ensure that only the net usable internal floor space is subject to CIL contributions, acknowledging the link between the delivery of CIL and the value in use of a building.

Question 11

Paragraph 1.1: Object – While the introduction of CIL as a part replacement of Section 106 planning obligations in order to deliver the infrastructure and services required, as a result of growth, is welcomed, care must be taken to avoid double counting. Section 106 obligations must be restricted to on-site works and not stretch into areas which ought to be covered by CIL contributions. Paragraph 1.1 should be reworded to reflect this distinction and the Council's commitment to avoid double counting.

Paragraph 1.2 and 3.21: Object – While the need to fix the CIL rate and the frequency of review is accepted there should be a mechanism in place to allow, under predefined exceptional circumstances, an emergency review of the CIL rates i.e. the country falling into recession, a petition from businesses or Members. Paragraphs 1.2 and 3.21 should therefore set a fixed review period at 2 years with the ability to call an emergency review under certain circumstances to prevent CIL restricting economic growth.

Paragraph 2.1 and 3.19: Object – There is a need to define what is meant by a 'meaningful proportion' as the term is subjective and what is meaningful to one person may not be seen as such by another. While it is acknowledged that the Government is due to make an announcement later in the year, clarity is needed. An identified percentage of CIL should be allocated to infrastructure and community improvements within the Parish or similar administrative boundary in which the contributing development will take place. Such an inclusion will ensure that the impact of the proposed development is mitigated locally rather than the benefits being dispersed throughout the district.

Paragraph 3.13 and 3.15: Object – While CIL is not levied until the Reserved Matters application, Section 106 planning obligations are effective at the Outline Planning stage, as such a mechanism must be in place to ensure that developments coming forward in phases, under a pre-CIL outline permission, are not charged CIL in respect of contributions already made under the extant Section 106 agreement that would otherwise be covered by CIL e.g. leisure contributions. It must be clear that during the transition period such double counting will be carefully avoided.

Paragraph 3.17: Object – The expenditure of CIL on promotional activities is unacceptable. CIL monies must be spent on the delivery and maintenance of infrastructure in the district and in the vicinity of the development. While it is accepted that the Regulations allow CIL to be used to pay for administrative expenses incurred by the charging authority, it is unacceptable for the District Council to seek any additional contributions to cover costs associated with the collection, implementation and monitoring of CIL. It should be made clear that such costs, including legal fees, will not be charged in addition to the CIL payment calculated, to avoid undoing the careful viability assessments which seek to secure the continued viability of development.

Paragraph 3.18; Object – The Regulation 123 list and the infrastructure projects to be given priority, and how monies will be divided/allocated must be provided as part of the current consultation process as they have been assessed in terms of cost and priority to formulate the draft charging strategy. It is unacceptable for this to lag the current consultation by an undetermined number of months.

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In addition to the above I request that I be added to the CIL consultation database and, on behalf of Grovemere Property Limited, a major supplier of business space in the district, request the 'right to be heard' by the Examiner. Notification of the submission of the CIL document to the Examiner, the publication of the Examiner's report and the final adoption of CIL by the District Council is also requested.

I trust the above is clear and that the above will be registered as a duly made representation for consideration in the finalisation of the CIL charging strategy. If you have any queries please do not hesitate to contact me.

Yours sincerely,

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For and on behalf of PlanSurv Limited

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