

PAIGNTON NEIGHBOURHOOD FORUM

- Blatchcombe
- Clifton with Maidenway
- Goodrington, Roselands & Hookhills
- Paignton Town
- Preston



DRAFT

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By email to future.planning@torbay.gov.uk
Torbay Council
Spatial Planning (FAO David Pickhaver)
Floor 2, Electric House
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Torquay
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Dear David

Consultation on Torbay Community Infrastructure Levy Revised Draft Charging Schedule

Thank you for inviting the Forum to comment on the above CIL proposals by 29 April 2016.

At the meeting on 21 April 2016 the Forum decided to make the following response to the revised charging schedule proposed:

Residential Zone 4 (Future Growth Areas)

The Forum objects to the proposed exclusion of Future Growth Areas from payment of CIL.

The proposal is not justified, conflicts with the adopted Local Plan, and fails to accord with the reason for introducing the CIL, for the following reasons.

- The Charging Schedule shows that residential development of any size in any of the 4 charging Zones will be subject to S106 contributions to ensure “*direct site acceptability*”. The Forum supports this as justified.
- However, the Schedule also shows that small schemes of 3 units or less in the 20% most deprived areas (Zone 2) would be the only size of development to have the same zero CIL liability as would apply to residential development of any size in a Future Growth Area;
- The defined Future Growth Areas with zero CIL liability account for nearly 25% of all residential development proposed in the Torbay Local Plan, and mainly involve Greenfield land on the periphery of the built up area.
- The Charging Schedule notes the viability update confirms that residential developments of more than 4 units have sufficient headroom to pay CIL at £78 per sq m (Section 4, penultimate paragraph). However, the Council has decided not to include CIL on larger sites for the stated reason that “*sufficient headroom needs to be available to fund likely S106 requirements*”.(paragraph 4.6.5 Viability Study

2016). Additionally, the zero rate on large sites has been applied inconsistently as it has been applied only to those in the Future Growth Areas.

- The result of this Charging Schedule imbalance, will be to cause development of Future Growth Areas to have an unjustified and very significant viability advantage over encouraging development within the existing urban area for schemes of more than 3 units, and especially in Town Centre locations where such development is critically important to secure the accepted and approved policy need to encourage the vitality and viability of such areas.
- This imbalance would therefore threaten delivery of the approved development plan for Torbay and achievement of sustainable development required by the National Planning Policy Framework.
- By excluding Future Growth Areas from making a CIL contribution to infrastructure provision also means that only sites in the existing urban area, including those in the Town Centre, would be contributing to the stated need for £20m to fund the South Devon Highway that opened on 15 December 2016 (Section 20, table). This fails to recognise that the defined Future Growth Areas also benefit from this major infrastructure spend.

To resolve this significant deficiency, the same £70 charging rate needs to be applied to Future Growth Areas of Zone 4 as has been applied in Zone 2 (i.e. outside the 20% most deprived LSOAs and within the built up area).

Commercial & Non-Residential Development Zone C1 (Retail)

The Forum supports the proposed CIL of £120 per sq m for retail developments of more than 300 sq m on sites outside of Zone C1. This is in accord with the adopted development plan policy of encouraging the revitalisation of Torbay's Town Centres especially.

However, the Charging Schedule states that *"where retail proposals are submitted as part of major mixed use developments, the Council may offer exceptional relief (as set out in Section 16 below) if this would secure a more sustainable and viable development, particularly where it would secure the early delivery of serviced employment land"* (Section 9, second paragraph).

The Forum objects to this proposed exemption unless it is expanded to state that such exemption would not be applied where it adversely affected the viability and vitality of retail provision in Town Centres especially.

There appears to be a typographical error in the Draft Charging Schedule. The Exceptional Relief provisions are set out in Section 17 of the Schedule, not Section 16 as stated in Section 9 second paragraph. This is a minor matter but needs to be rectified.

Yours sincerely

David Watts

Forum Chairman

c.c. Mike Parkes (Forum Secretary). David Pickhaver (Torbay Council)