From: PlanningPolicy [mailto:PlanningPolicy@brighton-hove.gov.uk]
Sent: 27 March 2018 15:00
Subject: BHCC Consultation - Publication of CIL Draft Charging Schedule and relevant evidence

Dear Sir/Madam

As a designated neighbourhood area adjoining the Brighton & Hove City Council boundary, I am writing to inform you that we are publishing and consulting upon a Draft Charging Schedule (DCS) for a Community Infrastructure Levy (CIL), in line with CIL Regulations 2010 (as amended). The DCS and Statement of the Representations Procedure are attached and I invite representations from you on this draft charging schedule. **Please could you cascade this invitation to make representations within your organisation.**

**The consultation period is open for 6 weeks between 28 March 2018 and 8 May 2017.**

The DCS, Statement of Representation procedure and relevant evidence can be inspected and commented on through the consultation portal.


Our [Developer Contribution](http://www.brighton-hove.gov.uk/DCS-consultation) webpage includes a section on CIL (you may need to scroll down). The DCS, relevant evidence, response forms and statement of representations procedure are also available on this webpage for viewing or download.

Kind Regards

Clare Flowers MRTPI
Principal Planning Officer
Dear

Please see below the Parish Council’s representations on the Draft Charging Schedule for CIL.

I trust you will be able to take it into account as I have just realised that I meant to send it yesterday but it slipped my mind until early this morning.

Thank you for providing the Rottingdean Parish Council (RPC) the opportunity to make representations on the Draft Charging Schedule for a CIL.

The RPC welcomes the introduction of CIL in Brighton & Hove City Council and is in broad agreement with the proposed Charging Schedule.

Page 6 of the paper Community Infrastructure Levy, March 2018 contains a paragraph headed Parish and Neighbourhood Fund, which describes how a percentage of the levy “are to be spent on priorities that should be agreed with the local community in areas where development is tasking place.”

The RPC is working hard to finalise its Neighbourhood Plan and aim to have this in place at the latest by 19/20.

In the event that the NP is made, the RPC would wish to clarify to what extent it is envisaged the charging authority BHCC, can influence the Parish Council’s priorities? Where s106 contributions continue the RPC would wish to be able to influence/agree how such monies should be spent.

Page 9 of the paper Section 106 Planning Obligations talks about once the CIL charging schedule is adopted, developers will still be expected to provide on-site / site-specific infrastructure which is, necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development through a s106 obligation. It goes onto to list areas where s 106 contributions will be scaled back and where s106 contribution to remain secured via s106 for on-site/ site-specific provision.

No item on a Regulation 123 infrastructure list will be eligible for s106 contributions to avoid “double dipping”
The Draft infrastructure List March 2018 covers 11 broad areas, and refers to off-site activity. Within Rottingdean Village the on or off site distinction will require careful definitions to be made.

There is one large potential development within Rottingdean at present, St Aubyns School, which does not yet have planning permission. If the case is not completed when CIL is introduced is it right to assume that CIL would apply?

Regards
Brighton & Hove Local Access Forum

Policy, Projects and Heritage Team
First Floor
Hove Town Hall
Norton Road
BN3 3BQ

11th June 2018

Dear Sir/Madam

Re: Publication of Community Infrastructure Levy – Draft Charging Schedule and relevant evidence, Brighton & Hove City Council

This letter constitutes formal advice from the Brighton & Hove Local Access Forum. Brighton & Hove City Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

In response to the above consultation, the Brighton & Hove Local Access Forum offer the following advice:
High priority to be given to ensuring the future Infrastructure Levy supports the improvement to access to the countryside and green space around Brighton and Hove. In particular reference to be made to the Brighton and Hove Rights of Way Improvement Plan.

Yours sincerely,
Liz Hobden, Head of Planning,
ftao
Policy, Projects and Heritage Team;
Hove Town Hall,
Norton Road BN3 3BQ

Dear Liz,

**CIL – Draft Charging Schedule Consultation**

Thank you for consulting us. The committee of Hove Civic Society have the following comments to offer.

1. We consider the proposed charging mechanism as fair, easily understandable and easy to administer. The proposal in effect is a tax on new development.

2. However we believe that this introduction of an additional costs element to the development process has ramifications which we don’t believe the council has addressed in full and realistically.

   - The main ‘policy’ cost for developers hitherto has been to meet the council’s affordable homes target of 40%, which rarely ever is achieved. We suspect that the introduction of the CIL charge will make this target even less achievable.

   - We are concerned about the implications of this additional taxation in terms of all those aspects of new developments where the costs are hard to quantify and may well vary extensively from site to site. We are here talking about issues such as good quality exterior materials, proper treatment of the immediate public realm of new developments, extent of greening up achieved etc etc etc. The City Plan is made up of a number of such aspirations coupled with a few metric policies such as affordable homes, car parking requirements and open space requirements. Policies referring to design and quality and sustainability issues are less tangible and we fear that it is these that will be dramatically scaled back unless something else gives. There is a big concern that developers may simply scale back all those issues not set out in numbers.

   - Incidentally we are very sceptical about whether viability studies will be able to capture the quality issues we are referring to – there are simply no metrics to do this convincingly. We remind the council that viability studies are an art rather than a science and should be used with caution.
Therefore we urge the council to consider the overall effect of this paper on its City Plan policies. We believe it could have a major detrimental effect on a number of quality issues set out in the policies, which will simply become unaffordable. To avoid this the council could for example take a realistic view of the 40% affordability target, which seems to require an extraordinary amount of time and effort without being achieved.

3. On a minor point we would urge the council to reconsider the allocation of one category from S106 to CIL. We believe that the provision of artistic elements should be transferred to CIL for a simple reason. The sums available on individual developments are generally relatively small and do not necessarily generate the type of high quality art that the city deserves. Providing a mechanism for accumulating such funds for bigger, more durable, more visible works would help create a city wide artistic legacy to the benefit of the city as a whole.

Hove Civic Society encourages high standards of architecture and town planning and the protection of buildings of historic interest throughout Hove.
Dear Sir/Madam

Re: Community Infrastructure Levy Draft Charging Schedule Consultation Response

We write as the Steering Committee of the Brighton Marina Neighbourhood Forum to provide our comments on the second formal consultation in the preparation of a CIL charging schedule. This response was also considered by the Annual General Meeting of the Brighton Marina Neighbourhood Forum on 16th May and received the approval of those present.

We would emphasise our support for development at the Marina; the current state of development at the Marina is ‘far from satisfactory, in particular in respect of public realm and the ‘sense of place’ of the Estate and further development, including to address these specific deficiencies, is desirable.

We note the outcome of the preliminary consultation and welcome that this has acknowledged that there are particular challenges and costs associated with building at the Marina and that development could be discouraged by a high CIL zoning. This has of course been reflected in a proposed zero rate for CIL for the inner harbour site.

There are a number of concerns which we would request be considered in the current consultation.

Firstly there is certainly ‘community infrastructure’ required at the Marina and clearly if there is no CIL contribution from Marina developers then there is no neighbourhood portion of the CIL to be spent. Certainly there are other mechanisms within the planning process for ensuring that the public realm of any development takes account of the surrounding area to produce an integrated whole and this must be achieved for future developments at the Marina.

Secondly developments at the Marina will be subject to section 106 agreements and in the past we have been dismayed that some of the section 106 requirements have been, to be blunt, a waste of money. For this reason we would like to insist that the Brighton Marina Neighbourhood Forum be involved in the determination of the section 106 agreements for future developments at the Marina.

Thirdly the provisional consultation proposals have a zero rate CIL for the inner harbour site only at Brighton Marina. We imagine that this area of the Marina has been singled out as it is felt by

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planners to be the only significant development site at the Marina, based on historic planning applications and current land ownerships. This assumption may not always hold good in future and carries risk of future Marina developments repeating the faults of the past by not treating the Estate as an integrated whole. It would be more appropriate to treat the Marina as an integrated whole and apply the same CIL arrangements to the whole site, increasing the prospects for a cohesive overall development.

Finally we feel that arrangements for the Marina should acknowledge the DA2 Development and Special Areas policy of the Local Plan. We are of course especially interested in the Black Rock site, situated as it is directly next to the Marina. A fully built-out development of the DA2 area would create a very significant new district of the City and the impacts on infrastructure arising therefrom will be very significant and warrant more than a piecemeal approach in order to achieve, for example, transport infrastructure fit for purpose for the next 50 or more years. Brighton Marina Neighbourhood Forum requests that it be made a consultee for all future proposals and applications for the DA2 area.

We understand that the regulations allow for those making representations to request the right to be heard by the CIL Examiner and hereby formally request that the steering committee of the Brighton Marina Neighbourhood Forum be granted such a hearing.

Yours faithfully .

Brighton Marina Neighbourhood Forum
1) The levy for shopping unit developments is proposed at £50. The consultation report itself states about the proposed Churchill Square redevelopment, “A £50/sq. m CIL charging rate is considered likely to amount to a CIL liability (high-level estimate) of between approximately £1 and 2m, which represents only a very small proportion of the development value or cost considered likely to be relevant in this instance.” Yet in another part of the consultation report, it states, “As seen in other forms of development, the viability outcomes reflecting the larger format retail types (retail warehousing and foodstores/supermarkets) were considered sensitive to adjusted investment assumptions,
Do you wish to make a further representation?