List of Representation Received on the Preliminary Draft Charging Schedule

September 2014
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PDCS 1 - Steve Pawson - Accent & Wilkinson Architects
Dear Sir,

The impetus for most Councils to impose a CIL was borne in a period of rapid expansion. Whilst not necessarily in recession the current situation is totally different, and Councils have to be very careful that the level of CIL they impose does not discourage developers to the extent they abandon schemes. This is particularly important when the Country needs new houses to be built, particularly at entry level.

Regards,
Steve Pawson, RIBA

Accent & Wilkinson Architects
Tel: 01733 236666
Fax: 01733 236591

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Dear Sir, Madam

With regard to the proposed community infrastructure levy, I would observe that Harborough District Council's policy has had to be revised at least once, to my knowledge, and is completely unsatisfactory and subsequently has been implemented in an ad hoc manner. It has had the effect of stopping smaller developments, which have become unviable. This is evidenced by the fact that, at the time of my queries, two small, single plot developments that I had undertaken the plans for, constituted 17% of the HDC levy overall. Despite my repeated attempts to ascertain satisfactory answers as to how the policy is implemented fairly and viably, I have yet to receive a response that is at all helpful.

In the light of the problems with HDC's policy, I would suggest that any levy is based solely on a square metre basis, considered as being over 1.8 metre head height, as this is the simplest and fairest solution, as well as being easy to implement.

I have attached some of my queries to HDC, so that you can assess the problems that their policy is currently causing.

I would be grateful for acknowledgement of this e-mail and that it will be considered as part of the consultation process.

Yours faithfully

Andrew Twigg Dip. T.P. M.R.T.P.I.

Andrew Twigg & Associates Ltd
20.11.13

Good afternoon Raj

Further to your e-mail, I have not yet received the details of all commuted sums and dwellings made available under Policy CS3 as I previously requested and which you said on 8th October you would forward. Is there a reason why this is taking so long?

In the meantime, whilst I appreciate that you have attempted to clarify my queries as to policy CS3, there would appear to several issues that have not been fully addressed. I believe this is proving to be difficult, largely because the policy has been considered and subsequently aimed at larger developments, where pre-application discussions are undertaken as a matter of course. With smaller developments, the margins are so tight, any additional expenditure such as you are suggesting instantly impacts upon the viability of a scheme.

I would therefore, appreciate answers to the following: (I use your paragraph numbers for reference.)

1a. You have not stated how a small developer decides upon an RP partner. Is the developer merely expected to pick one at random? Or do they have to contact all of them and then decide? Do the RP partners apply consistent requirements or does this vary? Has the local authority given any of this due consideration?

1b. I am concerned here that discussions and subsequent agreements are being made on an ad hoc basis, without consistent outcomes. How is policy CS3 implemented consistently?

You state that HDC does not get involved unless there are matters of viability. It appears that HDC, in implementing this policy, has no basic knowledge of the costs involved in putting together a planning application for a smaller development, which apparently now needs to contain enough detail to determine viability at the discussion stage with an RP partner. It is simply a cost too far at this early stage. The developer needs to be aware of the planning application outcome BEFORE putting together this amount of detail. Given that a planning officer may decide to reduce the number or size of the dwellings on the proposed development, or impose other costly conditions, the margins are just not there for this kind of approach.

In effect, policy CS3 means that the small developer has no control over the viability of a scheme, since the initial costs just to get to the planning approval stage are unknown. It may cost a minimum of £10,000 to have plans drawn, pre-application meetings, tenure agreements, plans re-drawn, viability details prepared and assessed, plans submitted, further changes to plans, etc. The initial costs before any work commences are likely be too high for many potential developers to proceed.

I note that you have not answered my point regarding the impact of one or two dwellings being given over to affordable housing on a small development. How is this impact assessed on the market value of the dwellings constructed for private sale? Are comparables for the dwelling type used and then a percentage deducted?

3. You say that the impact of policy CS3 will be monitored. At what stage? I have clients who will not currently proceed with small developments because of your policy. How do you plan to take this
into account? Given the lack of development since the recession began, what will you use to monitor the situation?

4. To state that "a viability appraisal can be submitted either pre or post determination" indicates a lack of awareness of the development process as well as the catch 22 situation outlined in the paragraphs above. The outlay before any work can commence is likely to be too high for a smaller developer to be able to afford to lose. You state that the council will choose a contractor to assess viability at the applicants cost. Small developers simply cannot enter into agreements without being able to quantify the costs. Again, this policy appears to have been considered for larger developers only, then simply extrapolated on to smaller developments, without due consideration.

5. You cannot separate acceptability and viability for a small developer. You say that my comments are noted, but it appears such considerations were not given due thought prior to the implementation of policy CS3.

6. I have not misread the policy. My example clearly indicates the huge discrepancy between the outlay for a developer building two, 2 bed dwellings (market value of £150,000 each,) or three, two bed dwellings. i.e. a contribution of £11,554 (£5,777 x 2) on a two dwelling development or a contribution of between £52,500 and £90,000 on a three dwelling development, being between 35 - 60% of £150,000. Your comment does not answer this obvious discrepancy and the fact that there will be no developments of three to six, 2 bed dwellings.

I would also appreciate HDC's position regarding the building of retirement flat complexes, such as the one currently being built on the Kwik Save site opposite the market hall on Northampton Road. Are these subject to the same process and charges?

In addition, given that the government aim is to remove self-builds from having to pay commuted sums, could you give me details of HDC's position with regard to this?

It is still my opinion that Policy CS3 cannot be applied to small developments without discrimination.

Kind regards

Andrew Twigg

Andrew Twigg & Associates Ltd
Dear Sirs

CONSULTATION ON PLANNING MATTERS

While the CAA has a duty to provide aviation safety advice when requested, it is not a statutory consultee for planning applications (unless its own property is affected). In order to reduce the time devoted to unnecessary consultations, the following guidance aims to clarify requirements.

Other than the consultation required by Section 110 of the Localism Act 2011, it is not necessary to consult the CAA about:

- Strategic Planning Documents (e.g. Local Development Framework and Core Strategy documents) other than those with direct aviation involvement (e.g. Regional Renewable Energy Plans);
- Waste Plans;
- Screening Options;
- Low-rise structures, including telecommunication masts. With the exception of wind turbine developments, the CAA is unlikely to have any meaningful input related to applications associated with structures of a height of 100 feet or less that are situated away from aerodromes or other landing sites;
- Orders affecting Rights of Way or Footpaths;
- Sub-surface developments;
- General planning applications not affecting CAA property.
- Solar Photovoltaic Panels (SPV)

In all cases where the above might affect an airport, the airport operator is the appropriate consultee. Where the above might affect a NATS installation the consultee is:

NATS
Mailbox 27
NATS Corporate and Technical Centre
4000 Parkway
Whiteley
Fareham
Hants PO15 7FL

Please be advised that we will no longer respond to future correspondence received regarding the above subjects. Where consultation is required under Section 110 of the Localism Act 2011 the CAA will only respond to specific questions (but will nevertheless record the receipt of all consultations).

It is necessary to consult the CAA in the following situations:
• When a Local Planning Authority is minded to grant permission for a development to which a statutorily safeguarded airport or NATS Plc has objected, write to:

Aerodrome and Air Traffic Standards Division
Civil Aviation Authority
Aviation House
Gatwick Airport
West Sussex RH6 0YR

• When a Local Planning Authority is considering a proposed development involving wind turbines, write to:

Renewal Energy Project Officer
Directorate of Airspace Policy
Civil Aviation Authority
CAA House
45-59 Kingsway
London WC2B 6TE
email: windfarms@caa.co.uk (preferred option)

• When a development involves structures of a height of 90 metres or more, lasers or floodlights, write to:

Off Route Airspace 5
Directorate of Airspace Policy
Civil Aviation Authority
CAA House
45-59 Kingsway
London WC2B 6TE
Email: marks.smailes@caa.co.uk

Further information on consultation requirements can be found on the CAA website, including document entitled Guidance on CAA Planning Consultation Requirements.

Further information on Solar Photovoltaic Panels can be found on the CAA website including document entitled Guidance on Photovoltaic systems.

Please could you ensure that your Planning Officers are aware of these principles and the revised policy and that any associated procedures are amended with immediate effect.

Yours faithfully

E. FORREST
Airspace, ATM and Aerodromes Business Oversight Support

Civil Aviation Authority
1NE Aviation House  Gatwick Airport South  West Sussex  England  RH6 0YR
Telephone  01293 573339  Fax 01293 573971  www.caa.co.uk
PDCS 4 - Clare Biddle - DTZ on behalf of the Royal Mail
Dear Sir/Madam

ROYAL MAIL GROUP REPRESENTATIONS:

LEICESTER COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE (2014)

On behalf of our client, Royal Mail Group Limited ("Royal Mail") we welcome the opportunity to comment on the Leicester Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule consultation.

Background

Royal Mail is the successor to the former statutory corporation, The Post Office. Royal Mail is currently the sole designated provider of the Universal Postal Service pursuant to the Postal Services Act 2011 and as such is required to deliver the minimum postal service requirements set out by the 2011 Act and Orders made thereunder. These include the Royal Mail letter post delivery and collection service handling letters, postal packets, and high value (registered) packets. Its services are regulated by Ofcom. It also operates Parcelforce Worldwide which is a parcels carrier. Post Office Counters Ltd who operate the national network of post offices and sub-post offices are no longer part of the Royal Mail group of companies and remain wholly owned by HM Government.

The United Kingdom letter post business was fully liberalised in January 2006 by Postcomm and Royal Mail now operates in a highly competitive market place. As such, it effectively operates like any other business and is continually seeking to find ways to improve the efficiency of its business (e.g. increased automation) and respond to the changes in communications technology (e.g. email and internet). Put simply, the nature of the mail industry has and continues to change and its real estate needs to respond accordingly.

Royal Mail Properties

Royal Mail own the following freehold premises in the borough:

- Leicester Delivery Office, 21 Campbell Street, Leicester LE1 1AA (1356)
- Leicester North Delivery Office, 91 Loughborough Road, Leicester LE4 5HQ (1358)

In additional Royal Mail use the following lease hold premises:

- Leicester Local Depot, 1 Elland Road, Leicester LE3 1TU (798)
The adopted Leicester City Core Strategy (2010) seeks to have an additional 5,500 new homes and an additional 16 ha of employment land developed by 2026. This is a significant level of growth which may place a significant burden on the existing Delivery Offices and as a consequence, it is possible that Royal Mail may require a new Delivery Office to handle the additional deliveries that will result from the planned growth. Development of the scale identified is likely to directly affect the existing Royal Mail delivery service.

As a statutory provider, Royal Mail may require the allocation of a new site for a new Delivery Office or developer contributions through S106 of the Town & Country Planning Act or Community Infrastructure Levy (CIL) as a valid recipient of infrastructure funds. On review of the CIL Preliminary Draft Charging Schedule and accompanying documents we wish to reiterate the potential need for funding contributions for essential infrastructure such as Royal Mail operations.

In addition, Royal Mail wish to emphasise the need to protect their existing sites from development that may adversely affect mail services provided from them and that should any land surrounding Royal Mail’s sites be redeveloped, it would be vital that any new uses be designed and managed so that they are both cognisant of and sensitive to Royal Mail’s operations.

This approach accords with adopted Government guidance set out in the National Planning Policy Statement (NPPF) (March 2012) which advises that local planning authorities should help achieve economic growth by planning proactively to meet the development needs of business and support an economy fit for the 21st century. The NPPF also advises that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. It also states that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances (Paragraphs 20-21).

The Royal Mail properties identified above are operational, and it is important that any proposals that come forward ensure that Royal Mail’s operations will not be prejudiced and they can continue to comply with their statutory duty to maintain a ‘universal service’ for the UK pursuant to the Postal Services Act 2000.

Royal Mail will continue to closely monitor plans and associated documents for growth within Leicester and would welcome further discussion with the Council on the delivery of new infrastructure as the CIL evolves.

We request that Royal Mail is consulted on future drafts of the Leicester CIL Charging Schedule. All correspondence for Royal Mail should be sent to DTZ.

Yours Sincerely

Clare Biddle
Assistant Consultant, Development Consulting
5 June 2014

Dear Sir/Madam,

**Re: Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule**

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website [www.marinemanagement.org.uk](http://www.marinemanagement.org.uk).

Yours sincerely

Angela Gemmill
Relationship Manager

E stakeholder@marinemanagement.org.uk
The former Primary Care Trusts in Leicestershire and Rutland ceased to exist with effect from 1 April 2013. The responsibilities of those organisations are now undertaken by Clinical Commissioning Groups and NHS England. In particular NHS England has the responsibility for primary healthcare infrastructure. The Leicestershire and Lincolnshire Area Team (the local team of NHS England) has identified that there is a significant impact on primary care infrastructure of population growth arising from new housing developments and consequently the Area Team continues to respond and secure s106 funds in the County Local Authorities areas. The same impact of housing growth will apply within Leicester City area.

It is noted that healthcare is not included in the Preliminary Draft Charging Schedule, although the former PCT is referenced in the accompanying documents. Therefore the Leicestershire and Lincolnshire Area Team is seeking the opportunity to fully consider the implications of housing growth and to be clear on the reasons for the absence of healthcare in the Schedule.

Amanda Anderson
Medical and Pharmacy Contracts Manager (Leicestershire)
NHS England (Leicestershire and Lincolnshire Area)
Fosse House | 6 Smith Way | Grove Park | Enderby | Leicestershire | LE19 1SX
T: 0116 295 0819
amanda.anderson8@nhs.net
www.england.nhs.uk

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anywhere

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PDCS 7 - Marianne Lane - Thurcaston and Cropston Parish Council
Dear Sirs,

Following our Parish Council meeting last week, I have been asked by the Chairman and Vice-Chairman to find out how the Community Infrastructure Levy applies to us in Charnwood.

If you could perhaps email back explaining, then I can forward this on to them.

Many thanks in anticipation

Marianne Lane
Clerk to Thurcaston & Cropston Parish Council.
Memorial Hall,
Anstey Lane
Thurcaston
Leicester
LE7 7JA
Tel: 0116 2367626
PDCS 8 - Samantha Pinnock - Highways Agency
Thank you for providing the opportunity for the Highways Agency to comment on the Leicester City Council Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule.

We have reviewed the document together with the Draft Regulation 123 List and CIL Infrastructure Project List. As you will appreciate, our principal interest in the Leicester area relates to the Strategic Road Network (SRN), principally comprising the M1 and A46 which are almost entirely outside the City boundary.

Although these routes will be impacted by growth in Leicester, we have not identified that funding from a Leicester City CIL should contribute to the delivery of SRN infrastructure which may be required to support this growth. In this regard, we acknowledge the potential funding gap for infrastructure projects that the authority has identified and which demonstrates the case for CIL. Indeed, we welcome the intention of the authority to pursue the introduction of CIL.

Given our remit, we have no comments on the viability assumptions, the methodology used in the CIL Viability Assessment, the proposed CIL rates and charging zones or on the proposed instalment policy. We have reviewed your draft Regulation 123 list and notes that there are no SRN schemes in the list, which is as expected. We also note that the reference in the Draft Regulation 123 List document that the authority will continue to secure planning obligations where appropriate in accordance with Regulations 122 and 123 of the Community Infrastructure Regulations 2010 (as amended), or to use planning conditions to secure site specific highway mitigation measures for infrastructure which does not appear on the Regulation 123 List. We support this approach.
I trust that the response above is helpful, but if you have any queries please do not hesitate to contact me.

Yours sincerely,

Samantha Pinnock
Network Delivery and Development Midlands
3rd July 2014

Dear Sirs,

Leicester Community Infrastructure Levy Preliminary Draft Schedule Consultation

Thank you for providing English Heritage with the opportunity to comment upon the Preliminary Draft Charging Schedule for the Community Infrastructure Levy in Leicester.

English Heritage does not wish to make detailed comments on the level at which the Community Infrastructure Levy (CIL) charge is set for Leicester. We recognise, however, that it will be important to ensure that the charge does not have an adverse effect on the protection that the Council affords to heritage assets.

Leicester’s heritage assets include 399 listed buildings, 9 scheduled monuments, plus 2 scheduled monuments shared with neighbouring local authorities, 6 registered parks and gardens and 24 conservation areas.

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and clearly identifies the historic environment as a relevant matter for consideration in achieving this.

In certain contexts, it may be appropriate to consider exemptions or discretionary relief from CIL, where the viable future of a heritage asset is at issue, or its significance is threatened by intrusive development.

With regard to the Draft CIL Regulation 123 List, we note that CIL money is not specifically identified for heritage-related infrastructure provision. However, it is noted that Transportation in the form of Transport Corridor Improvement works and City Centre Sustainable Transport Linkages and Improvements, is. We also note that Parks and Open Space (non site specific) is also Infrastructure that could be funded, or part funded, through CIL.
Several of the Transport Corridors identified for improvement include heritage assets. Large parts of the City Centre identified for Sustainable Transport Linkages and Improvements are within conservation areas and also include heritage assets. There are also six registered parks and gardens in Leicester, several of which include listed buildings; the Grade II* Abbey Park which also includes a Scheduled Monument, Victoria Park, Belgrave Hall, New Walk, Welford Road Cemetery and Saffron Hill Cemetery.

Any funding for Transport Corridor Improvement works, City Centre Sustainable Transport Linkages and Improvements and Parks and Open Space Infrastructure should be complementary to the heritage assets and the historic environment in these areas.

We understand that heritage assets will continue, for the present, to be eligible for s106 contributions; this should be confirmed in the documents; the important issue will be to ensure that this aspect is not vulnerable to being sacrificed as the last call on a prospective developer’s financial contributions.

With regard to relief from CIL, we urge the Council to reserve the right to offer CIL relief for particular cases which affect heritage assets in order to avoid unintended harm to the historic environment through the application of CIL. For example, there may be instances where the requirement to pay CIL would threaten the viability of schemes designed to ensure the reuse of heritage assets identified as being ‘at-risk’ through enabling development.

We do not wish to object to the draft schedule, but hope that there will be opportunities for discussion and flexibility in the future where significant heritage issues arise, to ensure heritage protection is sustained in accordance with the NPPF.

We also strongly advise that local conservation staff are involved throughout the further preparation and implementation of the Draft Charging Schedule as they are often best placed to advise on local historic environment issues.

Please do not hesitate to contact me if you wish to discuss any of these comments.

Yours faithfully

Mark White
Historic Environment Planning Adviser
E-mail: mark.white@english-heritage.org.uk
Greetings Paul

Thank you for making contact and seeking comments about your proposals for CIL. I now offer my comments on this first round of consultation and on behalf of Leicestershire Police. As you will see as an essential infrastructure provider we do believe that some dialogue is overdue on our involvement in CIL and I would appreciate your dates in order to commence this and to cover the issues I raise.

The overarching back drop to the need for Planning to secure and deliver infrastructure is provided by NPPF. You will see that I am attaching two recent contribution requests we have made in the City and you will find therein our synopsis of what NPPF has to say on this. In particular NPPF para 162 perhaps provides the encouragement to work together on infrastructure planning. You will see that I have already asked for discussion of what we will need to adequately serve your Ashton Green development. That needs to happen asap please.

I think it would be helpful to outline a little of the journey we have been engaged in re Infrastructure Planning for Leicester City. As you acknowledge Police made an effort to support the GIA that Councils commissioned back in 2008. The Executive Report concluded at para 82 in relation to Policing that "It is sensible to assume that most of the capital requirements incurred by growth will not be covered by existing mainstream central and local funding". In the concluding sessions on this work a number of providers including Police highlighted the number of large expensive transport projects that made up the overwhelming bulk of the list and also that, by comparison, services like Police, who are working to maintain existing service levels through growth, appeared to have minimal needs. The difficulty was captured by the Judge in the recent Lubbesthorpe JR decision * Police have statutory responsibilities to carry out and although the sums at stake are small in comparison with what will be required to complete the development the sums are large for Police *.

Our first comment is therefore to seek some dialogue with the City Council about how CIL will address this difficulty and ensure that the infrastructure we need is provided through such an environment. To illustrate the point what you do identify as far as policing is concerned at £450k is only some 0.38% of the total infrastructure cost in the projects list. Is there any real prospect for your CIL to deliver anything like this and especially bearing in mind there will be no charge in the SRA which is precisely the area Mansfield house is serving in some of its functions?

In October 2009 we provided information about the impact of growth proposed in your Core Strategy on Policing and at the Examination we made a series of submissions to substantiate this and in particular to demonstrate that the GIA could not be the definitive infrastructure Plan for the City and that other infrastructures needed to be considered. The Inspector agreed requiring an amended Appendix 7 infrastructure schedule which included Mansfield Hose as well as expansion of our facilities at Beaumont Leys and Keyham Lane in response to growth. In her report the Inspector said that " the plan is not the end of the matter..... that refinement of requirements for Policing and other infrastructure will take place through subsequent plans and negotiations on developer contributions....and that the council will collaborate with the police and other infrastructure Providers to devise an appropriate framework for the negotiation of developer contributions to the provision of infrastructure".  I followed up on this expectation on a number of occasions in respect of the developer guidance you were committed to prepare and indeed seeking further information on your preparations for CIL. I have not received a response to these approaches and it is the case, despite the inspectors findings, that Policing Infrastructure Planning ceased in this regard at that time.

Our second comment is therefore a query as to how up to date the Infrastructure Planning is in relation to growth proposed in the City? The normal assumption, bearing in mind the up to date expectation in NPPF, should be that this process was either followed up after 2010 when the plan was adopted or at any point since. I see from the Projects List that there has been a review and I wonder when the Council will work with Police on this. Third in view of the lack
of any review work to date and, if for no other reason than the Inspectors findings and your adopted infrastructure Schedule, it would be good to hear, hopefully through a dialogue, why only works to Mansfield House are identified in the project list. I do understand that this is to demonstrate that there is a funding gap however some testing of the list is perhaps necessary if it is to be considered robust and up to date. It is the case that, just in relation to premises, our needs have changed over this period anyway e.g. in the development of our facility at Euston Street as the Emergency response hub for the City. Further, growth in other parts of the City, outside planned locations, may warrant expansion of our local premises beyond Mansfield House. How will your CIL proposals capture these changes and when should we discuss this?

We have moved on in our infrastructure work anyway and under advice have prepared our objective, up to date and robust assessments of the infrastructure needs related to Planning documents across our area. At Melton this information and the lack of attention paid to it was part of the reason that plan was found to be unsound. At Hinckley the Planning Inspector has required a Main Modification to include adequate Policing infrastructure identified through this approach. At NWL and Charnwood, agreed Infrastructure schedules and topic papers have contained what we will need to serve planned growth. Core Strategies at Blaby, Oadby and Wigston and Harborough include what we will need. The methodology we have used has been found to be CIL compliant on all occasions it has been challenged. We have applied this to your proposed development at Ashton Green indicating an infrastructure gap of £2.8 m on a 3500 home scheme and at Hamilton indicating a gap of £45k on a 73 unit scheme. Applying this methodology to the City wide housing growth that CIL will apply to, 2772 homes, suggests the Police funding gap at some £1.79m or about 4 times what you currently include for us. Our methodology goes beyond just premises to consider vehicles, [also identified in the GIA report], communications systems, IT systems, personal equipment and CCTV. We have about 4 times what you currently include for us. Our methodology goes beyond just premises to consider vehicles, communications systems, IT systems, personal equipment and CCTV. We have taken legal advice from Ian Dove QC on the applicability of these infrastructures to CIL and s106 and this has been distributed to all local Councils. I can supply again if this will assist you.

Suffice to say that this together with our work to identify impacts and mitigations has been sufficient to justify our s106 requests, local Plan content and indeed, in relation to Rutland what we will require from CIL. Related are the ongoing changes to CIL to widen its application eg to maintenance and other infrastructures and we believe our objective assessment and wider application of contributions, beyond just premises, is supported by this. This all prompts our next comment which is to understand how this up to date, objective and robust information will be used to justify and inform what is in the CIL infrastructure list and necessary update of this not only to inform the funding gap issue but to prompt the necessary agreement of what CIL will be spent on. We say that this is all relevant evidence which should form the basis for preparing the schedule. Further that any attempt to limit expenditure to just police premises in the face of this current position will be too much of a constraint especially if there is likely to be a need to prioritise items.

We asked Mr Dove to look at this as well and he concluded “Regulation 61 enlarges the powers of the charging authority to include for the reimbursement of expenditure which has already been incurred. Obviously the detailed administration of funds raised through CIL may vary from authority to authority but plainly it would be perverse for a charging authority having levied monies against a CIL schedule in which Police contributions featured to then fail to pass that element of the levy on which was intended to support the provision of further Police infrastructure” We would appreciate your assurances in these respects in view of what you say at para 36 of the projects list and 2.5 in the supplementary paper. With regard to the comparatively small amount likely to be dedicated to policing we do not believe that increasing that content from 0.3% to 1.2% of the overall infrastructure cost in order to include all our compliant items will in itself suggest any significant additional viability impact. Would you agree?

Springing from our analysis and in comparison with impacts and mitigations elsewhere in our sub region it is clear that Policing the City consumes nearly as much Policing resource as that deployed to all the other areas combined. 47% of total call demand comes from the City, The equivalent of 47% of our workforce either work directly in the City or deliver parts of their work to assist City policing. 49% of all recorded crime in our area occurs in the City. City crime rate to households is one incident per year to 25 households as opposed to 1 to 54 beyond it. Clearly the Life of the City depends on adequate policing far more than any other area and in a similar vein the quality of the daily life of city residents and occupiers depends more on adequate policing than elsewhere. If anything these dependencies demonstrate the importance of maintaining the police service through growth rather than effectively reducing it by allowing additional un mitigated development. We would appreciate your assurances as to how what you show as regards meeting Policing needs through CIL, will make an effective contribution to this.

It is clear that viability assessment is having a significant effect on the anticipated CIL rates and receipts and this would apply even if the charging list was more up to date. This was a factor in the GIA work at the outset of the global banking and credit crisis. Since then we have also endured recession and ongoing austerity in the public sector. Because of these factors the current anticipated total CIL receipt from 2772 houses is £5.5m yet current s106 receipts is £689k pa. With this in mind we would appreciate a dialogue on the value and contribution that CIL in the City will genuinely make. Whilst the principles of CIL and the shortcomings of s106 in service planning are obvious, and indeed we support the former because of this, we are unclear as to the particular case for CIL that would apply in the City over and above that evidenced for continuing your s106 regime. An update of the viability work to reflect improvement in the economy and projections based on further improved economic performance might be a useful aid
Looking at the Policing content of s106 contributions, which is zero despite the forces best efforts, will CIL make any difference to this? Whilst reg 123 and the “5 and out rule” might drive the City Council to CIL as the only option, as far as policing is concerned we may still have better prospects in the s106 regime however that will depend on the ability of the City to deliver this. There has been no progress so far. The applicability of that rule is likely to change in the next Parliament anyway, as it has relatively recently. ACPO are taking advice on the impact of “5 and out”. Again a dialogue would be useful on this.

To conclude then we ask for a constructive dialogue to consider these comments and adequate Policing infrastructure to support growth you propose. The Police and Crime Commissioner and Chief Constable will be meeting your Chief Executive and Leader in the near future and it seems to me that this subject could be a good one to highlight within the discussions.

I look forward to hearing from you soon.

Best regards

Michael Lambert
Growth and Design Officer
Leicestershire Police
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0116 248 2201

From: Paul Statham [mailto:Paul.Statham@leicester.gov.uk]
Sent: 28 May 2014 12:24
To: planning-policy
Subject: Leicester City Council - Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule

The Council intends to introduce the Community Infrastructure Levy (CIL), and is in the process of preparing a Community Infrastructure Levy Charging Schedule.

CIL is a new charge that local authorities can place on new development. The levy will be used to fund infrastructure to support growth.

Before a Charging Schedule can be adopted by the Council it must be subject to two rounds of consultation and an examination in public. This is the first stage of the consultation process.

The Council has prepared a Preliminary Draft Charging Schedule (PDCS) along with the supporting evidence base documents. The PDCS sets out the proposed charging rates for Leicester.

The Council invites comments on the Preliminary Draft Charging Schedule and supporting documents.

The consultation period runs from Wednesday 28th May 2014 and ends on Thursday 10th July 2014 at 5.00pm.

The summary PDCS, a PDCS supplementary document (which includes a draft instalments policy), CIL Infrastructure Projects List, Draft Regulation 123 List and supporting documents can be viewed on the Council’s website:

http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/cil/

Copies of the PDCS documents are available at all City Council customer service centres and can be accessed at all public libraries via the free internet access provided there.

You can comment by:


- By writing to: The Planning Policy Team, PDCS Consultation, Leicester City Council, A 11 New Walk Centre, Welford Place, Leicester LE1 6ZG
The PDCS contains a number of questions on which the Council would like your views. Please be aware that your comments will be published on the Council’s website together with your name.

Regards

Jeevan Dhesi
Planning Policy
Leicester City Council
Tel: 0116 454 2983

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Thank you for your co-operation.

(c) Leicestershire Police
16/4/14

Dear Mr Richardson.

RE: Ashton Green growth Point. 3,500 dwellings, employment and related infrastructure.

I refer to the recent application to vary conditions here and I note that this was permitted despite objections raised by Police. If you recall we were concerned that the former condition to meet the Policing needs of the development through its phases was being abandoned for something which was geared to secure built community facilities. In considering this your conclusions were “I consider a strategic approach to the delivery of community and governance facilities will see an appropriate level of facilities provided at suitable times within the overall build timeframe” and “Whilst the requirement for meeting the policing needs of the development is not contained within its own specific condition, its inclusion in the community condition still secures adequate provision to meet the policing needs of the development. I consider the deletion of the condition to be acceptable”. I am concerned that the new wording [condition 29 page 36] doesn’t actually say this and further that no reason is given in the report as to why deletion of the bespoke condition was necessary. Nevertheless in an attempt to move things forward I thought it would be helpful to apply what is currently regarded as our compliant request approach to this development to identify Policing impacts and necessary mitigations.
The nature of the development

The application seeks to develop a number of open fields to north west of the City as an urban extension. 3500 houses are proposed together with an area for employment development, schools and medical facilities as well as access, open space and other infrastructures. Illustrative plans show that the development will be aimed at family occupation with a mix of uses not dissimilar to those in the surrounding area. This existing development locality provides a reliable basis for gathering “baseline” data in terms of policing demand and deployment.

Current levels of local Policing demand

Policing is a 24/7 service resourced to respond and deploy on an "on demand" and "equal access" basis and is wholly dependent on a range of facilities for staff to deliver this. Calls and deployments via our control room at Force Headquarters Enderby are monitored and can give an indication of the level of service demand in different areas such as to the 19520 existing households in the Beaumont Leys LPU and the 6459 households in the Beaumont Leys beat [C03].

In the 2011 year we dealt with 73564 calls from the Beaumont Leys LPU area, we dispatched emergency attendances to 13616 locations and non emergency follow ups to 3464 addresses. Attributing to the CO3 beat 24276 calls were handled, emergency attendances were sent to 4493 addresses and there were 1143 non emergency attendances.

The site represents most of the north of this beat which is undeveloped unlike the the south of the beat which has large areas of residential, retail and commercial development. Crime incidents are concentrated in the built areas of the beat with 1722 recorded incidents in the last year. Crime mapping shows an even but dense spread of incidents across the adjoining areas with burglary and theft the main content. There is a concentration of incidents at the Beaumont Leys shopping centre where local people visit and shop. Forcewide the total crime level has been static since late 2011. Burglary levels rose late last year to a 3
year high. Levels of theft remain static. Turning to the beat Total crime and theft has remained static over this period however has been increasing steadily in the last year. The trend in local burglaries reflects that Force wide. Police also deal with Anti Social Behaviour incidents with 1009 of these in the beat in the 2011 year.

Perhaps a further demonstration of response to demand is the regular patrolling of the locality and local community contact maintained by the Neighbourhood Policing team located at the Beaumont Leys LPU building.

**Current levels of deployment and infrastructures to Police Charnwood District.**

*Staff* delivering Policing to the Beaumont Leys LPU area are spread across the following functions:

- 66 staff in the Neighbourhood team operating from Beaumont Leys LPU station.
- 77 staff in the City Basic Command Unit at Mansfield House Leicester City Centre, delivering response Policing, investigations, intelligence, and LPU management
- in delivery teams mainly at Force HQ Enderby - Criminal justice including courts case management and prisoner detention and processing, control centre/contact management, Intelligence research, Operations planning, dogs and firearms, special branch, forensic, Road Policing, Workshops/garages, Tactical Support Group, Road Safety Unit, IT and communications, Safeguarding/ vulnerability, Child abuse team, Economic crime team and in Regional/major crime working.
- in organisational support functions at Force HQ Enderby providing finance, human resources, welfare, estates, training and top level management of the Force. 158 staff are employed delivering these later two functions to the LPU area.

301 staff deliver Policing to The Beaumont Leys area.
Because of the integrated nature of Policing - there no longer being one local police station serving all the local need - all these functions will be called upon to deliver Policing to the proposed development. Across our 301 staff employed to deliver Policing to Beaumont Leys, Policing an existing development of this size would fully occupy 54 members of staff. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of Policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver Policing to the locality. It would be complacent not to do this because without additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the Policing needs of this development and maintain the current level of Policing to the rest of the local beats and across Beaumont Leys and the wider City area. The impacts of the development are so significant that they cannot be met without additional staff deployed at a level consistent with the current Policing of the locality of the development.

The following infrastructure is required for all Policing activities in Leicester City.

*Personal equipment for staff* comprising workstations, radios, protective equipment, uniforms and bespoke training in the use of these. In general we retain this equipment when existing staff leave and are replaced however additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be reused eg with uniforms or where technology has moved on.

*Police vehicles* of varying types and functions covering existing patterns of development and community demand. The 36 fully equipped vehicle fleet
is kept at a level to meet existing patterns of demand from the LPU with reductions made whenever possible. Vehicles are used by staff on patrol, deployed to deal with emergency responses and for follow up of recorded crimes eg by Scene of Crimes Officers. There is no capacity in this deployment for increases to meet the demands of this development.

Radio cover in the form of a number of base stations sufficient to cover the existing pattern of development and investment in hardware, signal strengthening etc to ensure the capacity of this system to meet existing call levels costs £20,000 pa.

Police National Database is a vital tool for law enforcement purposes with hardware costs to ensure this capacity at £10976 pa in Beaumont Leys. The system is now at planned capacity including dealing with 1561 hits pa as a result of Policing the existing communities there.

Control room telephony We employ 20 staff to take and deploy responses to calls from Beaumont Leys. The control centre is maintained to capacity use and there are particular times when our telephony runs close to overload eg at weekends and evenings.

CCTV technologies including 12 ANPR cameras at strategic road locations in the City to detect crime related vehicle movements. In addition two mobile CCTV units are deployed with local partners to detect and deter crime at hotspots in the locality. Cameras have in the past been deployed as funding has permitted, including s106 receipts, in an attempt to cover the existing pattern and size of development. There is no capacity to meet the additional demands that growth places upon these. New developments should benefit from the same technology as elsewhere in the Police District where it has been shown to detect and deter crime.
**Premises** sufficient to accommodate the staff and services outlined above in Beaumont Leys LPU, Mansfield House BCU City Centre and Force HQ Enderby. The Force have an active estates review function minimising our premises need to meet existing Policing demand. We just can't afford to have buildings under used and will dispose of these wherever necessary using receipts to re-invest where there are known difficulties. The existing LPU, BCU and HQ premises are used to capacity and this is maintained through the processes I have described. All will need to be extended to accommodate additional staff as a result of the development.

At Force HQ a number of specialist functions and support teams are located at our 11 hectare site. It is typical for our control room to be at capacity at peak times and where 20 existing staff are employed to process existing calls from Beaumont Leys. Additional staff will need to be employed to take additional calls from the new development and to deploy our resources as responses to these. These additional staff will need to be accommodated.

**Other capital infrastructures** such as specialist equipment in use by Forensics, our tactical teams eg in firearms and dog handling, freestanding IT and data recording in relation to vulnerable groups, prisoner detention, transportation and processing including cells at core locations. We do not seek contributions towards these infrastructures at this stage since they have some spare capacity to deploy.

**The disposition of Leicestershire Police as regards major growth development**

A primary issue for Leicestershire Police is to ensure that new development of this scale makes adequate provision for the future Policing needs that it will generate. Like some other public services our primary funding is insufficient to be able to add capital infrastructures to support major new development when and wherever this occurs. Further there are no bespoke capital funding regimes, eg
like Building Schools for the Future or the Health Lift, to provide capital re
vestment in our facilities. We fund capital infrastructures by borrowing.
However, in a service where over 90% of our budget is staffing related, our
capital programme can only be used to overcome pressing issues with our
existing facilities eg premises replacement Loughborough, or to re provide
essential facilities like vehicles once these can no longer be used. This situation
has been recognised by the Association of Chief Police Officers nationally for
some time and there are public statements which explain our particular funding
difficulties. The position of Police funding was examined and verified by external
consultants employed by Local Councils - The Leicestershire Growth Impact
Assessment of 2009 which concluded at para 82 in relation to Policing "It is
sensible to assume that most of the capital requirements incurred by growth will
not be covered by existing mainstream central and local funding".

Faced with unprecedented levels of growth being proposed across our sub
region Leicestershire Police have resolved to seek developer contributions to
ensure that existing levels of service can be maintained as this growth takes
place. We are a regular and constant participant in the statutory Planning
process evidencing the impact of growth through work with local Councils in their
Plan making, preparation of guidance, preparations for CIL and the consideration
of individual Planning applications including attendance at appeals. Police
nationally encourage this approach to offset the impact of growth on the Police
service.

The Policing impact of 3500 additional houses at the site.
The proposed development will increase the overnight population of this
settlement by 9345 people. It is a fact that 3500 additional dwellings will bring
additional Policing demands and particularly as there is no Policing demand from
the existing site as open fields. I do not doubt that there will be a corresponding
increase in crime and demand from new residents for Policing services across a
wide spectrum of support and intervention as they go about their daily lives at the
site, in the locality and across the Policing sub region. There will be a significant
daytime population swelled by employees and users of the facilities to be built on the site.

Empirical data based on existing crime patterns, and policing demand and deployment from existing residential areas in the local beat indicates the direct and additional impacts of the development on local Policing that will be manifested in demand and responses in the following areas:

- 13,300 additional calls and responses per year via our control centre.
- Attendance to an additional 2573 emergency events within the proposed development and locality each year.
- 625 additional non emergency events to follow up with public contact each year.
- 933 additional recorded crimes in the development and locality per year based on beat crime and household data. In addition 547 recorded anti social behaviour incidents each year within the new development and locality.
- The demand for increased patrol cover.
- Additional vehicle use relating to 13 additional vehicles over a 6 year period.
- Additional calls on our Airwaves system where our funding seeks to maintain capacity for call demand at current levels.
- Additional use of our PND systems to process and store crime records and intelligence and based on existing levels of use equating to 280 additional hits and data entries per year.
- Additional demand for deployment of Mobile CCTV technologies
- Additional demand for local access to beat staff from the Beaumont Leys LPU.
- Additional Policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.
Planning Policy justifications for a Policing contribution

The National Policy position to support our request exists in NPPF. Securing sufficient facilities and services to meet local needs is a Core Planning Principle [para 17]. Planning is to deliver facilities and services that communities need [para 70] and Supplementary Planning documents can assist applicants in this. Plan policies should deliver the provision of security infrastructure and other local facilities [para 156]. Plan policy and decision making should be seamless [para 186]. Infrastructure Planning should accompany development planning by LPAs [177] who should work collaboratively with infrastructure Providers [162]. NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion [58] and Planning Policies and decisions should deliver this.

Leicester City CS Policy 19 forms local policy justification for a policing contribution and through the Examination of your Core Strategy policing requirements, accepted as primary, feature in the attached infrastructure schedule. These include works to Mansfield House and the LPU at Beaumont Leys to accompany growth proposed at Aston Green.

The City Council are aware of the Policing impact of additional development through Police submissions to the Core Strategy Examination and Planning applications with significant additional housing content. In relation to Ashton Green the City Council have recognised that Policing needs should be met through the phases of the development. Police have made approaches to City Council officers dealing with CIL with no response. A consistent approach will be pursued here following guidance in the CIL Regulations and NPPF. This is an approach recognised in recent public Examinations of Core Strategies where soundness of Plans is dependent on provisions for adequate infrastructure to accompany growth proposed.

The Police contribution request
£2,840,072 is sought to mitigate the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because, like some other services, we do not have the funding ability to respond to growth whenever and wherever proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs [eg call charges on telephony and Airwaves, vehicle maintenance and so on]. As already confirmed these sources do not have the capacity to fund additional borrowing for additional capital infrastructures necessitated by the development.

Police expect to agree a programme to procure these additional facilities and have no difficulty including this as a clause in a legal agreement. We are committed to procure these items subject to the contribution sought. Contributions are only sought that are related in scale and kind to the development.

As a further justification of our request, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering Policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about the known Policing demands of comparable local development. Assumptions about pupil numbers and health needs similarly depend on comparables and we believe the Framework encourages this.

The development should make provision to mitigate the direct and additional Policing impacts it will generate and cannot depend on the Police to just absorb these within existing facilities with limited capacities and where Police have no flexibility in our funding to do this. This has been the situation since 2006 when Leicestershire Police started to seek contributions. It is not forced by current spending reductions although strictures across the public sector re-enforce the need to ensure that developments mitigate the direct impacts they cause.
Because of the very serious implications for Policing of very significant and large developments, like this one, Police nationally have taken advice about the best way to proceed in the transition period prior to the CIL regime. As a result Leicestershire Police no longer make requests based on a formula but solely in relation to the development under consideration; its direct impacts on Policing and the necessary mitigations that it should provide. I should add that this is consistent with Inspectors views in recent appeal decisions. What follows is a detailed explanation of Methodologies used to calculate the contribution and our application of the NPPF tests to justify each part.

Mitigation of impacts and methodologies identified by Leicestershire Police

Baseline background. At October 2012 total floorspace occupied by the Force to deliver Policing to this locality and the subregion more generally was 54,274m2. We employed 3606 staff to do this. Existing households in the Police district [2011 census] was 405,500 with 19520 in Beaumont Leys. Across the Force 301 Police staff deliver Policing to the LPU area.

Households to staff for Beaumont Leys is 65:1
Floorspace to staff Forcewide is 15 m2.

Equipping staff.
Additional staff needed to Police the development will require additional equipment.
For a Police Officer the additional equipment items are uniform £873, radio £525, Workstation £1508, De Montford University foundation/basic accreditation £2333, Other external Training £2182. Uniformed officers work in shifts where workstations can be shared and as a result start up cost will be £7421 per uniformed officer.
For other staff the additional equipment items are workstation £2286 and training £687, total £2973.
We employ staff to officers at a ratio of 0.33 to 0.66 and so the average cost of equipping a new member of staff is £5879.
Because the development is forecast to generate the need to employ 54 additional members of staff the contribution for equipment should be £317466 from this new development.

The Force could not have officers attending this development with less than adequate equipment with un-necessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations and the Council's Core Strategy content demonstrates this further. The Framework identifies the need to achieve security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.

*Is it directly related to the development?*

The Policing demands of this development are identified and Police mitigation of these can only be delivered by adequately equipped staff.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate are known by comparison with local residential development. That is the only satisfactory way of determining the need from development that is not yet built. Such comparables are used in identifying the impact of additional populations on most if not all public services. Demand and mitigations have been determined by the scale of the development.

**Police vehicles** In managing and responding to crime a number of different vehicles can be deployed ranging General Response Vehicles[patrol cars], unmarked general support vehicles, Public Service Unit vans and minibuses,
scientific [eg SOCO] vehicles, pursuit vehicles - 4x4 and high speed, motorcycles and so on. Current fleet deployment to Beumont Leys is 36 vehicles serving 19520 existing households. The average equipped cost of a vehicles is £15,774 and this is very close to the actual cost of a GRV. Our guideline for the majority of marked vehicles is to replace every three years or 120,000 miles. The condition of vehicles at the end of their Police life varies however we forecast that we will redeem on average 10% of a vehicles original value on disposal.

**36 vehicle units at net value £511077**
Existing households 19520 = £26.18 per H hold x 2  to give 6 year life of provision.

In relation to this particular development additional vehicle costs to deliver Policing and meet community safety needs will be **£183260.** Impact of the development without the contribution will be pressure to spread existing transport too thinly to the extent that service delivery is prejudiced. Residents of the new development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new development.

*Is the contribution necessary to make the development acceptable in planning terms?*
Vehicles are a fundamental capital infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

*Is it directly related to the development?*
Fleet deployment is related to the known Policing demands of comparable development in the locality. The direct demand from the new development can be accurately forecast. Delivering Policing direct to this development will not be possible without additional vehicles to do so.
Is the contribution fairly and reasonably related in scale and kind to the development?

This is a residential development and the Police vehicle demands it will generate are known by comparison with deployment to other local residential development. Level of demand and mitigations have been determined by the scale of the development.

**Radio Cover/capacity** It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. The development will increase the use of our radio system which is maintained at existing capacity by investing in additional hardware including servers, system refinement signal strengthening and improved transmission technologies. We spend £20,000 pa adding such capacity to the existing system in Beaumont Leys which serves 19520 households. Annual cost of these capacity increases to an existing household is £1.02. Capacity improvements are expected to last for 5 years and without these the system will fail to adequately carry both existing and additional calls as a result of this additional development. The additional cost of the additional capacity in relation to houses in this development will be £17850.

The impact of the development on Policing with reduced Airwaves capacity will be increased attendance times, delays in message passing and the implications of this for attendance and apprehension. Occupiers and those that represent them will expect existing performance and attendance levels to be maintained.

*Is the contribution necessary to make the development acceptable in planning terms?*

Deployment to adequately deliver community safety and security will not be met where this is prejudiced by insufficient radio system capacity. Crime, community safety and security are Planning considerations.

*Is it directly related to the development?*
The additional demands of this development in relation to this infrastructure have been identified as have mitigations.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of additional radio calls, are known by comparison with similar local residential development. Demand and mitigations have been determined by the scale of the development.

**Police Database capacity.** It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. This is a secured stand alone information source integrating a variety of data nationally and allowing this to be compared over time in relation to individuals and locations. Additional hits as a result of the development to access existing crime information and add more crime data to be accessed by more staff generate a need to add capacity to this system. The current system and access to it reached planned capacity usage this year. Dedicated hardware is used with our contribution to this at £1,456,000 through the 14 year growth period at today's prices. In addition, local servers are replaced every 2.5 years at £83k each time to add further capacity to meet the demand placed adding £464,800 to PND costs through to 2026. We spend £10976 on PND system enhancements to serve Beaumont Leys at £0.56 per household per year. Over 5 years the development should contribute £9800.

Failure to increase PND capacity in step with growth the subject of this application will directly impact the ability of the Force to rapidly access and respond to crime information.

*Is the contribution necessary to make the development acceptable in planning terms?*
Deployment to adequately deliver community safety and security, will not be met where this is prejudiced by insufficient capacity in the Police PND system.

**Is it directly related to the development?**
The additional demands of this development in relation to this infrastructure have been identified as have mitigations.

**Is the contribution fairly and reasonably related in scale and kind to the development?**
This is primarily a residential development and the Policing demands it will generate, in terms of PND use, are known by comparison with existing local residential development. The development is not built and this is a reasonable way to forecast this impact. Demand and mitigations have been determined by the scale of the development.

**Control Room telephony**  Police control room call handling equipment is used to capacity at peak times. Our call handling centre at Force HQ Enderby directs all calls and deploys resources to respond and continue monitoring. We know the capacity of the technology and the calls it currently handles [fixed around minimum times with callers] and will be expected to handle as a result of the proposed development. In order to deal with additional calls as a result of additional planned development across our sub region additional telephony, lines, licenses, workstations and monitoring screens will be required at a total cost of £199,000. 8% of all calls handled relate to the 19520 households in Beaumont Leys LPU area and additional calls forecast from this development are identified. The Council proposes 3,500 additional houses for Beaumont Leys in their plan period. Each new household in the LPU area will generate a need to invest an additional £4.54 in this system. The development should contribute £15890 towards the additional equipment needed to answer the additional calls it will generate. Police preference is to use this money when the existing telephony is extended and renewed at 2018 however this does not prevent procurement of additional capacity in the meantime as a result of the impact of this development.
There will be a call handling impact and delays in response times if we attempt to serve this development with our current telephony systems.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations. NPPF identifies need to achieve security in new development and makes provisions to deliver this through the planning system. These considerations will not be met where Policing delivery is prejudiced by insufficient telephony capacity to take calls and deploy responses in good time.

*Is it directly related to the development?*

The additional demands of this development in relation to this infrastructure have been identified as have mitigations.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of use of control room telephony, are known by comparison with other local residential development. Demand and mitigations have been determined by the scale of the development.

**ANPR CCTV Deployment** Police are deploying fixed ANPR cameras on main road network and close to or in settlements. These cameras are server linked to identify number plates of vehicles in use for crime. This type of camera offers particular benefits to the immediate surrounding area especially where vehicle related crime is present. We deploy these as resources permit however our financially constrained programme makes no provision for the impacts of additional areas of housing. The use of these technologies has a beneficial impact in terms of minimising staff attendance. Unit cost is £8000 which includes installation and satellite links. Additional server capacity will be required to
process and store images and integrate to PND at £222 per new camera. Police take the view that in the light of the stand alone nature of the development, the additional road links and accessibility proposed and existing crime patterns, it should fund 3 additional cameras to be sited on a main access points serving the development at **£24,666**.

Impact without this contribution will be an inability to monitor crime related vehicle movements and address incidents effectively. Our response would be less than available elsewhere in Charnwood District where this cover is provided.

**Mobile CCTV Deployment** Units are acquired as funding, including s106, permits however our financially constrained programme makes no provision for cover of additional areas of development. Cameras are deployed in partnership with other local agencies to detect and deter crime and can be moved to follow crime patterns. There are two such cameras in use in the LPU area. Typical locations are where there is an expressed fear of crime, at emerging crime hotspots that residents use eg near commercial premises, or where there are increasing levels of anti social behaviour. Unit cost is £1500 and Police pay the revenue costs for movement. Bearing in mind the location and nature of the development as previously described, purchase of three additional mobile units is required to serve the development and its hinterland at a cost of **£4500**.

Impact without this contribution will be less access to deployment of this equipment than elsewhere in Leicester City and the wider Police District, and would give rise to a lower rate of detection and deterrence of crime that would in turn have consequences for other police resources.

*Is the contribution necessary to make the development acceptable in planning terms?*

Policing is a Planning consideration and NPPF provides guidance about local facilities and the provision of security. Core Strategy policy and content supports this consideration. Deployment of CCTV technologies significantly increases
detection and deterrence with reduced need for staff presence and particularly contributes towards achieving community safety. This will be prejudiced where new development places additional demands on existing deployment without mitigation and the ability of these technologies to deliver safety is undermined where new development creates additional accessibility and network gaps.

Is it directly related to the development?
The additional demands of this development in relation to this infrastructure have been identified as have mitigations. The nature of the development and its size and location in relation to the existing settlement and camera deployment are a direct consideration in these technologies.

Is the contribution fairly and reasonably related in scale and kind to the development?
This is a residential development and the Policing demands it will generate, in terms of additional crime and vehicle movements, are known by comparison with other similar residential development. Demand and mitigations have been determined by the scale of the development.

**Premises** For Beaumont Leys Policing is delivered from the LPU, Mansfield house BCU and HQ premises. Additional staff will need to be accommodated to serve the development. Occupation of local and Force wide premises is maintained to capacity. Premises cost is amount of floorspace per staff member \[15\] x number of staff generated by the development \[54\] x Build and land/lost opportunity cost \[£2794pm2\] giving a total of \textbf{£2263140} from this development. The latter is the build cost in use by Force Estates and has been externally verified by tender.

This will be spent to extend and or increase floorspace in these premises used to Police the area and in proportion to the numbers of staff located in these as described above. In relation to HQ and Forcewide premises a number of functions necessary to Police the development are already using these to
capacity. Typical of these is the Force Control room which is secured constructed, perimeter secured and attack resistant and is at capacity.

Impact of this development without premises expansion to accommodate additional staff will be an unacceptable degree of overcrowding and inefficiencies in responses and delivering Policing as a result. With the level of local Policing demand and the numbers of staff employed to meet this impact will be significant without mitigation.

*Is the contribution necessary to make the development acceptable in planning terms?*
Crime and community safety are Planning considerations and accommodating staff in the optimum location to serve the development is essential if this is to be achieved.

*Is it directly related to the development?*
The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*
This is a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known. It is based on the scale and kind of residential development.

**Additional Crime Prevention equipment.** This sizeable new development will increase the demand for local accessibility to Policing and the deployment of
crime prevention initiatives. We have restricted funds to deliver such initiatives to existing development to pay for equipment eg Smartwater kits[fluid, sprays, detectors] or signage for local occupiers to use. Each initiative budgets for capital expenditure of £4,000 with the developer asked to contribute £1 per new unit as a fair and proportionate contribution from this development.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations and ensuring accessibility for the public to Policing is important to community safety, combating and reducing crime and the fear of crime.

*Is it directly related to the development?*

These crime prevention initiatives will specifically serve the development and a proportionate contribution towards increasing their equipment capacity is sought.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and experience with existing development locally demonstrates the need to invest in additional crime prevention measures. The contribution is based on the scale and kind of residential development.

**SUMMARY OF CONTRIBUTION REQUESTED**

The Police contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and LPU areas in which it will be situated. The existing deployment of Police assets to Police the locality are identified and applied to the application site to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the
contribution. Finally the contribution is itemised as below with individual methodologies applied to this development and the CIL tests of compliance are applied to these.

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start up equipment</td>
<td>£317466</td>
</tr>
<tr>
<td>Vehicles</td>
<td>£183260</td>
</tr>
<tr>
<td>Additional radio call capacity</td>
<td>£17850</td>
</tr>
<tr>
<td>PND additions</td>
<td>£9800</td>
</tr>
<tr>
<td>Additional call handling</td>
<td>£15890</td>
</tr>
<tr>
<td>ANPR</td>
<td>£24666</td>
</tr>
<tr>
<td>Mobile CCTV</td>
<td>£4500</td>
</tr>
<tr>
<td>Additional premises</td>
<td>£2263140</td>
</tr>
<tr>
<td>Hub equipment</td>
<td>£3500</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£2840072</strong> [£811pd]**</td>
</tr>
</tbody>
</table>

**Conclusion**

Without the necessary contribution the development will be unacceptable in Planning terms and permission should not be granted as indicated in NPPF Guidance. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developer of the site to provide a contribution so the situation might be remedied. The request is directly related to the development and the direct Policing impacts it will generate based on an examination of demand levels in the LPU and local beat in which it is situated, adjacent areas and existing Policing demands and deployment in relation to this. The request is wholly related to the scale and kind of the application development.

Leicestershire Police have refreshed our approach to contributions taking account of the advice of leading Counsel and recent reductions in our
deployment. We are advised that the contents of this letter are sufficient to justify the contribution sought and that the request is compliant with NPPF tests. Without the necessary contribution to meet Police needs there is a **formal objection to the development on sustainability grounds and because the development is unacceptable without the necessary contribution.**

I refer to the 7 Planning appeal decisions attached where the current approach of Police in seeking contributions was determined as compliant by Inspectors and the Secretary of State.

I confirm that the methodology employed in this request is similar to that used in all of these appeals subject of course to local data about Policing demand and deployment to each development. Policing the development will depend on all of the capital infrastructures I have identified including delivery from premises inside and outside the City again as I have described and as identified in your Core Strategy Infrastructure Plan.

My conclusion at this stage is in several parts.

a] The development will have very significant impacts on Policing and these will need to be adequately mitigated if it is to be sustainable and the safety of the local community assured. That has to be a mutual interest between the City Council and Leicestershire Police.

b] Necessary primary Policing infrastructures need to be considered in the viability of the development alongside for example schools and medical facilities.

c] Police believe the planning permission for the development as recently amended does not adequately consider nor reflect necessary infrastructures to meet Policing needs.

Please give this your consideration and I suggest that we meet at your earliest convenience to hear how the LPA will make adequate provision to meet Policing needs as a result of the development.
Best regards

Michael Lambert
Growth and Design Officer
Leicestershire Police
michael.lambert@leicestershire.pnn.police.uk

Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.
Dear Daryl Watson,

RE: 73 new dwellings Hamilton Community College.

Many thanks for consulting the Police and Crime Commissioner on this planning application. Following consistent success at Planning appeals considering additional homes on greenfield sites Police are making a contribution request in relation to this outline planning application. We are using the same methodology as deployed in all recent appeals and requests albeit with the inclusion of data about this site and locality.

The nature of the development
The application seeks to develop scrubland/playing fields for housing. 73 houses are proposed with access from an adjoining estate Road. Illustrative plans show that the development will be for family occupation similar to that in the area and being built locally. Existing development in the locality provides a reliable basis for gathering “baseline” data in terms of local policing demand and deployment.

Current levels of local Policing demand
Policing is a 24/7 service resourced to respond and deploy on an "on demand" and "equal access" basis and is wholly dependent on a range of facilities for staff to deliver this. Calls and deployments via our control room at Force Headquarters...
Enderby are monitored and can give an indication of the level of service demand in different areas such as to the 25007 existing households in the Keyham Lane LPU and the 6830 households in the C 12 Humberstone Beat.

In the 2011 year we dealt with 71725 calls from the Keyham Lane LPU area, we dispatched emergency attendances to 13276 locations and non emergency follow ups to 3381 addresses. Attributing to the C 12 beat 19807 calls were handled, emergency attendances were sent to 3633 addresses and there were 958 non emergency attendances.

Open fields surrounding the site are being developed to the extent that most of the C12 beat will soon be built up. Local crime mapping reveals crime incidents spread across existing housing with incidents spreading across recently developed estates. There were 827 recorded incidents in the beat in the last year with burglary, damage and vehicle related crime the main elements. Crime mapping shows an even but dense spread of incidents across the adjoining areas with burglary, damage and vehicle crime the main content. There is a concentration of incidents at the shopping centre on Hamilton Way which local residents regularly visit. Forcewide the total crime level has been static since late 2011. Burglary levels rose late last year to a 3 year high. Levels of vehicle crime are static. Levels of damage are reducing at the moment. In the beat total crime and burglary is static, damage reducing and vehicle crime increasing. Police also deal with Anti Social Behaviour incidents with 875 of these in the beat in the 2011 year.

Perhaps a further demonstration of response to demand is the regular patrolling of the locality and local community contact maintained by the Neighbourhood Policing team located at the Keyham Lane Police Station.

**Current levels of deployment and infrastructures to the locality.**

*Staff* delivering Policing to the Keyham Lane LPU area are spread across the following functions:
- 51 staff in the Neighbourhood team operating from Keyham Lane LPU station.
- 71 staff in the City Basic Command Unit at Mansfield House Leicester City Centre, delivering response Policing, investigations, intelligence, and LPU management.
- In delivery teams mainly at Force HQ Enderby - Criminal justice including courts case management and prisoner detention and processing, control centre/contact management, Intelligence research, Operations planning, dogs and firearms, special branch, forensic, Road Policing, Workshops/garages, Tactical Support Group, Road Safety Unit, IT and communications, Safeguarding/ vulnerability, Child abuse team, Economic crime team and in Regional/major crime working.
- In organisational support functions at Force HQ Enderby providing finance, human resources, welfare, estates, training and top level management of the Force. 154 staff are employed delivering these later two functions to the LPU area.

276 staff deliver Policing to Keyham Lane LPU area.

Because of the integrated nature of Policing - there no longer being one local police station serving all the local need - all these functions will be called upon to deliver Policing to the proposed development. Across our 276 staff employed to deliver Policing to Keyham Lane, Policing an existing development of this size would occupy 80% of the time of an existing member of staff. Staffing levels are under constant review to ensure that minimum acceptable numbers are deployed to meet existing levels of Policing demand. This has the benefit of much needed savings in costs, but as a result there is no additional capacity to extend existing staffing to cover additional development.

Where additional development is proposed we will seek to deploy additional staffing and additional infrastructures at the same level that is required to deliver Policing to the locality. It would be complacent not to do this because without
additional support unacceptable pressure will be put on existing staff and our capital infrastructures which will seriously undermine our ability to meet the Policing needs of this development and maintain the current level of Policing to the rest of the local beats and across Keyham Lane and the wider City area. The impacts of the development are so significant that they cannot be met without additional staff deployed at a level consistent with the current Policing of the locality of the development.

The following infrastructure is required for all Policing activities in Leicester City.

**Personal equipment for staff** comprising workstations, radios, protective equipment, uniforms and bespoke training in the use of these. In general we retain this equipment when existing staff leave and are replaced however additional staff will require additional equipment. There are practical limits to the extent to which existing equipment can be reused eg with uniforms or where technology has moved on.

**Police vehicles** of varying types and functions covering existing patterns of development and community demand. The 34 fully equipped vehicle fleet is kept at a level to meet existing patterns of demand from the LPU with reductions made whenever possible. Vehicles are used by staff on patrol, deployed to deal with emergency responses and for follow up of recorded crimes eg by Scene of Crimes Officers. There is no capacity in this deployment for increases to meet the demands of this development.

**Radio cover** in the form of a number of base stations sufficient to cover the existing pattern of development and investment in hardware, signal strengthening etc to ensure the capacity of this system to meet existing call levels costs £15600 pa.

**Police National Database** is a vital tool for law enforcement purposes with hardware costs to ensure this capacity at £10700 pa in Keyham Lane.
The system is now at planned capacity including dealing with 2001 hits pa as a result of Policing the existing communities there.

**Control room telephony** We employ 19 staff to take and deploy responses to calls from Keyham Lane. The control centre is maintained to capacity use and there are particular times when our telephony runs close to overload eg at weekends and evenings.

**CCTV technologies** including 12 ANPR cameras at strategic road locations in the City to detect crime related vehicle movements. In addition two mobile CCTV units are deployed with local partners to detect and deter crime at hotspots in the locality. Cameras have in the past been deployed as funding has permitted, including s106 receipts, in an attempt to cover the existing pattern and size of development. There is no capacity to meet the additional demands that growth places upon these. New developments should benefit from the same technology as elsewhere in the Police District where it has been shown to detect and deter crime.

**Premises** sufficient to accommodate the staff and services outlined above in Keyham Lane LPU, Mansfield House BCU City Centre and Force HQ Enderby. The Force have an active estates review function minimising our premises need to meet existing Policing demand. We just can't afford to have buildings under used and will dispose of these wherever necessary using receipts to reinvest where there are known difficulties. The existing LPU, BCU and HQ premises are used to capacity and this is maintained through the processes I have described. All will need to be extended to accommodate additional staff as a result of the development.

At Force HQ a number of specialist functions and support teams are located at our 11 hectare site. It is typical for our control room to be at capacity at peak times and where 19 existing staff are employed to
process existing calls from the Keyham Lane area. Additional staff will need to be employed to take additional calls from the new development and to deploy our resources as responses to these. These additional staff will need to be accommodated.

Other capital infrastructures such as specialist equipment in use by Forensics, our tactical teams eg in firearms and dog handling, freestanding IT and data recording in relation to vulnerable groups, prisoner detention, transportation and processing including cells at core locations. We do not seek contributions towards these infrastructures at this stage since they have some spare capacity to deploy.

The disposition of Leicestershire Police as regards major growth development

A primary issue for Leicestershire Police is to ensure that new development of this scale makes adequate provision for the future Policing needs that it will generate. Like some other public services our primary funding is insufficient to be able to add capital infrastructures to support major new development when and wherever this occurs. Further there are no bespoke capital funding regimes, eg like Building Schools for the Future or the Health Lift, to provide capital re investment in our facilities. We fund capital infrastructures by borrowing. However, in a service where over 90% of our budget is staffing related, our capital programme can only be used to overcome pressing issues with our existing facilities eg premises replacement Loughborough, or to re provide essential facilities like vehicles once these can no longer be used. This situation has been recognised by the Association of Chief Police Officers nationally for some time and there are public statements which explain our particular funding difficulties. The position of Police funding was examined and verified by external consultants employed by Local Councils - The Leicestershire Growth Impact Assessment of 2009 which concluded at para 82 in relation to Policing "It is sensible to assume that most of the capital requirements incurred by growth will not be covered by existing mainstream central and local funding". 
Faced with unprecedented levels of growth being proposed across our sub region Leicestershire Police have resolved to seek developer contributions to ensure that existing levels of service can be maintained as this growth takes place. We are a regular and constant participant in the statutory Planning process evidencing the impact of growth through work with local Councils in their Plan making, preparation of guidance, preparations for CIL and the consideration of individual Planning applications including attendance at appeals. Police nationally encourage this approach to offset the impact of growth on the Police service.

The Policing impact of 73 additional houses at the site.
The proposed development will increase the overnight population of this settlement by 197 people. It is a fact that 73 additional dwellings will bring additional Policing demands and particularly as there is no Policing demand from the existing site as an open field. I do not doubt that there will be a corresponding increase in crime and demand from new residents for Policing services across a wide spectrum of support and intervention as they go about their daily lives at the site, in the locality and across the Policing sub region.

Empirical data based on existing crime patterns, and policing demand and deployment from existing residential areas in the local beat indicates the direct and additional impacts of the development on local Policing that will be manifested in demand and responses in the following areas-

- 212 additional calls and responses per year via our control centre.
- Attendance to an additional 39 emergency events within the proposed development and locality each year.
- 10 additional non emergency events to follow up with public contact each year.
- 9 additional recorded crimes in the development and locality per year based on beat crime and household data. In addition 9 recorded anti
social behaviour incidents each year within the new development and locality.

- The demand for increased patrol cover.
- Additional vehicle use relating to 20% of an additional vehicle over a 6 year period.
- Additional calls on our Airwaves system where our funding seeks to maintain capacity for call demand at current levels.
- Additional use of our PND systems to process and store crime records and intelligence and based on existing levels of use equating to 6 additional hits and data entries per year.
- Additional demand for deployment of Mobile CCTV technologies
- Additional demand for local access to beat staff from the Keyham Lane LPU.
- Additional Policing cover and interventions in all the areas described when considering staffing and functions above and for additional accommodation from which to deliver these.

**Planning Policy justifications for a Policing contribution**

The National Policy position to support our request exists in NPPF. Securing sufficient facilities and services to meet local needs is a Core Planning Principle [para 17]. Planning is to deliver facilities and services that communities need [para 70] and Supplementary Planning documents can assist applicants in this. Plan policies should deliver the provision of security infrastructure and other local facilities [para 156]. Plan policy and decision making should be seamless [para 186]. Infrastructure Planning should accompany development planning by LPAs [177] who should work collaboratively with infrastructure Providers [162]. NPPF seeks environments where crime and disorder and the fear of crime do not undermine the quality of life and community cohesion [58 and 69] and Planning Policies and decisions should deliver this.

Leicester City CS Policy 19 forms local policy justification for a policing contribution and through the Examination of your Core Strategy policing...
requirements, accepted as primary, feature in the attached infrastructure schedule. These include works to Mansfield House and the LPU at Keyham to accompany growth proposed at Hamilton.

The City Council are aware of the Policing impact of additional development through Police submissions to the Core Strategy Examination and Planning applications with significant additional housing content. The Core Strategy Infrastructure Schedule makes provision as a result. Police have made approaches to City Council officers dealing with CIL with no response. A consistent approach will be pursued here following guidance in the CIL Regulations and NPPF. This is an approach recognised in recent public Examinations of Core Strategies where soundness of Plans is dependent on provisions for adequate infrastructure to accompany growth proposed.

**The Police contribution request**

£44818 is sought to mitigate the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because, like some other services, we do not have the funding ability to respond to growth whenever and wherever proposed. We anticipate using rates and Home Office revenues to pay for staff salaries and our day to day routine additional costs [eg call charges on telephony and Airwaves, vehicle maintenance and so on]. As already confirmed these sources do not have the capacity to fund additional borrowing for additional capital infrastructures necessitated by the development.

Police expect to agree a programme to procure these additional facilities and have no difficulty including this as a clause in a legal agreement. We are committed to procure these items subject to the contribution sought. Contributions are only sought that are related in scale and kind to the development.
As a further justification of our request, we confirm that the contribution will be used wholly to meet the direct impacts of this development and wholly in delivering Policing to it. Without the development in place it is reasonable to forecast the impacts it will generate using information about the known Policing demands of comparable local development. Assumptions about pupil numbers and health needs similarly depend on comparables and we believe the Framework encourages this.

The development should make provision to mitigate the direct and additional Policing impacts it will generate and cannot depend on the Police to just absorb these within existing facilities with limited capacities and where Police have no flexibility in our funding to do this. This has been the situation since 2006 when Leicestershire Police started to seek contributions. It is not forced by current spending reductions although strictures across the public sector re-enforce the need to ensure that developments mitigate the direct impacts they cause.

Because of the very serious implications for Policing of major developments, like this one, Police nationally have taken advice about the best way to proceed in the transition period prior to the CIL regime. As a result Leicestershire Police no longer make requests based on a formula but solely in relation to the development under consideration; its direct impacts on Policing and the necessary mitigations that it should provide. I should add that this is consistent with Inspectors views in recent appeal decisions. What follows is a detailed explanation of Methodologies used to calculate the contribution and our application of the NPPF tests to justify each part.

Mitigation of impacts and methodologies identified by Leicestershire Police

Baseline background. At October 2012 total floorspace occupied by the Force to deliver Policing to this locality and the subregion more generally was 54,274m2. We employed 3606 staff to do this. Existing households in the Police district [2011 census] was 405,500 with 25,007 in Beaumont Leys. Across the Force 276 Police staff deliver Policing to the LPU area.
Households to staff for Keyham LPU 91:1
Floorspace to staff Forcewide is 15 m2.

**Equipping staff.**
Additional staff needed to Police the development will require additional equipment.
For a Police Officer the additional equipment items are uniform £873, radio £525, Workstation £1508, De Montford University foundation/basic accreditation £2333, Other external Training £2182. Uniformed officers work in shifts where workstations can be shared and as a result start up cost will be £7421 per uniformed officer.
For other staff the additional equipment items are workstation £2286 and training £687, total £2973.
We employ staff to officers at a ratio of 0.33 to 0.66 and so the average cost of equipping a new member of staff is £5879.
Because the development is forecast to generate the need to employ 80% of an additional member of staff the contribution for equipment should be £4703 from this new development.

The Force could not have officers attending this development with less than adequate equipment with un-necessary risks to themselves and occupiers served.

*Is the contribution necessary to make the development acceptable in planning terms?*
Crime and community safety are Planning considerations and the Council's Core Strategy content demonstrates this further. The Framework identifies the need to achieve healthy communities and security in new development and makes provisions to deliver this through the planning system. Deployment of equipped staff is fundamental to delivering community safety and mitigating crime.
Is it directly related to the development?
The Policing demands of this development are identified and Police mitigation of these can only be delivered by adequately equipped staff.

Is the contribution fairly and reasonably related in scale and kind to the development?
This is a residential development and the Policing demands it will generate are known by comparison with local residential development. That is the only satisfactory way of determining the need from development that is not yet built. Such comparables are used in identifying the impact of additional populations on most if not all public services. Demand and mitigations have been determined by the scale of the development.

**Police vehicles** In managing and responding to crime a number of different vehicles can be deployed ranging General Response Vehicles[patrol cars], unmarked general support vehicles, Public Service Unit vans and minibuses, scientific [eg SOCO] vehicles, pursuit vehicles - 4x4 and high speed, motorcycles and so on. Current fleet deployment to Keyham Lane is 34 vehicles serving 25007 existing households. The average equipped cost of a vehicles is £15,774 and this is very close to the actual cost of a GRV. Our guideline for the majority of marked vehicles is to replace every three years or 120,000 miles. The condition of vehicles at the end of their Police life varies however we forecast that we will redeem on average 10% of a vehicles original value on disposal.

34 vehicle units at net value £482684
Existing households 25007 = £19.30 per H hold x 2 to give 6 year life of provision.

In relation to this particular development additional vehicle costs to deliver Policing and meet community safety needs will be **£2817**. Impact of the development without the contribution will be pressure to spread existing transport too thinly to the extent that service delivery is prejudiced. Residents of the new...
development and their representatives will expect the same degree of cover as elsewhere in the locality and existing residents will expect existing cover to be maintained and not reduced as a result of the new development.

Is the contribution necessary to make the development acceptable in planning terms?
Vehicles are a fundamental capital infrastructure and facility to deliver community safety and address crime especially at Neighbourhood level.

Is it directly related to the development?
Fleet deployment is related to the known Policing demands of comparable development in the locality. The direct demand from the new development can be accurately forecast. Delivering Policing direct to this development will not be possible without additional vehicles to do so.

Is the contribution fairly and reasonably related in scale and kind to the development?
This is a residential development and the Police vehicle demands it will generate are known by comparison with deployment to other local residential development. Level of demand and mitigations have been determined by the scale of the development.

Radio Cover/capacity It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. The development will increase the use of our radio system which is maintained at existing capacity by investing in additional hardware including servers, system refinement signal strengthening and improved transmission technologies. We spend £15600 pa adding such capacity to the existing system in Keyham Lane which serves 25007 households. Annual cost of these capacity increases to an existing household is £0.62. Capacity improvements are expected to last for 5 years and without these the system will fail to adequately carry both existing and
additional calls as a result of this additional development. The additional cost of the additional capacity in relation to houses in this development will be **£226**.

The impact of the development on Policing with reduced Airwaves capacity will be increased attendance times, delays in message passing and the implications of this for attendance and apprehension. Occupiers and those that represent them will expect existing performance and attendance levels to be maintained.

*Is the contribution necessary to make the development acceptable in planning terms?*

Deployment to adequately deliver community safety and security will not be met where this is prejudiced by insufficient radio system capacity. Crime, community safety and security are Planning considerations.

*Is it directly related to the development?*

The additional demands of this development in relation to this infrastructure have been identified as have mitigations.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of additional radio calls, are known by comparison with similar local residential development. Demand and mitigations have been determined by the scale of the development.

**Police Database capacity.** It is necessary to expand the capacity of our existing system to cater for additional calls as a result of the development. This is a secured stand alone information source integrating a variety of data nationally and allowing this to be compared over time in relation to individuals and locations. Additional hits as a result of the development to access existing crime information and add more crime data to be accessed by more staff generate a need to add capacity to this system. The current system and access to it
reached planned capacity usage this year. Dedicated hardware is used with our
contribution to this at £1,456,000 through the 14 year growth period at today's
prices. In addition, local servers are replaced every 2.5 years at £83k each time
to add further capacity to meet the demand placed adding £464,800 to PND
costs through to 2026. We spend £10700 on PND system enhancements to
serve Keyham Lane at £0.43 per household per year. Over 5 years the
development should contribute £157.

Failure to increase PND capacity in step with growth the subject of this
application will directly impact the ability of the Force to rapidly access and
respond to crime information.

*Is the contribution necessary to make the development acceptable in planning
terms?*
Deployment to adequately deliver community safety and security, will not be met
where this is prejudiced by insufficient capacity in the Police PND system.

*Is it directly related to the development?*
The additional demands of this development in relation to this infrastructure have
been identified as have mitigations.

*Is the contribution fairly and reasonably related in scale and kind to the
development?*
This is a residential development and the Policing demands it will generate, in
terms of PND use, are known by comparison with existing local residential
development. The development is not built and this is a reasonable way to
forecast this impact. Demand and mitigations have been determined by the scale
of the development.

**Control Room telephony** Police control room call handling equipment is used
to capacity at peak times. Our call handling centre at Force HQ Enderby directs
all calls and deploys resources to respond and continue monitoring. We know the
capacity of the technology and the calls it currently handles [fixed around 
minimum times with callers] and will be expected to handle as a result of the 
proposed development. In order to deal with additional calls as a result of 
additional planned development across our sub region additional telephony, 
lines, licenses, workstations and monitoring screens will be required at a total 
cost of £199,000. 7.8% of all calls handled relate to the 25007 households in 
Keyham Lane LPU area and additional calls forecast from this development are 
identified. The Council proposes 1280 additional houses for Hamilton in their plan 
period. Each new household in the LPU area will generate a need to invest an 
additional £12.12 in this system. The development should contribute £884 
towards the additional equipment needed to answer the additional calls it will 
generate. Police preference is to use this money when the existing telephony is 
extended and renewed at 2018 however this does not prevent procurement of 
additional capacity in the meantime as a result of the impact of this development.

There will be a call handling impact and delays in response times if we attempt to 
serve this development with our current telephony systems.

Is the contribution necessary to make the development acceptable in planning 
terms?
Crime and community safety are Planning considerations. NPPF identifies need 
to achieve security in new development and makes provisions to deliver this 
through the planning system. These considerations will not be met where 
Policing delivery is prejudiced by insufficient telephony capacity to take calls and 
deploy responses in good time.

Is it directly related to the development?
The additional demands of this development in relation to this infrastructure have 
been identified as have mitigations.

Is the contribution fairly and reasonably related in scale and kind to the 
development?
This is a residential development and the Policing demands it will generate, in terms of use of control room telephony, are known by comparison with other local residential development. Demand and mitigations have been determined by the scale of the development.

**ANPR CCTV Deployment** Police are deploying fixed ANPR cameras on the main road network and close to or in settlements. These cameras are server linked to identify number plates of vehicles in use for crime. This type of camera offers particular benefits to the immediate surrounding area especially where vehicle related crime is present. We deploy these as resources permit however our financially constrained programme makes no provision for the impacts of additional areas of housing. The use of these technologies has a beneficial impact in terms of minimising staff attendance. Unit cost is £8000 which includes installation and satellite links. Additional server capacity will be required to process and store images and integrate to PND at £222 per new camera. Police take the view that this an accessible site close to Keyham Lane and Hamilton Lane and that this together with local crime patterns and levels warrants a part contribution to an additional camera in the vicinity. A contribution of £2055 is required.

Impact without this contribution will be an inability to monitor crime related vehicle movements and address incidents effectively. Our response would be less than available elsewhere in the City where this cover is provided.

**Mobile CCTV Deployment** Units are acquired as funding, including s106, permits however our financially constrained programme makes no provision for cover of additional areas of development. Cameras are deployed in partnership with other local agencies to detect and deter crime and can be moved to follow crime patterns. There are two such cameras in use in the LPU area. Typical locations are where there is an expressed fear of crime, at emerging crime hotspots that residents use eg near commercial premises, or where there are increasing levels of anti social behaviour. Unit cost is £1500 and Police pay the
revenue costs for movement. Bearing in mind the location and nature of the development as previously described a part contribution towards an additional camera is justified at £375.

Impact without this contribution will be less access to deployment of this equipment than elsewhere in Leicester City and the wider Police District, and would give rise to a lower rate of detection and deterrence of crime that would in turn have consequences for other police resources.

*Is the contribution necessary to make the development acceptable in planning terms?*

Policing is a Planning consideration and NPPF provides guidance about local facilities and the provision of security. Core Strategy policy and content supports this consideration. Deployment of CCTV technologies significantly increases detection and deterrence with reduced need for staff presence and particularly contributes towards achieving community safety. This will be prejudiced where new development places additional demands on existing deployment without mitigation and the ability of these technologies to deliver safety is undermined where new development creates additional accessibility and network gaps.

*Is it directly related to the development?*

The additional demands of this development in relation to this infrastructure have been identified as have mitigations. The nature of the development and its size and location in relation to the existing settlement and camera deployment are a direct consideration in these technologies.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the Policing demands it will generate, in terms of additional crime and vehicle movements, are known by comparison with other similar residential development. Demand and mitigations have been determined by the scale of the development.
**Premises.** For Keyham Policing is delivered from the LPU, Mansfield house BCU and HQ premises. Additional staff will need to be accommodated to serve the development. Occupation of local and Force wide premises is maintained to capacity. Premises cost is amount of floorspace per staff member \([15] \times \text{number of staff generated by the development } [0.8] \times \text{Build and land/lost opportunity cost } [\£2794 \text{pm}^2]\) giving a total of **£33528** from this development. The latter is the build cost in use by Force Estates and has been externally verified by tender.

This will be spent to extend and or increase floorspace in these premises used to Police the area and in proportion to the numbers of staff located in these as described above. In relation to HQ and Forcewide premises a number of functions necessary to Police the development are already using these to capacity. Typical of these is the Force Control room which is secured constructed, perimeter secured and attack resistant and is at capacity.

Impact of this development without premises expansion to accommodate additional staff will be an unacceptable degree of overcrowding and inefficiencies in responses and delivering Policing as a result. With the level of local Policing demand and the numbers of staff employed to meet this impact will be significant without mitigation.

*Is the contribution necessary to make the development acceptable in planning terms?*
Crime and community safety are Planning considerations and accommodating staff in the optimum location to serve the development is essential if this is to be achieved.

*Is it directly related to the development?*
The additional staffing needs the development will generate have been established by reference to existing local deployment reflecting the actual Policing demands and crime patterns of the locality. In a similar vein the
premises requirements that result from the need to accommodate additional staff at these levels is known. A direct relationship between the development, additional staffing and accommodation is demonstrated and it is appropriate to mitigate this through the planning system.

*Is the contribution fairly and reasonably related in scale and kind to the development?*

This is a residential development and the accommodation needs of staff delivering Policing to meet local demands of development of this nature are known. It is based on the scale and kind of residential development.

**Additional Crime Prevention equipment.** New development increases the demand for local accessibility to Policing and the deployment of crime prevention initiatives. We have restricted funds to deliver such initiatives to existing development to pay for equipment eg Smartwater kits[fluid, sprays, detectors] or signage for local occupiers to use. Each initiative budgets for capital expenditure of £4,000 with the developer asked to contribute £1 per new unit as a fair and proportionate contribution from this development.

*Is the contribution necessary to make the development acceptable in planning terms?*

Crime and community safety are Planning considerations and ensuring accessibility for the public to Policing is important to community safety, combating and reducing crime and the fear of crime.

*Is it directly related to the development?*

These crime prevention initiatives will specifically serve the development and a proportionate contribution towards increasing their equipment capacity is sought.

*Is the contribution fairly and reasonably related in scale and kind to the development?*
This is a residential development and experience with existing development locally demonstrates the need to invest in additional crime prevention measures. The contribution is based on the scale and kind of residential development.

**SUMMARY OF CONTRIBUTION REQUESTED**

The Police contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and LPU areas in which it will be situated. The existing deployment of Police assets to Police the locality are identified and applied to the application site to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to this development and the CIL tests of compliance are applied to these.

<table>
<thead>
<tr>
<th>Start up equipment</th>
<th>£4703</th>
</tr>
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<tbody>
<tr>
<td>Vehicles</td>
<td>£2817</td>
</tr>
<tr>
<td>Additional radio call capacity</td>
<td>£226</td>
</tr>
<tr>
<td>PND additions</td>
<td>£157</td>
</tr>
<tr>
<td>Additional call handling</td>
<td>£884</td>
</tr>
<tr>
<td>ANPR</td>
<td>£2055</td>
</tr>
<tr>
<td>Mobile CCTV</td>
<td>£375</td>
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<tr>
<td>Additional premises</td>
<td>£33528</td>
</tr>
<tr>
<td>Hub equipment</td>
<td>£73</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£44818 [£613 pd]</strong></td>
</tr>
</tbody>
</table>

**Conclusion**
Without the necessary contribution the development will be unacceptable in Planning terms and permission should not be granted as indicated in NPPF Guidance. The lack of capacity in existing infrastructure to accommodate the population growth and associated demands occasioned by the development means that it is necessary for the developer of the site to provide a contribution so the situation might be remedied. The request is directly related to the development and the direct Policing impacts it will generate based on an examination of demand levels in the LPU and local beat in which it is situated, adjacent areas and existing Policing demands and deployment in relation to this. The request is wholly related to the scale and kind of the application development.

Leicestershire Police have refreshed our approach to contributions taking account of the advice of leading Counsel and recent reductions in our deployment. We are advised that the contents of this letter are sufficient to justify the contribution sought and that the request is compliant with NPPF tests. Without the necessary contribution to meet Police needs there is a formal objection to the development on sustainability grounds and because the development is unacceptable without the necessary contribution.

The application includes a document called heads of terms for s106 however this is a statement of Policy referring to no specific contributions or infrastructures.

I refer to the 8 Planning appeal decisions attached where the current approach of Police in seeking contributions was determined as compliant by Inspectors and the Secretary of State on three occasions.

In particular I refer to the Inspectors report in the Barrow Upon Soar case where both the developer and LPA chose to resist the policing request. He found -

"291. The Inspectors will have reached their own conclusions on the particular evidence and submissions put to them at appeal and I shall approach the evidence in this case in the
same way, i.e. on its merits. It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example. Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”

292. Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.

My underlining. The Secretary of State agreed with these findings.
I confirm that the methodology employed in this request is similar to that used in all of these appeals subject of course to local data about Policing demand and deployment to each development. Policing the development will depend on all of the capital infrastructures I have identified including delivery from premises inside and outside the City again as I have described and as identified in your Core Strategy Infrastructure Plan.

I have offered time to discuss this subject and indeed CIL with no response. Please copy me into your committee report as soon as it is published. If for any reason the police request is found not to be compliant in full please copy verbatim this request so that your members are aware of the impact of the development on Policing and the implications for the safety of the local community.

Best regards

Michael Lambert
Growth and Design Officer
Leicestershire Police
michael.lambert@leicestershire.pnn.police.uk

Without prejudice to any other obligation imposed upon it, it shall be the duty of each local authority to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can, to prevent crime and disorder in its area: Section 17(1) of the Crime and Disorder Act 1998.
Community Infrastructure Levy

Thank you for your letter of 29 May consulting The Theatres Trust on the CIL preliminary draft charging schedule.

The Theatres Trust is The National Advisory Public Body for Theatres. The Theatres Trust Act 1976 states that ‘The Theatres Trust exists to promote the better protection of theatres. It currently delivers statutory planning advice on theatre buildings and theatre use through the Town & Country Planning (General Development Procedure) (England) Order 2010 (DMPO), Articles 16 & 17, Schedule 5, para.(w) that requires the Trust to be consulted by local authorities on planning applications which include ‘development involving any land on which there is a theatre.’

In order to clarify what types of infrastructure will in future no longer fall under S106, the Council has published a list of infrastructure types and projects (Reg 123) that it intends will be, or may be, wholly or partly funded by CIL.

However, Arts Council guidance states that it is of key importance that your cultural infrastructure is represented. It may, for example, specify only that ‘cultural facilities’ are part of Community Infrastructure Levy, without going into further detail. The setting of a nil rate should be included for ‘All other development’ as community facilities within D1, D2 and some sui generis uses (e.g. theatres) often do not generate sufficient income streams to cover their costs and consequently require some form of subsidy to operate.

For clarity, please include a column in your Schedule of Proposed CIL Rates stating that ‘All other development/uses’ will have a nil rate.

Rose Freeman
Planning Policy Officer
The Theatres Trust
22 Charing Cross Road
London WC2H 0QL
Tel: 020 7836 8591
Fax: 020 7836 3302

planning@theatrestrust.org.uk

Learn more about theatres with our online resource ‘Exploring Theatres’
Check out your local theatre on The Theatres Trust ‘Theatres database’

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***************************************************************************************************

Save energy and paper.
PDCS 12 - Roslyn Deeming - Natural England
Dear Jeevan

Planning consultation: Leicester City Council - Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule

Thank you for your consultation on the above document which was received by Natural England on 28 May 2014

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is not a service provider, nor do we have detailed knowledge of infrastructure requirements of the area concerned. However, we note that the National Planning Policy Framework Para 114 states "Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure." We view CIL as playing an important role in delivering such a strategic approach.

With this in mind we welcome the inclusion of Strategic Green Infrastructure projects including the River Soar corridors and improvements to green infrastructure in regeneration areas. These projects will help to protect and enhance the ecological networks of the area and contribute to the wider Green Infrastructure network. We have no other specific comments to make on the proposed charging schedules.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Roslyn Deeming on 0300 060 1524. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely
Mr Paul Statham  
Leicester City Council  
Planning Policy & Design  
New Walk Centre Welford Place  
Leicester  
Leicestershire  
LE1 6ZG

Our ref: LT/2006/000086/SD-05/SB1-L01  
Your ref:  
Date: 09 July 2014

Dear Mr Statham

Leicester City Council – Community Infrastructure Levy – Consultation on Preliminary Draft Charging Schedule

Thank you for you e-mail 28th May 2014 in respect of the above.

In respect of the Preliminary Draft Regulation List our comments are:-

The percentage split in funding appears to be far to heavily weighted in favour of transport, with green infrastructure and open spaces (and education) getting a disproportionately small percentage cut. The good work that is being carried out in partnership between your council and the Environment Agency should be more openly supported in order to reduce the high level of flood risk which currently exists in the city.

Yours sincerely

MR GEOFF PLATTS
Planning Specialist Sustainable Places

Direct dial 0115 8463622
Direct e-mail geoff.platts@environment-agency.gov.uk
Dear Jeevan

Re: Community Infrastructure Levy consultation

I write on behalf of the principal Leicestershire Health Trusts and Commissioners responsible for the planning, co-ordination and delivery of major healthcare services within the city of Leicester. Horizons is the strategic property services organisation charged with ensuring the physical infrastructure of land and buildings are fit and appropriate to deliver a high quality Health Care service to the citizens of the City.

I felt it appropriate that we make representation on behalf of University Hospitals of Leicester NHS Trust (UHL) and Leicestershire Partnership NHS Trust (LPT) and the commissioning authorities that health care is appropriately recognised within the CIL consultation taking into account the future provision of healthcare services within the City (and County).

The consultation CIL schedule is based on the evidence base associated with the 2010 Core strategy. In terms of Healthcare many of the assumptions made in 2010 are now out of date. Horizons/UHL/LPT and the Commissioners would welcome the opportunity to present new evidence that can inform CIL policy in the future. The impacts that growth and new development will have on the healthcare system will need careful and detailed consideration going forwards.
We understand that there will be an opportunity to work with the local authority through consultation engagement during the Local Plan Development process which is planned to commence in October 2014.

It is important that the final adopted CIL schedule timetabled for April 2015 and the Local plan take full account of the Health Infrastructure required and that any Regulation 123 list also takes account of and does not preclude the potential for site specific s106 requirements in relation to Health Assets. You will be aware that the healthcare organisations are publicly funded bodies and so can receive CIL and section 106 funding without breaching ‘state aid rules’.

The Trusts accept that in order to inform policy in the future the Local Authority will require some clear site specific delivery plan principals and project definitions and costs so that investment levels can be quantified and allocated timescales.

The Trusts have been working in this area for some time and have put in place a work stream to radically alter the way care is delivered across Leicester, Leicestershire and Rutland. The initiative is known as ‘Better Care Together Programme’ where Horizons are taking the lead on the estates workstream. The work has been the subject of substantial consultation across all of the Healthcare providers and commissioners in the City (and County), to essentially redesign the estate infrastructure to support the commissioning and service strategies. This presents an opportunity to move forward with a change program in a coordinated manner for the majority of all healthcare assets in the city (and County).

An initial report has been produced by the ‘Better Care Together’ programme and it is anticipated this will inform a delivery and investment plan which will be completed by the autumn and will inform future discussions with the Local Authority.

We note that there is no provision in the current CIL draft for Healthcare facilities and that within the consultation document it is proposed that there be a structured formal engagement with the local authority in the Autumn. In that context it is assumed that account will be taken of the Healthcare infrastructure needs in future drafts of the CIL policy/schedule and the draft local plan.
We look forward to meeting with you to discuss the health care strategy and plans later in the year. In the meantime if you require any more clarification at this stage please do not hesitate to contact me.

Yours sincerely

Andrew Chatten
Managing Director Horizons

For and on behalf of:
Leicestershire Partnership NHS Trust
University Hospitals of Leicester NHS Trust
Leicester City CCG

cc Pete Cross
    Sarah Prema
    Richard Kinnersley
    Mike Webster
    Adrian Middleton
Q1:
The proposal to change student halls of residence has no empirical or policy basis. University owned student halls of residence provide low cost housing for students together with pastoral and social support for students. Student halls as an affordable option, therefore fulfil a function akin to affordable housing. Affordable housing is exempt from CIL and it is illogical to incorporate student halls of residence, which fulfil similar purposes, within CIL. A figure of £100 per square metre is arbitrary and completely fails to recognise that delivery of accommodation for students by the University fulfils an educational purpose and is not a commercial enterprise. There is no sound empirical basis for the figure in relation to University provided student accommodation. The proposed charge will directly impact upon the University’s ability to provide student accommodation, which has wider consequential impact. The required balance is not struck. The Leicestershire and Rutland CIL viability study fails to justify the proposed charge on student halls of residence.

Q2:
Given the huge significance of the University to the economy and profile of the City of Leicester the University owned lands and buildings should be excluded from the charging zones to allow the University to best deliver education, jobs, investment and profile to the City in a way which is not impeded by the Community Infrastructure Levy. The provision of student halls of residence is an important factor in ensuring the attractiveness of the University to students from the City of Leicester and beyond. To impose the Community Infrastructure Levy upon the halls of residence will impose a significant financial burden upon the University in delivering accommodation of the standard that students today expect (i.e. single study bedrooms with en suite facilities). That would have a significant impact upon the ability of the University to provide the amount and type of accommodation required and if the University cannot do that then upon the attractiveness of the University to students and their parents is adversely affected. The choice of first year accommodation is a very significant factor in the choice of University. If the University becomes less attractive then that has significant consequential detrimental economic effects to the City of Leicester as a whole in terms of profile, education and employment. Student halls of residence should therefore be excluded from the charging schedule.

Q3:
The inclusion of an instalments policy is welcomed. However, the period of time over which instalments are required fails to reflect the point in time at which any development starts to deliver a profit and are merely based from the commencement of development. A longer timescale should be permitted with the earliest payment being required 12 months from commencement and thereafter phased until full occupation of the development.
The University broadly welcomes the focus of the List upon transportation matters. In order to better ensure the linkage of the University to other facilities such as the railway station and the City Centre and the halls of residence in Oadby student village the University would wish the following proposals to be included within the Regulation 123 List:-

a. Enhance access from the railway station London Road to University Road;
b. Improve pedestrian and cycling connections between University Road and the University’s main site;
c. Rationalisation of the junction of Welford Road and University Road to at least enable public transport to turn right at this junction
d. Improve pedestrian and cycling connections between Freemen’s Common houses and Nixon Court, Putney Road, Welford Road and University Road;
e. Improve pedestrian, cycling and public transport connections from Oadby student village to Victoria Park and University Road.

These matters are consistent with the aims at the Leicester City Council Core Strategy Infrastructure Schedule.
PDCS 16 - Richard Bennett - Charnwood Borough Council
Dear Sir / Madam

Community Infrastructure Levy : Preliminary Draft Charging Schedule Consultation

Thank you for providing the Borough Council with the opportunity to comment on the City Council’s Community Infrastructure Levy - Preliminary Draft Charging Schedule.

I have set out below the Borough Council’s response to the consultation questions:

1. **Do you have any comments to make on the viability assumptions and methodology used in the CIL Viability Assessment?**

   **Yes:**

   The Borough Council has no comments to make on the viability assumptions and methodology used for the Leicestershire and Rutland’s CIL Viability Assessment Study prepared by the Consultants. The Viability Assessment appears to be in accordance with the CIL Regulation and CIL Guidance.

2. **Do you agree with the proposed CIL rates and charging zones? If not please explain why.**

   **Only Partially agree:**

   In principle the Borough Council has no objections to the CIL charging zones proposed by the City Council and recognises the City’s vision for encouraging residential development within the Strategic Regeneration Areas (SRA). It is acknowledged that within the SRA there are likely to be higher building regeneration costs than in other parts of the City that would impact the development viability. However, the viability study shows that there is still viability value for residential development in...
these areas and therefore there should be a CIL charge of at least £10 proposed for residential development in the SRAs.

Similarly, there appears to be significant development viability for the residential development in the rest of the City, however, the viability value of the residential development sites varies across the City outside of the SRAs. A proposed CIL charge of £25 for residential development in the rest of City, outside of the SRAs, appears to be on the low side. From the development viability assessment, it would appear that a CIL charge of around £45 or £50 could be justified.

The low level CIL charge proposed for residential uses could have considerable impact in the future for Charnwood Borough Council to have a higher CIL charge for residential development should the Borough Council decide to proceed with a CIL. This will be particularly significant for the residential development sites close to the City Council boundary, as developers will make comparison with the CIL charge for residential development in the City Council area and argue against a higher CIL Charge within Charnwood. The viability assessment and evidence (Leicestershire and Rutland’s CIL Viability Assessment Study) shows higher viability threshold within Charnwood Borough Council boundary compared with Leicester City Council.

The CIL charge proposed for other development appears to be justified based on the viability assessment provided

3. Do you have any views on the Council’s proposed installments policy? (see Appendix 1 of the Preliminary Draft Charging Schedule Supplementary Paper)

The proposed Installment policy for collecting CIL appears to be very reasonable and would not place undue burden on the developers.

4. Do you have any comments on the draft Regulation 123 List?

Yes:

It is accepted that transport/transportation improvements and education will form the major element of the Reg 123 List. However, there does not appear to be any infrastructure item such as “Social/community Infrastructure” included; facilities such health provision (hospital, Health Clinics/GP Surgeries). Is this to assume that there is no strategic requirement for such “social/community infrastructure” or will this all be met by S106 planning obligation for future development to improve/upgrade existing local facilities.

5. Do you have any other comments on the Preliminary Draft Charging Schedule or the other evidence base documents?

Yes:

Experience of the CIL Charging Schedules developed and adopted by Councils around the country shows that many authorities following consultation on Preliminary Draft Charging Schedule have reduced their proposed CIL charge for the Draft Charging Schedule stage as a response to the objections from the developers on development viability and with the evidence to challenge the Council’s viability assessment. If the City Council is starting at such a low rate of CIL charge, there will be no room for negotiation if developers object to the CIL Charge being proposed on the grounds of development viability.
Should you wish to discuss the Borough Council response or require clarification please do not hesitate to contact me.

Yours faithfully

Richard Bennett
Head of Planning and Regeneration

Cc
Cllr Eric Vardy
Response ANON-9CNU-XGXZ-G

Community Infrastructure Levy - Preliminary Draft Charging Schedule

Q1:
Yes:

The Borough Council has no comments to make on the viability assumptions and methodology used for the Leicestershire and Rutland’s CIL Viability Assessment Study prepared by the Consultants. The Viability Assessment appears to be in accordance with the CIL Regulation and CIL Guidance.

Analyst notes:
Tags:
Analysed:
No
Analyst notes:
Tags:
Approved:
No
Analyst notes:
Tags:

Q2:
Only Partially agree:

In principle the Borough Council has no objections to the CIL charging zones proposed by the City Council and recognises the City’s vision for encouraging residential development within the Strategic Regeneration Areas (SRA). It is acknowledged that within the SRA there are likely to be higher building costs than in other parts of the City that would impact the development viability. However, the viability study shows that there is still viability value for residential development in these areas and therefore there should be a CIL charge of at least £10 proposed for residential development in the SRAs.

Similarly, there appears to be significant development viability for the residential development in the rest of the City, however, the viability value of the residential development sites varies across the City outside of the SRAs. A proposed CIL charge of £25 for residential development in the rest of City, outside of the SRAs, appears to be on the low side. From the development viability assessment, it would appear that a CIL charge of around £45 or £50 could be justified.

The low level CIL charge proposed for residential uses could have considerable impact in the future for Charnwood Borough Council to have a higher CIL charge for residential development should the Borough Council decide to proceed with a CIL. This will be particularly significant for the residential development sites close to the City Council boundary, as developers will make comparison with the CIL charge for residential development in the City Council area and argue against a higher CIL Charge within Charnwood.

The viability assessment and evidence (Leicestershire and Rutland’s CIL Viability Assessment Study) shows higher viability threshold within Charnwood Borough Council boundary compared with Leicester City Council.

The CIL charge proposed for other development appears to be justified based on the viability assessment provided.

Analyst notes:
Tags:
Q3:
The proposed Installment policy for collecting CIL appears to be very reasonable and would not place undue burden on the developers.

Analyst notes:
Tags:

Q4:

It is accepted that transport/transportation improvements and education will form the major element of the Reg 123 List. However, there does not appear to be any infrastructure item such as "Social/community Infrastructure" included; facilities such health provision (hospital, Health Clinics/GP Surgeries). Is this to assume that there is no strategic requirement for such "social/community infrastructure" or will this all be met by S106 planning obligation for future development to improve/upgrade existing local facilities.

Analyst notes:
Tags:

Q5:

Experience of the CIL Charging Schedules developed and adopted by Councils around the country shows that many authorities following consultation on Preliminary Draft Charging Schedule have reduced their proposed CIL charge for the Draft Charging Schedule stage as a response to the objections from the developers on development viability and with the evidence to challenge the Council's viability assessment. If the City Council is starting at such a low rate of CIL charge, there will be no room for negotiation if developers object to the CIL Charge being proposed on the grounds of development viability.

Analyst notes:
Tags:

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  ('intro',)
PDCS 17 - Neil Goldsmith Nathaniel Litchfield & Partners - LondonMetric PLC (St Margreets Retail Park)
Dear Sir / Madam,

Leicester City Council: Community Infrastructure Levy Preliminary Draft Charging Schedule – Representations on behalf of LondonMetric Property Plc

On behalf of our client, LondonMetric Property Plc (LondonMetric), please find enclosed comments on this first stage of Leicester City Council’s (LCC) preparation of a Community Infrastructure Levy (CIL).

Background to London Metric

LondonMetric is a UK Real Estate Investment Trust (REIT) who own the St Margaret’s Retail Park which is located on Devonshire Road, to the northwest of the City Centre. It is an established retail destination and LondonMetric has future aspirations to improve and enhance the retail offer at St Margaret’s.

Context

Our representations are set within the context provided by:

- The National Planning Policy Framework (NPPF), March 2012;
- Planning Practice Guidance (PPG), June 2014;
- The Planning Act, 2008 (Part 11);
- The Community Infrastructure Levy Regulations, 2010 (as amended);

The overarching aim of the NPPF is to deliver sustainable development and paragraph 173 explains that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking, ensuring that sites are not subject to a scale of obligations that would threaten the viability of delivering development thereon.
Viability Assumptions

In reviewing the CIL preliminary draft charging schedule, we have also reviewed the Joint Leicester, Leicestershire and Rutland CIL Viability Study (HDH P&D, January 2013) which we note, is some 18 months out of date. As noted in para. 1.12, we agree that the recommended strategy for setting CIL is to take a cautious approach, to set CIL well within the margins of viability so it can be borne by most development sites. Ultimately, an appropriate balance must be reached in determining the respective levels of CIL to maximise development within the LCC area, through providing the necessary infrastructure and sustainable development without detrimentally affecting viability of schemes.

Retail Development

The CIL preliminary draft charging schedule proposes a £150 levy for retail development (both convenience i.e. supermarkets, and retail warehouses) across the entire LCC area. LondonMetric is concerned that the retail warehouse levy is too high and that it has the potential to discourage investment in additional retail warehouse floorspace.

We note that LCC’s Viability Study makes reference to disparity across the area in terms of retail rents, in one instance Fosse Retail Park having unusually high retail rents, averaging almost six times the region average. In some locations within LCC (such as St Margaret’s), the proposed CIL rate would adversely affect scheme viability.

We note that there are a number of examples of lower CIL rates proposed for retail warehouse development across the country, ranging from zero in Cornwall, £30 in Rotherham and £50 in Hull.

LondonMetric encourages the LCC to revisit their proposed CIL rate for retail warehouse development, and suggest that it is reduced to ensure development schemes are not compromised on viability grounds.

Should you have any queries, please do not hesitate to contact me or my colleague Alan Hughes at this office.

Yours faithfully

Neil Goldsmith
Senior Director
Dear Sir / Madam

Leicester City Council CIL Preliminary Draft Charging Schedule
Representation on behalf of Barratt Homes

1.0 Introduction

1.1 These representations are submitted on behalf of Barratt Homes in respect of the Leicester City Council (LCC) CIL Preliminary Draft Charging Schedule (PDCS).

1.2 Savills, as part of the HBF CIL Initiative, is representing house builders and landowners nationwide on emerging CIL Charging Schedules, to scrutinise available evidence, notably in respect of infrastructure provision and the testing of viability against both the emerging planning policy requirements and the housing land supply. The objective is to ensure a reasonable rate of CIL, which allows for the policy requirements for sustainability and affordable housing, and also importantly, the level of Section 106/278 and other site specific infrastructure anticipated.

1.3 This representation has been submitted to influence the emerging Community Infrastructure Levy (CIL) Charging Schedule proposed by LCC. It is made in respect of the PDCS which was published for public consultation in the period May to July 2014. Our client’s particular comments relate to the proposed rate for residential development of £25 per sqm, which applies to all of the City, apart from the Strategic Regeneration Area (SRA) where a zero rate of CIL is proposed.

1.4 Following a review of the PDCS, we wish to make the following key observations:

- The Viability Study is somewhat outdated having been published by HDH in January 2013.

- Whilst we note there is an adopted Core Strategy in place, it is unfortunate that the publication of the CIL is not able to run concurrently with the preparation of the emerging Local Plan which would be supported by up to date evidence base in regard to housing land supply and the location of development. The CIL should be subject to a thorough review prior to the adoption of a new Local Plan which is scheduled for 2016.

- There are several material assumptions which fail to be reinforced by market evidence within the Viability Study. Furthermore, several assumptions appear to be flawed.

- We are concerned that in some locations the proposed CIL rate combined with policy costs would render some schemes unviable, and as CIL is non-negotiable, the delivery of affordable housing is likely to be jeopardised. There appears to be a misapplication of the Council’s affordable housing targets, particularly in relation to Site Type 6 which is used as the base
scenario in setting the residential rate of £25 psm outside of the Council’s SRA.

1.5 The representation is structured in four parts. **Part 1** outlines commentary on the proposed CIL charging rates and the emerging Local Plan. **Part 2** provides commentary on the Viability Study prepared by HDH Planning and Development (HDH). **Part 3** assesses the analysis of interpretation of the viability study results and finally **Part 4** addresses infrastructure and Section 106 contributions, as proposed by the draft Regulation 123 List.

1.6 It is also accompanied by the appropriate consultation Response Form.

2.0 **Part 1 - The Proposed CIL Charges and the Emerging Local Plan**

2.1 This representation is made in the context of the Community Infrastructure Levy (Amendment) Regulations 2014 (‘the Regulations’) and the relevant statutory Guidance provided on the DCLG Practice Guidance website. The Regulations came into force on 24 February 2014 and the statutory Guidance was uploaded onto the Practice Guidance website on 12 June 2014. LCC’s Draft Charging Schedule was published for consultation in May 2014, after the date that the 2014 Amendments to the Regulations came into force.

2.2 It is noted that the Viability Study prepared by HDH is somewhat outdated having been published in January 2013 and in the context of now superseded Regulations and Guidance (specifically The Community Infrastructure Levy (Amendment) Regulations 2012 and Community Infrastructure Levy, Guidance (December 2012)).

“Striking an Appropriate Balance”

2.3 A key change in the Regulations is in the onus within Regulation 14(1) regarding the balance between the funding of infrastructure from CIL and the impact on the economic viability of development across the area. The Regulation previously required the Charging Authority to ‘aim to strike what appears to the Charging Authority to be an appropriate balance...’, but the amendments now mean that the Charging Authority is required to ‘strike an appropriate balance’. The onus has therefore shifted away from being a matter of opinion to a matter of fact. This should be considered by LCC further, in the context of the representations received, prior to producing a Draft Charging Schedule for Consultation.

2.4 Essentially CIL must not threaten the delivery of the Development Plan. The National Planning Policy Framework (NPPF) notes that for Local Plans to be found ‘sound’ the Plan should be deliverable over the Plan period. The rate of CIL is therefore a significant consideration and should be set to facilitate development.

Emerging Local Plan

2.5 We are aware that work has commenced on a new Leicester Local Plan which is expected to be adopted by 2016. This will eventually replace the adopted Core Strategy, remaining saved polices and adopted Joint Waste Core Strategy & Development Control Policies document.

2.6 Whilst we note there is an adopted Core Strategy in place (and a number of saved Local Plan (2006) policies), it is unfortunate that the publication of the CIL is not able to run concurrently with the preparation of the emerging Local Plan which would be supported by a more up to date evidence base in regard to housing land supply and the future location of development. This would ensure that the impact of the proposed CIL rate upon the delivery of the emerging Development Plan is properly tested.

2.7 Notwithstanding the outcome of this latest consultation, it is imperative that LCC’s CIL is subject to a thorough review prior to the adoption of a Local Plan in 2016.
Affordable Housing

2.8 The 2014 CIL Guidance states at Section 2:2:2:5 (2nd Paragraph) that “development costs include costs arising from existing regulatory requirements, and any policies on planning obligations in the relevant Plan, such as policies on affordable housing and identified site-specific requirements for strategic sites.”

2.9 This is supported by the NPPF\(^1\) which notes that local planning authorities should assess the likely “cumulative impacts” of existing and proposed local and national standards. Meeting these standards should not put implementation at risk.

2.10 LCC’s current policy position with respect to affordable housing is set out in the Leicester City Council Core Strategy. This document was adopted on 25 November 2010.

2.11 **Policy CS7** seeks the provision of different rates of affordable housing depending on type of site. On all sites of 15 dwellings or more or 0.5 ha or over, the Council will require the following percentages of the total number of dwellings proposed to be affordable, to meet local needs:

- 15% in the Strategic Regeneration Area;
- 30% in the South East of the City and Ashton Green; and
- 20% elsewhere in the City.

2.12 The City’s **Affordable Housing SPD (2011)** provides an indication as to the mix of affordable housing that the Council will seek to secure based on the Leicester And Leicestershire Strategic Housing Market Assessment (December 2008). This is comprised of 75% social rented and 25% intermediate.

**Affordable Housing Mix**

2.13 After reviewing the appraisals produced by HDH against LCC Affordable Housing Policy (above) – there is no indication that the Council has a requirement for Applicants to deliver homes for affordable rent as part of its overall mix of affordable housing provision. Indeed, the Core Strategy defines affordable housing as “social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market” (Page 53). There is no mention of the need to provide affordable rent.

2.14 It is therefore curious as to why affordable rent is the tenure which is assessed by HDH in their Viability Study. This is not considered to be realistic as it is most likely that the starting point for most affordable housing will include a significant element of social rented housing.

**Affordable Housing Allowance**

2.15 HDH’s application of the City’s affordable housing policies in testing the various site typologies that are likely to come forward in Leicester also requires clarification as it would appear that, in a number of circumstances, the incorrect ratios have been applied.

2.16 This is particularly relevant in the context of Site Type 6 as it is used as the base scenario in setting residential rate of £25 psm:

“Well over 80% of development outside of the Council’s Strategic Regeneration Area (SRA) will be on brownfield sites with the largest proportion due to be built on Site Type 6 in Table 3.3 […] with other housing being built on Site Types 7, 8 and 9” Therefore a fifty percent proportion of site type 6 was taken as a base scenario in setting residential CIL rates outside of the SRA. Development within the SRA was found to be unable to support CIL. In setting the CIL rate at a level that means that the

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\(^1\) Paragraph 174, NPPF
majority of sites where development is expected remain viable and able to support CIL, the Council is taking a positive proactive approach to ensure most development comes forward and that delivery of the plan as a whole is not threatened. Taking account of these key factors the Council proposes to set for residential CIL a zero rate, within the SRA and a flat city wide rate of £25 everywhere within the City.” (Supplementary Paper to the PDCS, Page 12)

2.17 A large brownfield site located outside the Strategic Regeneration Area would be expected to deliver at least 20% affordable housing if situated ‘elsewhere in the City’ (Type 6 sites in the South East would be required to provide a further 10%). In the HDH appraisal of Site Type 6, a figure of only 15% has been applied – a figure which would only be applicable to large brownfield sites within the SRA. It is incorrect to utilise this particular aspect of the viability to appraisal to determine the viability of sites outside of the SRA.

2.18 An appraisal of this particular site typology should be revisited (and the affordable housing figure adjusted) before it is used as a starting point in setting the City’s rate of CIL outside the SRA.

2.19 The ratios that have been applied to Site Types 1 and 2 are also incorrect at 20% - as can be seen above, the Council will require at least 30% of the total number of dwellings to be provided by a SUE.

2.20 Given these conclusions, we are concerned that in some locations the proposed CIL rate combined with policy costs would render some schemes unviable, and as CIL is non-negotiable, the delivery of affordable housing is likely to be jeopardised. The Council may say that in those cases a viability case may be made at the Development Control stage, however this does not lead to a proficient planning system, leading to developer (and investor) uncertainty, nor would it assist with the delivery of affordable housing. Indeed, it is not for the CIL process to re-set the affordable housing policy of LCC, therefore the implications for the delivery of the current affordable housing policy is of critical concern.

3.0 Part 2 - Viability Study

3.1 Section 211 (7a) of the Planning Act 2008 (as amended) which established CIL, requires LCC to use “appropriate available evidence” to inform the Charging Schedule, which in the case of the Draft Charging Schedule (DCS) is a Viability Study produced by HDH (January 2013).

3.2 The fundamental premise is that to enable delivery, sites must achieve a credible land value and developers the required return on investment, otherwise development will be stifled. This is recognised by the NPPF and is certainly ‘in-built’ within the CIL Regulations (as amended). It is also the basis of the definition of viability with the Local Housing Delivery Group report, Viability Testing of Local Plans.

3.3 Owing to the key test of Regulation 14(1) it is important that the viability appraisals prepared are fit for purpose. In addition, at Examination the Charging Schedule will need to be supported by “relevant evidence”. Within the CIL Regulations (as amended), Local Planning Authorities (LPA) must strike an appropriate balance and justify that balance with evidence at the Examination, showing and explaining how the rates will contribute towards the implementation of their relevant Plan.

3.4 At this stage no alternative viability evidence has been prepared, although Savills or our client may do so at the Examination stage if it is felt this is necessary to support our case. We offer below some initial thoughts on the assumptions within the viability assessments and outline our concern about the interpretation of the viability evidence when setting the proposed CIL rates.

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2 Paragraph 174
3 Section One
4 CIL Regulations 2010 (as amended)
5 Ibid. Regulation 11(1) (f) / 19(1) (e)
6 CIL Guidance (2014) section 2:2
Benchmark Land Values (BLVs)

Values

3.5 The approach taken by HDH in assessing the BLVs is complex and does not appear to be directly linked back to the five year land supply. Notwithstanding a consultation event on 19th July (year not stated), the five BLVs quoted do not appear to be supported by market evidence. The only source cited is the VOA Property Market Report dated 2011. It is also unclear whether the BLVs are per gross or net developable acre.

3.6 We would therefore ask that LCC provide further market evidence and commentary to explain, in relation to each market area, which BLV is most appropriate and how this relates back to the land supply coming forward in these areas (i.e. which BLV is most appropriate in each market area). This will ensure that the analysis of the viability appraisals in each area is appropriate given the nature of the sites coming forward for development.

Application

3.7 Large, strategic sites require a significant amount of land to enable them to deliver certain items of on-site infrastructure, such as public open space and educational facilities. Consequently the reduction from gross land area to net developable area can range substantially with reductions ranging from 40 – 60%.

3.8 Turning to the viability summary tables contained in the HDH Viability Study, it is unclear whether the BLV has been applied to the net or gross site area. We would therefore ask that HDH confirm what assumption has been made as this is critical in establishing whether or not the proposed rates of CIL are viable.

Holding Costs

3.9 Paragraph 7.51 of the Viability Study states that each site is assumed to proceed immediately and as such there has been no allowance for holding costs factored in to the viability appraisals. We consider this to be flawed as it is unusual that a house builder will begin construction immediately as labour and materials need to be sourced.

Developer's Profit

3.10 HDH have adopted a profit of 20% on costs (before interest). The minimum profit margin that the lending institutions are currently prepared to accept, on residential development, is 20% on Gross Development Value. This profit level was endorsed via the Manor Appeal decision in Shinfield.\(^7\) We are of the opinion that is an important case in terms of viability in planning and, whilst it is not directly related to CIL, it does address many of the factors that are under consideration here. In particular, developer’s profit. The decision states:

\[\text{"The appellants supported their calculations by providing letters and emails from six national housebuilders who set out their net profit margin targets for residential developments. The figures ranged from a minimum of 17\% to 28\%, with the usual target being in the range 20-25\%. Those that differentiated between market and affordable housing in their correspondence did not set different profit margins. Due to the level and nature of the}\]

\(^7\) Ref: APP/X0360/A/12/2179141, 8 January 2013
supporting evidence, I give it great weight. I conclude that the national housebuilders’ figures are to be preferred and that a figure of 20% of GDV, which is at the lower end of the range, is reasonable."

3.11 This is an approach recently supported and incorporated in the Maldon Local Plan & Community Infrastructure Levy Viability Study prepared by HDH. We would therefore ask that a blended profit of 20% on GDV be adopted across all viability appraisals.

Dwellings Per Hectare

3.12 Table 9.1 outlines the typology of development form. A base figure of 40-45 dwellings per hectare has been factored in to the viability, which is unrealistic for most residential development and therefore places a question mark over deliverability. It will have the effect of over inflating the land value generated. It is unclear as to whether the dwellings per ha breakdown has been calculated on the gross developable area or the net developable area.

3.13 It is our opinion that the densities need to be revisited by LCC.

Build Costs

3.14 Median BCIS figures were used in HDH’s viability appraisals. We consider that the build cost assumptions used are lower than we would expect and this could have a significant impact on the site viability.

3.15 The Viability Study is also not clear on the housing mix of the typologies. For example, if there are to be apartments included within Site 1 (SUE) there needs to be a differential breakdown in the build costs adopted to reflect the differential housing typology.

3.16 Furthermore, LCC’s Planning Policy expects ‘high quality, well designed developments that contribute positively to the character and appearance of the natural and built environment’. It is reasonable to expect that in order to construct a ‘high quality, well designed development’ a higher than average build cost needs to be included. Which is not the case and our client feels this needs to be reviewed.

Sales Data

3.17 In terms of second hand sales data which informs the potential GDV of typology schemes tested by HDH, Land Registry Average House Prices dated February 2012 have been used. Not only are these figures not concrete transactional data - merely average house prices, but they are two years out of date.

3.18 Turning to New Build Sales Prices, the HDH Viability Study states that a survey was conducted in March 2012 – over two years out of date. Furthermore, this survey was based on ‘asking prices’ rather than sold prices. It is expected that incentives will be offered and through the process of negotiation asking prices will decrease in order for house builders to achieve a sale – therefore it is not robust to form appraisals on asking prices alone.

4.0 Part 3 - Interpretation of Viability Results

4.1 Savills has recently published research which assesses the impact of CIL on development viability, notably the delivery of affordable housing. This research, which is enclosed with this letter,
demonstrates the trade off required to enable a deliverable five year housing land supply, in respect of the level of CIL against affordable housing provision.

4.2 The research notes that the ability of large greenfield sites to support CIL, Section 106 and affordable housing provision is largely driven by the strength of the local housing market. Where the housing market is stronger (higher £ per sq ft) the total “pot” available for these contributions increases. In contrast, lower value areas see reduced viability and subsequently a reduced “pot”. It therefore becomes a question for local authorities to consider what the appropriate trade-off should be, taking into account adopted affordable housing policies.

4.3 We have analysed below the proposed CIL charging zones against the City’s housing target for LCC (see Table 1 below). This illustrates that the viable level of CIL and Section 106 (combined) at the highest policy level of 30% affordable housing is zero. The LCC proposed rate of £25 per sqm combined with the LCC affordable housing policy (30% South East of the City and Ashton Green [SUE]) risks rendering a significant proportion of the Plan unviable.

Savills CIL Benchmarking Model

4.4 The Savills Benchmarking Model, as set out above, is based on a hypothetical greenfield site. Brownfield sites often require further costs in terms of site preparation to include demolition, de-contamination and clearance, which are not accounted for in the greenfield model above. As the Supplementary Paper to the PDCS sets out, 80% of development outside of the Council’s Strategic Regeneration Area will be on brownfield sites – it is even more likely that CIL renders further schemes unviable.

4.5 We therefore question how a CIL rate of £25 per sqm can be justified when the supporting viability evidence clearly shows that both small and large sites cannot support it. A point that becomes even harder to understand when you look at the CIL charging map against the Council’s housing requirement (see Table 1 below):
Table 1: Housing Requirement and Applicable CIL Zone

<table>
<thead>
<tr>
<th>Core Strategy Area</th>
<th>Housing Requirement (2010 – 2026)</th>
<th>% of Total Requirement</th>
<th>CIL Zone (£ per sqm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strategic Regeneration Area</td>
<td>11,854</td>
<td>52.56%</td>
<td>£0</td>
</tr>
<tr>
<td>Ashton Green</td>
<td>3,500</td>
<td>15.52%</td>
<td>£25</td>
</tr>
<tr>
<td>Hamilton</td>
<td>1,011</td>
<td>4.48%</td>
<td>£25</td>
</tr>
<tr>
<td>Inner Areas</td>
<td>1,996</td>
<td>8.85%</td>
<td>£25</td>
</tr>
<tr>
<td>Outer Areas</td>
<td>1,120</td>
<td>4.97%</td>
<td>£25</td>
</tr>
<tr>
<td>Suburbs</td>
<td>2,342</td>
<td>10.38%</td>
<td>£25</td>
</tr>
<tr>
<td>Sub-Total</td>
<td>21,823</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Small Windfall Sites</td>
<td>730</td>
<td>3.24%</td>
<td>£25</td>
</tr>
<tr>
<td>Total Potential Supply</td>
<td>22,553</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: LCC Core Strategy 2010 / PDCS

4.6 This analysis suggests that over 45% of the housing supply falls within the £25 per sq m CIL charging zone.

4.7 This is concerning and against the principle of the CIL Regulations and Guidance, which clearly states that Local Authorities have a positive duty to show that their CIL rates are appropriate: “A charging authority must use ‘appropriate available evidence’ to inform their draft charging schedule...Charging authorities need to demonstrate that their proposed levy rate or rates are informed by ‘appropriate available’ evidence and consistent with that evidence across their areas as a whole.’.

4.8 A point raised and supported by the Trafford Metropolitan Borough Council CIL examination, where the evidence supporting the CIL rate for apartments showed that in the moderate and lower value bands (with a proposed CIL rate of £10/m² in each case) sites were unviable. The Examiner discussed this point and commented: “This base rate debate, concerning employment development types [albeit equally applicable in this instance to apartments in moderate and low value areas as noted above], raises important issues about the CIL charging concept and about the process of Examination. I have weighed these issues carefully.” He also went on to say: “I must give greater weight [than to the need to spread the burden of infrastructure] to the fact that CIL examination is an evidence based process and charges cannot, in my view, be imposed where the Council’s own evidence base indicates that developments are not viable.” (emphasis added). The Examiner therefore concluded the £10/m² rate be reduced to £0/m² and highlighted the importance of Paragraph 8 of the CIL Guidance (2013), which states that CIL should have a ‘positive economic effect’.

4.9 In light of this decision, we are of the view that a “nominal” rate of £25 per sqm is not appropriate. Particularly as the evidence base prepared by HDH clearly indicates that the application of a CIL rate renders sites unviable.

5.0 Part 4 - Regulation 123 List / Infrastructure & Section 106/278

5.1 The CLG CIL Guidance places a strong emphasis on the need for local authorities to demonstrate, when setting their charging schedule, that they have been realistic, when testing viability, about what residual Section 106 and 278 requirements will remain. They should provide confidence in these assessments through a draft list of relevant infrastructure (so called ‘Regulation 123 List’) and revised policy on planning obligations that demonstrate how obligations will (or will not) be scaled back. It is now widely accepted that Regulation 123 permits the differentiation of infrastructure (as defined by the 2008 Act) by ‘type’ or ‘project’. This permits LCC a large degree of flexibility to outline what is and is
not to be infrastructure delivered by CIL, notably for larger scale sites.

5.2 The CIL Guidance states that “When a charging authority introduces the levy, section 106 requirements should be scaled back to those matters that are directly related to a specific site... For transparency, charging authorities should have set out at examination how their section 106 policies will be varied, and the extent to which they have met their section 106 targets”

5.3 The new Community Infrastructure Levy (Amendment) Regulations 2014 require the Regulation 123 List to form part of the evidence base (Regulation 14 (5)). LCC do include a 123 List as part of the consultation, however, it notes that site specific infrastructure will still be funded through Section 106 contributions.

Section 106 Assumptions

5.4 In terms of Section 106 contributions, HDH infer that they have taken a pragmatic approach and assumed, in the development appraisals, that infrastructure payments will be made through CIL rather than s106. As a result they recommend a cautious view is taken when setting CIL rates as some sites may still be liable for s106 payments in addition to CIL.

5.5 With regard to the above, we would ask that more detailed historic information on Section 106 costs in the LCC area be made available. This will ensure that the combined total cost of Section 106 and CIL is not in excess of historically delivered Section 106 costs and will not adversely impact the deliverability of any sites coming forward.

Payments In Kind

5.6 The Community Infrastructure Levy (Amendment) Regulations 2014 recently came in to force and have made changes to the operation of Payments in Kind. Intended as a remedy for site specific development/infrastructure costs, the revised ‘Payments in Kind’ mechanism enables developers to provide on-site infrastructure that is included on the Regulation 123 List, in lieu of a levy payment, provided that the said infrastructure is not required to mitigate the impact of the development (i.e. secured by a planning condition or section 106 provision).

5.7 It is Savills opinion that this will significantly reduce the application of this mechanism and it is therefore essential that the CIL rate is set correctly, as the application of Payment in Kind will be limited.

5.8 LCC should also consider providing details of how, in practice, the operation of Payments in Kind may work, notably for infrastructure provision. This might be a useful mechanism to avoid the risk of ‘double counting’ Section 106/infrastructure provision, with CIL.

Reviewing CIL

5.9 The CIL Guidance outlines that Charging Authorities ‘must keep their Charging Schedules under review’ to ensure that CIL is fulfilling its aim and responds to market conditions. If the CIL is set at too high a rate, the delivery of housing will be put at risk. Regular monitoring is required to ensure that any detrimental impact of the CIL on delivery is noticed promptly and remedied. It should be borne in mind that, in reviewing the CIL rates, the same charge setting process and procedures are required to be followed and therefore there will be an inevitable delay until any deficit in delivery can be remedied.

5.10 Our client considers that LCC should have a clearly defined review mechanism and suggest that monitoring takes place on a 6-monthly basis. It should also be reviewed in line with the emerging Local Plan which is scheduled for adoption in 2016. Monitoring data and reviews should be regularly

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10 Section 2:6:2:2
published, for example on the Council’s website. Regular monitoring is key to ensure that CIL does not stifle development in the right locations.

6.0 Conclusion

6.1 Three of the key tests of the examination of a Charging Schedule are that:

- “the charging authority’s charging schedule is supported by background documents containing appropriate available evidence”;
- “the proposed rate or rates are informed by and consistent with, the evidence on economic viability across the charging authority’s areas”; and
- “evidence has been provided that shows the proposed rate would not put at serious risk overall development of the area”.

6.2 The assessment of planned development and its viability is therefore an inherent test of the Examination. The following points are therefore significant:

- Viability Study is somewhat outdated having been prepared by HDH in January 2013.
- Whilst we note there is an adopted Core Strategy in place, it is unfortunate that the publication of the CIL is not able to run concurrently with the preparation of the emerging Local Plan which would be supported by an up to date evidence base in regard to housing land supply and the location of development. The CIL should be subject to a thorough review prior to the adoption of a new Local Plan which is scheduled for 2016.
- There are several material assumptions which fail to be reinforced by market evidence within the Viability Study. Furthermore, several assumptions appear to be flawed.
- We are concerned that in some locations the proposed CIL rate combined with policy costs would render some schemes unviable, and as CIL is non-negotiable, the delivery of affordable housing is likely to be jeopardised. There appears to be a misapplication of the Council’s affordable housing targets, particularly in relation to Site Type 6 which is used as the base scenario in setting the residential rate of £25 psm outside of the Council’s SRA.

6.3 Moving forward, our client is open to a meeting with LCC and its advisors to discuss the approach taken and to discuss common ground in advance of the Examination.

6.4 We would like to reserve the right to be heard at Examination and to be notified when:

- the Draft Charging Schedule has been submitted to the examiner in accordance with section 212 of the PA 2008;
- the recommendations of the examiner and the reasons for these recommendations are published; and
- the Charging Schedule is approved by the charging authority.

6.5 We look forward to discussing the above with you in due course.
Community Infrastructure Levy - Preliminary Draft Charging Schedule

Leicester City Council is consulting on proposals to change the way contributions are made to the cost of infrastructure projects linked to new developments. This new charge is known as the Community Infrastructure Levy (CIL).

Currently, some developments make financial contributions towards infrastructure improvements including parks, roads, and schools as a planning requirement.

From next year, the government wants councils to introduce a new locally agreed system of securing infrastructure funds from development through the Community Infrastructure Levy.

This requires local authorities to charge developers a fixed tariff based on the type and size of new building projects.

Before the new levy is introduced in Leicester, the city council is required to agree its proposed levy rates in consultation with residents and developers.

The Council has prepared a Preliminary Draft Charging Schedule which includes the proposed charging rates for types of uses and buildings, and a number of documents which are required as evidence to support the setting of the new levy. These are all available on the Council’s CIL Webpage

http://www.leicester.gov.uk/your-council-services/ep/planning/plansandguidance/cil/

There are a number of questions which the Council would like your views on. These will assist the Council in deciding the rate of the levy that could be reasonably charged.

Please be aware that your comments will be published on the Council’s website together with your name.
Questions

1) Do you have any comments to make on the viability assumptions and methodology used in the CIL Viability Assessment?

   Please see enclosed letter.

2) Do you agree with the proposed CIL rates and charging zones? If not please explain why.

   Please see enclosed letter.

3) Do you have any views on the Council’s proposed instalments policy? (see Appendix 1 of the Preliminary Draft Charging Schedule Supplementary Paper)

   Please see enclosed letter.

4) Do you have any comments on the draft Regulation 123 List?

   Please see enclosed letter.

5) Do you have any other comments on the Preliminary Draft Charging Schedule or the other evidence base documents (Please give reasoning with your response)?

   Please see enclosed letter.

Your Contact Details

Name: Mr Michael Davies

Organisation: Savills UK Ltd (on behalf of Barratt Homes)

Address: Innovation Court, 121 Edmund Street, Birmingham, B3 2HJ

Email: MPDavies@savills.com
Yours sincerely

Michael Davies
Director

Encl. Savills CIL – Getting it Right Publication
PDCS 19 - CgMs - Hammersons PLC
Dear Sir or Madam,

COMMUNITY INFRASTRUCTURE LEVY (CIL) PRELIMINARY DRAFT CHARGING SCHEDULE CONSULTATION REPRESENTATION ON BEHALF OF HAMMERSO PLC

On behalf of our client, Hammerson PLC, we submit the following comments in relation to the current consultation on the Leicester Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule.

Hammerson PLC are a major property development and investment company, and owners of the Highcross shopping centre within Leicester city centre. Hammerson acquired the former Shires shopping centre in 2002, subsequently opening the redeveloped and rebranded Highcross centre in 2008. At present, the Highcross shopping centre contains 131 tenants and experiences an annual footfall of approximately 18 million visitors. As such it is a significant element of Leicester city centre’s retail offering.

As a key investor in the city, Hammerson are supportive of the current approach to CIL in relation to retail development, which proposes a CIL rate of £0 per sq. m for comparison retail development based on current viability considerations. It is considered that the proposed CIL rates are appropriate to ensuring the continued viability of retail development within the city centre.

We trust that the above comments will be taken into account in preparing the Draft Charging Schedule. Should you have any queries, please contact Tanya Jordan on the above details.

Yours faithfully,

CgMs
For and on behalf of Hammerson plc
Dear Sir/Madam

LEICESTER CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY: PRELIMINARY DRAFT CHARGING SCHEDULE (MAY 2014)

With reference to the above, and on behalf of our client, Wm Morrison Supermarkets plc ("Morrisons"), we write to thank you for providing us with the opportunity to comment on the above document. Morrisons is a major food and grocery superstore retailer, which currently operates a store on Aylestone Road, Leicester.

On behalf of our client, we strongly object to the proposed CIL rate for retail development.

We are concerned about the viability of the proposed £150 per sq. m CIL rate for convenience retail and retail warehouse uses. A levy of this level is likely to have a significant adverse impact on the overall viability of future large-scale retail developments, particularly when taking into account other costs for local infrastructure works and other contributions required as part of typical S106 agreements (such as highway works which are typically expensive to ensure that large scale retail developments function well).

We consider that the proposed charge will put undue risk on the delivery of food retail proposals, and will be an unrealistic financial burden which is likely to pose a significant threat to potential new investment and job creation in Leicester, particularly at a time where economic growth is high on the Government's agenda.
We also disagree with the Council's approach of bringing forward differential rates within the same Use Class. Only convenience retail and retail warehouse developments are proposed to be subjected to the CIL levy with no charge planned for any other form of retail development. This puts convenience and retail warehousing schemes at a significant disadvantage in comparison to other retail schemes, which in turn puts a heavy burden on the sector.

We trust that the above is helpful. However, if you have any queries or require any further information, please do not hesitate to contact Laura Fern at the address above.

Yours faithfully

PEACOCK & SMITH

cc. J Smith Esq. – Wm Morrison Supermarkets plc
PDCS 21 - Fran Rowley - Turley - on behalf of DeMontfort University
Planning Policy Team  
CIL PDCS Consultation  
Leicester City Council  
New Walk Centre, A11  
Welford Place  
Leicester  
LE1 6ZG

11 July 2014
Delivered by email

Dear Sir/Madam

Leicester CIL: Preliminary Draft Charging Schedule Consultation

We act on behalf of De Montfort University for the consultation, and welcome the opportunity to comment on the CIL preliminary draft charging schedule which has been prepared by Leicester CC.

The University notes that a charge of £100 per square metre is intended to be set for new student halls of residence and wishes to raise the following matters:

The proposed rate is relatively high, being comparable with commercial hotel space and considerably higher than all other forms of residential accommodation, including flats or other smaller units. This basis seems inequitable given the specific characteristics of this use. In our view, the proposed CIL charge has the potential to restrict the construction of new student accommodation in Leicester which is at odds with the Core Strategy which states that there is a “continuing need to plan for additional purpose built student housing of high quality priced at a level to attract students to study in Leicester” (paragraph 4.4.33).

It is also relevant that, having researched adopted CIL charges for student accommodation in other Local Authorities (with the exception of London) it is evident that these range between £16 and £150, with the average CIL charge being approximately £70. This is significantly lower than the CIL charge that Leicester City Council is proposing, which compares with areas such as Oxford and Bristol which have very differing housing market characteristics and student populations. Consideration should be given to adopting the same approach as authorities such as Portsmouth and Norwich, which are not charging CIL at all for student accommodation developments.

The CIL Viability Assessment sets out a range of assumptions in relation to student housing, valuation and yield. It is submitted that this data should be verified by key providers such as DMU to reflect the specific characteristics of the use in question, and to ensure the robustness of the financial data incorporated.

In terms of the principle of CIL being applied to student accommodation, we would question the basis of this. Student accommodation does not form part of the Core Strategy housing land requirement and is not
therefore linked to the infrastructure requirements as defined in the ‘regulation 123’ list. There may consequently be limited justification for student housing being required to make a financial contribution to any identified infrastructure funding need.

We note that development for charitable purposes is exempt (paragraph 4.4) and can confirm that DMU is listed as a charity. We would therefore like confirmation, in this context, that the charitable exemption would apply if the University were to develop its own accommodation, in accordance with planning permissions obtained for such development (i.e. accommodation purpose built by the University for students of the University) either on or off campus.

Finally, we would also seek clarification on any differentiation between the applicability of a CIL charging rate to new student accommodation within/outside the Strategic Regeneration Area. It is noted that for standard residential accommodation within the SRA, a nil charging rate is to be applied – and, in our view, this should also be applied to new student accommodation.

We trust these representations will be fully considered and reflected in the next stage of preparation of the Council’s CIL Charging Schedule and would be pleased to clarify and discuss any aspect of this submission.

Yours Sincerely

Fran Rowley
Associate Director
fran.rowley@turley.co.uk