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By email to future.planning@torbay.gov.uk
Torbay Council
Spatial Planning (FAO David Pickhaver)
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Dear David

Consultation on Torbay Community Infrastructure Levy Revised Draft Charging Schedule

Thank you for inviting the Form 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 and £142 per sq m on sites of 15 plus dwellings (see Charging Schedule Section 4, penultimate paragraph, and Viability Study 2016, Table 5.2).

- However, the viability report indicates that 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"* (see Viability Study 2016, paragraphs 4.6.5 and 5.3.10), but has not followed this in the Charging Schedule which shows CIL payable on larger sites. Additionally, the CIL zero rate on larger sites has been applied inconsistently as it has been applied only to those sites in the Future Growth Areas

- The result of this Charging Schedule imbalance will be to cause a perverse situation where development of peripheral land in the Future Growth Areas would have an unjustified and very significant further viability advantage over encouraging proposed development within the existing urban area for schemes of more than 3 units, and especially in Town Centre locations (e.g. Crossways) where such development is critically important to secure the accepted and approved policy need to encourage the vitality and viability of such areas.

- <u>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</u> because peripheral land would be preferred over urban sites identified for development in the approved Local Plan, and would not encourage effective reuse of urban land in accord with NPPF17 and ensure the vitality of town centres in accord with NPPF23.

- Excluding Future Growth Areas from making a CIL contribution to infrastruc0ture 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 (see Charging Schedule 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, not less than 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).

<u>Commercial & Non-Residential Development Zone C1 (Retail)</u>

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)