

**Brighton & Hove City Council Community Infrastructure  
Levy Examination 2019**

**Post Hearing - Further Statement by Brighton & Hove City  
Council**

**June 2019**

## **Introduction**

This further statement has been prepared by the Council to respond further to a number of specific areas of discussion raised at the CIL Examination public hearing held on 2 April 2019.

At the public hearing, the Examination Inspector requested that the Council and its viability consultants Dixon Searle Partnership (DSP) work with appropriate parties (representors) and provide additional viability information/appropriate evidence and further consideration and clarification regarding the following specific matters:

1. In relation to Part One (Q.1) of the Examiner's Hearing Agenda, whether the C3 zone 2 CIL charging rate of £150 sqm is justified on further review of the available and appropriate evidence with specific respect to the 500 unit residential typology aligned to the proposed strategic site allocation for the Sackville Trading Estate/Coal Yard site (Policy SSA4) as identified in the Draft Plan Part Two. As part of this further consideration, the elements of Benchmark Land Value and Buffer were noted.
2. In relation to Part One (Q.1) of the Examiner's Hearing Agenda, whether the C3 zone 2 CIL charging rate of £150 sqm is justified by the available and appropriate evidence with specific respect to the 700 unit residential typology aligned to the strategic site allocation for the Toads Hole Valley (Policy DA7) site identified in the adopted City Plan Part One.
3. In relation to both 1) and 2) above whether, as a result of further consideration of any additional appropriate and available evidence that may be provided by representors, either or both sites should be included in the nil CIL charge zone within the council's submitted CIL charging schedule (Part Three (Q.3) of the Hearing Agenda) or subject to a reduced CIL charge.
4. In relation to Part Two (Q.2) of the Hearing Agenda, the requirement for further specific viability appraisal(s) for Extra Care / Assisted Living development typology and further consideration of an appropriate definition for this category of development to aid implementation should an appropriate CIL charge be demonstrated to be justified after giving this further consideration.
5. In relation to Part Five (Q.5) of the Hearing Agenda, the council to provide further clarification regarding the CIL Charging Schedule supporting notes for 'Retail - Other Shopping Units development – including town centre comparison retail - £50sqm.

This further written submission by Brighton & Hove City Council seeks to address each of these matters in turn and is supported by a further Viability Addendum Examination Stage Supplementary Review undertaken by the council's viability consultants Dixon Searle Partnership (DSP, May 2019). Both documents will be made available on the Council's CIL Examination web page.

## **Part 1 – Residential applies to C3 use.**

### **Further clarification regarding:**

- 1. Whether the C3 zone 2 CIL charging rate of £150 sqm is justified on further review of the available and appropriate evidence with specific respect to the 500 residential unit typology aligned to the proposed strategic site allocation for the Sackville Trading Estate/Coal Yard site (Policy SSA4) as identified in the Draft City Plan Part Two. As part of this further consideration, the elements of Benchmark Land Value and Buffer were noted.**

### **Council's response:**

1.1 At the CIL Examination public hearing (2 April), the representor Turley challenged the Council's position regarding the C3 Zone 2 CIL charge of £150 sqm that would be applicable to the site known as Sackville Trading Estate/Coal Yard, Hove. The site is a proposed strategic site allocation in the Draft City Plan Part Two (Policy SSA4).

1.2 In summary, the representor felt that the council's available appropriate evidence relevant to the site did not support the proposed CIL charge and cited the following key aspects:

- a) The viability appraisal and the interpretation of the results should be based on a full 'policy on' position with regard to the council's adopted planning policy for affordable housing<sup>1</sup> which sets a target of 40% for sites of 15+ units. The representor did not accept that it was reasonable or appropriate for the viability testing to look at lower amounts of affordable housing;
- b) That the appraisal did not make a clear and robust allowance for an appropriate viability buffer as required by Planning Policy Guidance (PPG) for CIL;
- c) That the appraisal was based on an inappropriate Benchmark Land Value (BLV); and
- d) As a result of the above, the available appropriate evidence did not support the proposed CIL charge and therefore fails the 'balance test' set by CIL Regulation 14, that an appropriate balance must be struck between the need to secure additional investment to support development and the potential effect on the viability of development.

1.3 The Council's viability evidence for a 500 residential unit site typology is set out in the November 2018 Viability Addendum<sup>2</sup> prepared by Dixon Searle Partnership (DSP). It is acknowledged that this typology is aligned to the Sackville

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<sup>1</sup> Policy CP20, adopted City Plan Part One.

<sup>2</sup> November 2018 Viability Addendum, DSP - paragraphs 2.1.7 – 2.1.21 and Appendix IIb, Table 2c.

Trading Estate and Coal Yard site proposed to be allocated in the emerging Brighton & Hove City Plan Part Two (Policy SSA 4).

1.4 The Council acknowledged<sup>3</sup>, both in its submitted examination Statement and during debate at the public hearing, that the appraisal results for this typology were ‘mixed’. The Council explained that part of its consideration, in weighing up the appropriate ‘balance’ test for CIL<sup>4</sup>, had been to give strong consideration to the need to secure investment for infrastructure funding to support such new development alongside the need to also consider economic viability.

1.5 On this basis, the Council's interpretation of the available evidence suggested the site could support a CIL charge provided that S106 planning obligations were carefully managed. The Council noted that negotiation and careful management of obligations is typical practice associated with many larger development sites in the city. The Council also noted that the appraisal results improved where affordable housing contributions were reduced (from 40% reduced to 30% and 20%) reflecting the Council's very real and recent delivery experience with regard to this policy<sup>5</sup>. The Council's response was therefore considered reasonable and pragmatic.

1.6 Planning Practice Guidance (PPG) for CIL, at paragraph 18, indicates that viability assessments should be *‘proportionate, simple, transparent and publically available’*. The guidance recognises that *‘available data is unlikely to be fully comprehensive’*<sup>6</sup> and that *‘a charging authority's proposed rate or rates should be reasonable, given the available evidence, but there is no requirement for a proposed rate to exactly mirror the evidence’*<sup>7</sup>.

1.7 However, in relation to this last point (that *‘there is no requirement for a proposed rate to exactly mirror the evidence’*), it is noted that the guidance also states:

*‘This might not be appropriate if the evidence pointed to setting a charge right at the margins of viability. There is room for pragmatism. It would be appropriate to ensure that a ‘buffer’ or margin is included, so that the levy rate is able to support development when economic circumstances adjust’*<sup>8</sup>.

1.8 In relation to the challenges made by Turley to the Council's evidence (through written representations and during debate at the public hearing) and with reference to these specific aspects of the PPG CIL guidance, the Council accepts it

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<sup>3</sup> Para.1.13 of BHCC CIL Examination Statement, April 2019

<sup>4</sup> Regulation 14, CIL regulations.

<sup>5</sup> Policy CP20, City Plan Part One.

<sup>6</sup> PPG CIL paragraph 19.

<sup>7</sup> PPG CIL paragraph 19

<sup>8</sup> As above.

must further review its available evidence and give further consideration to its judgement regarding the appropriate 'balance' to be struck between the need to secure investment for infrastructure and the need to consider potential impacts on development viability.

1.9 Appendix IIb, Table 2c of the November Viability Study 2018 Addendum sets out the viability appraisal results for the 500 unit strategic allocation typology aligned to the Sackville Trading Estate/Coal Yard.

1.10 The top section of that table sets out Residual Land Value (RLV) results incorporating the full affordable housing policy target of 40%. Results are set out against each charging zone (Zones 1 – 3) each of which has three Value Levels (VL). This initial scenario assumes 40% affordable housing as an input to the appraisals. For comparison, the results are also set out with no CIL Charge.

1.11 The analysis is then repeated with 30% affordable housing and then with 20% affordable housing. The Council explained in its Examination Statement that the purpose of undertaking this further 'sensitivity' analysis was to demonstrate the impact of reduced affordable housing requirements on overall viability given that adopted Policy CP20 Affordable Housing clearly acknowledges that the targets may be applied more flexibly in practice<sup>9</sup>.

1.12 The Sackville Trading Estate site would sit within the Zone 2 charging area. Looking at the results with the full 40% affordable housing target applied and the proposed CIL charge at £150/sqm, the results indicate a surplus RLV in VL3 (£6,000/sqm) against a Benchmark Land Value (BLV) equated to an industrial use; with a very small deficit seen against a commercial/out of town BLV. These are likely to be appropriate comparable BLVs for the Sackville site. The results when viewed again at the slightly lower mid-range VL2 (£5,500/sqm) are however potentially more marginal.

1.13 Review of the results with reduced affordable housing quotas (30% and 20%) shows an improvement with respect to RLVs, particularly within VL3 but more modestly within VL2.

1.14 Given the CIL Examination Inspector's direction to factor in a full 'policy on' position with respect to affordable housing, the Council accepts that its evidence base for this typology, as submitted to the examination, would appear to risk setting a CIL charge which could potentially be at the margins of viability and may not support development. This would not be in accordance with the CIL PPG as set out above.

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<sup>9</sup> Paragraphs 2.19 – 2.20, BHCC CIL Examination Statement, April 2019.

1.15 Part of the discussion at the examination focussed on whether the council's evidence had made a clear and robust allowance for an appropriate viability buffer and whether the appraisal typology had been based on appropriate Benchmark Land Value (BLV) data. Challenges were made by Turley in accordance with their written representations<sup>10</sup>. The Council's viability consultants Dixon Searle Partnership felt that the proposed CIL rate for the 500 unit C3 typology was adequately buffered; they had tested CIL rates that had already been subject to 50% buffering through their earlier viability modelling work.

1.16 The representor Turley also felt that the Council's BLV data should be re-visited suggesting that much higher BLVs are necessary to release suitable brownfield sites for major high density residential development schemes and that the consultants use of MHCLG (2018) data was inappropriate.

1.17 With respect to both of these further issues, the Council does not consider that it would be useful to undertake further viability modelling. It follows from the conclusions drawn above (at paragraph 1.14) that if BLVs were to be revised upwards and further buffering is applied, then overall viability is likely to decline.

1.18 In conclusion, further review of the available evidence indicates that the C3 zone 2 CIL charging rate of £150 sqm with specific respect to the 500 residential unit typology aligned to the proposed strategic site allocation for the Sackville Trading Estate and Coal Yard site (Policy SSA4 as identified in the Draft City Plan Part Two) is not clearly justified by the available and appropriate evidence. The site should therefore be nil CIL rated (see below).

**2. Whether the C3 zone 2 CIL charging rate of £150 sqm is justified by the available and appropriate evidence with specific respect to the 700 residential unit typology aligned to the strategic site allocation for the Toads Hole Valley (Policy DA7) site identified in the adopted City Plan Part One.**

**Council's response:**

1.19 At the CIL Examination public hearing (2 April), the representor Turner Morum (TM) expressed concerns regarding the proposed C3 zone 2 CIL charge of £150 sqm that would be applicable to the site known as Toads Hole Valley. The site is a strategic site allocation in the adopted City Plan Part One (Policy DA7).

1.20 A specific concern raised in both written representations and at the examination hearing by TM was the relationship between S106 planning obligations

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<sup>10</sup> Representation by Turley, 21 March 2019, paragraph 1.16 and paragraphs 1.22 – 1.31.

likely to be associated with development of the site and any future liability for CIL. The Inspector clarified that this was not a matter for the CIL examination.

1.21 Representations made by TM during the process of preparing the draft charging schedule prior to examination also cited some concerns regarding the Council's CIL viability appraisal work undertaken for the 700 unit site typology aligned to Toads Hole Valley. However, no specific information was provided for the Council or its viability consultants to review. Following the examination in public hearing session, in accordance with the Inspector's request, the Council formally invited TM to submit further viability information<sup>11</sup>.

1.22 TM provided viability modelling information relevant to the current specific planning application proposals for development of the Toads Hole Valley site, on a 'private and confidential' basis, for the Council's viability consultants (DSP) to review<sup>12</sup>. Review of that information by the Council's viability consultants did not indicate any justification for a change to the C3 CIL Charge rate that would apply to the site. Although not all assumptions would be agreed were they to be discussed in detail, the key reason was essentially because (alongside 40% affordable housing) the supplied viability appraisal had factored in full estimated costings for S106 obligations alongside CIL i.e. without any adjustments to the S106 costs to reflect what would be covered by the CIL charges. So although the supplied appraisal including CIL at £150/sqm indicated a deficit using the TM assumptions, before any other adjustments the indicated deficit would be more than cancelled out with the S.106 costs adjusted alongside the included CIL.

1.23 TM were advised that should they wish the CIL Examination Inspector to take account of their information along with further review analysis by the Council's consultants (DSP) then they would need to agree to make the information openly available to the examination. With no change proposed to the Council's position, however, the Council has not taken this point further than satisfying itself that no change is justified/warranted.

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<sup>11</sup> Email sent to TM dated 4/4/2019 via Programme Officer requesting any further information to be submitted by 23/4/2019.

<sup>12</sup> Viability appraisal information provided by Turner Morum by email to Dixon Searle Partnership 10 May 2019 on a private and confidential basis.

## **Part 2 – Private care residential homes with a degree of self-containment including Extra Care and Assisted Living**

### **Further consideration regarding:**

**In relation to Part Two (Q.2) of the Hearing Agenda, the requirement for further specific viability appraisal(s) for Extra Care / Assisted Living development typology and further consideration of an appropriate definition for this category of development to aid implementation should an appropriate CIL charge be demonstrated to be justified after giving this further consideration.**

### **Council's response:**

2.1 At the CIL examination public hearing the Council was challenged by representor Turley regarding its proposed CIL charge rate for '*Private care residential homes with a degree of self-containment including Extra Care and Assisted Living*'. The detail of the challenge is set out in full in the written representation submitted by Turley for the examination hearing<sup>13</sup>. In summary, the following key points were made:

- a) That the inclusion of this rate, within the Statement of Modifications, represented a substantial change from the published CIL Draft Charging Schedule without appropriate consultation;
- b) There was an absence of appropriate available evidence to support the proposed setting of a differential CIL rate for this development type;
- c) The definition to describe this form of development in the council's Statement of Modifications was inadequate and required clarification; and
- d) Any such development should be nil-rated in the CIL charging schedule.

### **Substantive change issue**

2.2 The Council had proposed, through its Statement of Modifications, a proposed CIL rate of £100/sqm for market provided Extra Care / Assisted Living types of development. The proposed description sought to address the nature of this type of development which provides housing with care typically comprising self-contained homes (often apartments), primarily for older people, to encourage independent living alongside the provision of care, support, domestic and community services/facilities. This type of accommodation is commonly, but not exclusively, considered to be a type of C2 Use Class development.

2.3 At both the Preliminary and Draft Charging Schedule ( PDCS and DCS) stages of CIL preparation and consultation, the Council had aligned all C2 types of

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<sup>13</sup> Examination in Public Written Statement – Part 2, by Turley on behalf of MODA, March 2019

development alongside its proposed charging rates for C3 residential development. As such, it did not consider that the proposed modification constituted a 'substantive change'. The Council's position was that the proposed modification represented a less onerous position than that set out in the DCS and a positive response to the representations received at DCS stage. The Statement of Modifications proposed a reduced CIL charge for a category of accommodation that had previously been considered more broadly alongside the proposed C3 levy rates. The modification sought to clarify the scope of elderly housing/care provision for which either a reduced or nil CIL charge would be sought. The Council's full statement to the Examination sets out justification for the modification<sup>14</sup>.

### **Available, appropriate evidence**

2.4 The representor suggested that the proposed modification was not supported by appropriate, available evidence. This was detailed in the written representation made by Turley<sup>15</sup> and this matter was further discussed at the public hearing. Turley cited CIL PPG which indicates that more detailed viability assessment may be required to justify differential CIL rating. The guidance states that:

*'Charging authorities that decide to set differential rates may need to undertake more fine grained sampling....Fine grained sampling is also likely to be necessary where they wish to differentiate between categories of or scales of intended use'*<sup>16</sup>

2.5 The Council had relied on taking a proportionate approach which involved reviewing representations put forward (including those from Turley) at the DCS consultation stage regarding C2 development as a broad category and reviewing aspects of its earlier viability modelling work. This further review suggested that the development of certain types of C2 accommodation for the elderly could warrant a differential CIL treatment<sup>17</sup>. For example, what might be described as more 'traditional' C2 registered residential care / nursing homes based on bed space provision should warrant a nil CIL rate but other models such as those based on housing with care, e.g. Extra Care, Assisted Living would warrant a CIL charge albeit below that of C3 types of residential development.

2.6 Following the public hearing, the Council commissioned DSP to undertake more detailed viability modelling of the Extra Care / Assisting Living type of development. The results of that further work are set out in detail within the DSP Viability Addendum Supplementary Review June 2019<sup>18</sup>. As part of bringing this

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<sup>14</sup> CIL Examination Statement by Brighton & Hove City Council, 2 April 2019 – paragraphs 2.9 – 2.17

<sup>15</sup> Representation by Turley, 21 March, paragraphs 1.25 – 1.46.

<sup>16</sup> Paragraph 19, CIL PPG.

<sup>17</sup> Statement by BHCC, 2 April, paragraph 2.9 – 2.12

<sup>18</sup> BHCC CIL Examination Stage – Supplementary Review re. Turley Statements, June 2019.

work forward, the Council's viability consultants (DSP) shared its draft workings and conclusions with Turley for their consideration<sup>19</sup>.

2.7 The results of the Council's further work indicate that the proposed CIL charge for Extra Care / Assisted Living development at £100/sqm remains justified and appropriate.

### **Definition of Extra Care / Assisted Living**

2.8 As noted above, Turley also challenged the description of development that was set out in the Council's Statement of Modifications<sup>20</sup>.

2.9 The Council accepted that the form of wording as set out in the Statement of Modifications did require further clarification and put forward two alternative options for consideration at the public hearing held on 2 April as set out below:

#### **Extra Care / Assisted Living description options:**

**a) Housing with care<sup>21</sup> where occupants have specific tenure rights to occupy self-contained dwellings and where they have agreements that cover the provision of care, support, domestic services, e.g. Extra Care, Assisted Living housing.**

**b) Extra Care / Assisted Living housing**– with the following footnote:

Housing with care, primarily for older people, where occupants have specific tenure rights to occupy purpose built self-contained dwellings and where they have agreements that cover the provision of onsite care, support and domestic services.

2.10 These definitions follow the Housing LIN approach<sup>22</sup>. The organisation Housing LIN describes itself as a leading 'learning lab' for a network of housing, health and social care professionals in England and Wales involved in planning, commissioning, designing, funding, building and managing housing, care and support services for older people and vulnerable adults with long term conditions. Housing LIN was previously responsible for managing the government's Department of Health Extra Care Housing Fund and is used by a wide range of statutory and other organisations to provide expert advice and support regarding the implementation of policy and good practice in the field of housing, care and support services.

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<sup>19</sup> Email of Draft Supplementary Review was sent to Turley, 21 May 2019 inviting comment.

<sup>20</sup> Details are set out in full in Representation by Turley, 21 March, paragraphs 1.11 – 1.22

<sup>21</sup> Primarily for older people.

<sup>22</sup> Housing Learning and Improvement Network, Factsheet 1, Extra Care Housing, 2015.

Housing LIN's Factsheet on Extra Care indicates the following core ingredients are commonly part of extra care:

- Purpose built, accessible building design that promotes independent living and supports people to age in place
- Fully self-contained properties where occupants have their own front doors, and tenancies or leases which give them security of tenure and the right to control who enters their home
- Offices for use by staff serving the scheme and sometimes the wider community
- Communal spaces and facilities (some may be open to local community)
- Access to care and support services 24 hours a day
- Community alarms and other assistive technologies
- Safety and security often built into the design with fob or person-controlled entry.

2.11 The full Factsheet was made available at the CIL Examination Public Hearing and is available on the Council's CIL Examination web page.

2.12 At the hearing, the Council also tabled a description of Extra Care put forward by the developer MODA, (represented by Turley at the CIL Examination), which forms part of supporting information for MODA's current planning application for proposed development at Sackville Trading Estate/Coal Yard<sup>23</sup>. The description very closely reflects that as set out by Housing LIN. Section 3 of the MODA supporting statement sets out three common features of Extra Care 'as identified by the Department of Health':

- It is first and foremost a type of residential accommodation. It is a person's own home. It is not a care home or a hospital and this is reflected in the nature of its occupancy through ownership, whether it be lease or tenancy.
- It is accommodation that has been specifically designed, built or adapted to facilitate the care and support needs of its owners or tenants.
- Access to care and support is available 24 hours a day<sup>24</sup>

2.13 That statement also explains that the term Extra Care may also be referred to by a number of names dependent upon whether the accommodation is operated by a provider/developer or social services. Other such names include Independent Living, Very Sheltered Housing, Assisted Living and Close Care. This statement is also available on the CIL Examination web page.

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<sup>23</sup> Application BH2018/03697, currently under consideration.

<sup>24</sup> Paragraph 3.2, Section 3, Care Community Need Assessment, MODA, November 2018, submitted as supporting information for the planning application currently under consideration. This document is available on the council's CIL Examination web page.

2.14 The matter of definition was debated during the CIL public hearing with no clear conclusion. The Inspector did ask that the proposed wording for the charging schedule should clarify what development should be included and what types of development would not be.

2.15 Given the close correlation between the definition used by both Housing LIN and that put forward by developer MODA in its current planning application for development of the Sackville Site, it would appear sensible for the wording in the CIL charging schedule to reflect core aspects as set out in both these definitions.

2.16 The Council therefore suggests the following description for the CIL charging schedule:

**C2 - Extra Care / Assisted Living housing**– with the following footnote provided:

**Housing with care (primarily for older people):**

- where purpose built self-contained homes are designed and built to facilitate independent living and the care and support needs of occupants;
- where occupants have agreements to cover the provision of onsite care, support, domestic and other services;
- which may also include communal spaces and facilities (some may be open to local community) and;
- onsite access to care and support services is available 24 hours a day;

**NB: 1. Other terms for this form of development may include Independent Living, Very Sheltered Housing, Close Care. 2. This form of development excludes registered residential care /nursing homes (C2) and also excludes Retirement Homes and Sheltered Housing which would fall under a C3 use class.)**

2.17 This change would require an amendment, as set out above, to the **Councils Draft Charging Schedule, Statement of Modifications, Modification 9.**

### **Part 3 – Nil CIL charge zone (DA2 Brighton Marina, Gas Works, Black Rock Area and King Alfred Leisure Centre/RNR site and Brighton General Hospital site)**

**Further consideration:**

**In relation to the sites Sackville Trading Estate/Coal Yard and Toads Hole Valley whether, as a result of further consideration of any additional appropriate and available evidence that may be provided by representors, either or both sites should be included in the nil CIL charge zone within the council's submitted CIL charging schedule ( Part Three (Q.3) of the Hearing Agenda) or subject to a reduced CIL charge.**

#### **a) Sackville Trading Estate / Coal Yard (Policy SSA4, Draft City Plan Part Two)**

3.1 As concluded above at paragraph 1.18 and within the DSP Supplementary Review – Turley June 2019, further review of the Council's available evidence indicates that the C3 zone 2 CIL charging rate of £150 sqm is not justified by the available and appropriate evidence with specific respect to the 500 residential unit typology aligned to the proposed strategic site allocation for the Sackville Trading Estate/Coal Yard site (Policy SSA4) as identified in the Council's Draft City Plan Part Two.

3.2 The site should therefore be nil CIL rated and included within the council's nil CIL charge zone. This change will require **two further modifications to the Councils Draft Charging Schedule, Statement of Modifications:**

**a) Amend the council's submitted CIL Charging schedule Statement of Modifications Modification 13 to include the site within the list of nil CIL charge zone sites; and**

**b) Amend Modification 14, Appendix 1 to update the charging zones map accordingly.**

#### **b) Toads Hole Valley (Policy DA7, City Plan Part One)**

3.3 The representor submitted further viability information to the council and its CIL viability consultants on a confidential basis. The review of that further information by the council's viability consultants did not indicate any need to change the C3 CIL charge of £150 sqm that would apply to the site. No further change is required.

## **Part 5 – Retail - Larger Format – Retail warehousing/Supermarkets and Retail Other Shopping Units development**

**Further consideration:**

**Clarification regarding the CIL Charging Schedule supporting notes for: Retail - Other Shopping Units development, includes city centre comparison retail - £50sqm.**

5.1 Discussion at the public hearing focussed on the following question set out in the Inspector's examination hearing agenda:

***Part 5 b)***

***How will the Council differentiate between 'Retail Larger Format' and 'Retail Other Shopping Units' for the purposes of collection of the levy?***

***Should a floorspace threshold that reflects the differences in scale be applied to provide certainty and clarity for developers?***

5.2 The council set out its response to this question in its Examination Statement submitted for the CIL Examination<sup>25</sup>.

5.3 During the public hearing, the council explained that its preferred approach was not to have a floorspace threshold to differentiate between the two proposed CIL charges for retail development. This had been carefully considered in terms of the city's local retail context and the CIL viability evidence. A particular consideration was that the planned expansion of the city centre Churchill Square shopping centre (Policy DA1, City Plan Part One) should be captured by the 'Retail - Other Shopping Units: includes city centre comparison retail' description. The CIL viability evidence supports a CIL charge at the lower £50 sqm rate for this planned development.

5.3 The Inspector asked the council to provide further clarification to the notes supporting the charging schedule to aid implementation.

5.4 With this in mind, the Council would also like to clarify that the term 'retail' as used in the charging schedule and supporting notes would apply to all retail scenarios across Use Classes A1-A5 as supported by the 2017 Viability Study<sup>26</sup>. The Council considers that this further clarity could be achieved by amending the supporting notes for retail and also by a minor change to the charging schedule to refer to 'other retail development' rather than 'other shopping units' where appropriate .

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<sup>25</sup> See paragraphs 5.9 – 5.13, Councils Statement to Examination, Part 5.

<sup>26</sup> 2017 CIL Viability Study, DSP, paragraphs 3.11.3 – 3.11.4)

5.4 Revised wording is therefore set out below to aid clarification for CIL implementation purposes. These changes would require two further **modifications as indicated below; one to the charging schedule itself and one to the supporting notes:**

a. An amendment to part of the draft charging schedule statement of modifications:

Retail – Other ~~shopping units~~ **retail** development

b. An amendment to the supporting notes:

*Notes:*

**Retail (A1- A5) – Larger Format:** *Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers. Supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.*

**Retail (A1 – A5) - Other ~~shopping units~~ retail development – to include ~~city centre comparison~~ retail development in defined shopping centres and at defined Major Sporting Venues**