

**Community Infrastructure Levy (CIL)
Draft Charging Schedule (DCS)
Consultation Document**

August 2014

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1. Introduction

1.1 What is the CIL?

- 1.1.1 The Community Infrastructure Levy (CIL) is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area¹.
- 1.1.2 Once established, CIL will run alongside Section 106 agreements ('S106s') which will continue to operate where it is necessary to make developments acceptable.
- 1.1.3 The CIL is established by the following legislation and statutory guidance issued by the Secretary of State (which the council must have regard to²) which are referenced throughout this document, usually as footnotes:
- **Planning Act 2008;**
 - **Localism Act 2011;**
 - **The Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014)** ('Rx', where *x* refers to a CIL Regulation); and
 - **National Planning Practice Guidance: Community Infrastructure Levy (February 2014)** ('NPPGx', where *x* refers to a paragraph).

1.2 How does it affect me?

What pays CIL?

- 1.2.1 The levy may be **payable on development which creates net additional floorspace**, where the gross internal area (GIA) of new build exceeds 100m². That limit does not apply to new dwellings, and a charge can be levied on a single house or flat of any size, unless it is built by a 'self builder'³.

What does not pay CIL?

- 1.2.2 The following do not pay the levy⁴:
- Development of **less than 100m²** – unless this is a whole dwelling, in which case the levy is payable⁵;
 - Houses, flats, **residential annexes and residential extensions** which are built by '**self-builders**'⁶;

¹ NPPG001

² Planning Act 2008 S221

³ NPPG002

⁴ NPPG003

⁵ R42

- **Social housing** that meets the relief criteria⁷;
- **Charitable development** that meets the relief criteria⁸;
- Buildings into which **people do not normally go**⁹;
- Buildings into which **people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery**¹⁰;
- **Structures which are not buildings**, such as pylons and wind turbines;
- Specified types of development which local authorities have decided should be subject to a **'zero' rate** and specified as such in their charging schedules; and
- **Vacant buildings** brought back into the same use¹¹.

1.2.3 Where the CIL liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no CIL is due¹².

1.2.4 Mezzanine floors of less than 200m², inserted into an existing building, are not liable for the CIL unless they form part of a wider planning permission that seeks to provide other works as well¹³.

Who pays CIL?

1.2.5 Landowners are ultimately liable to pay the levy, but anyone involved in a development may take on the liability to pay¹⁴.

How does CIL relate to planning permission?

1.2.6 CIL is charged on new development. Normally this requires planning permission from the council, the Planning Inspectorate, or the Secretary of State on appeal. CIL may also be payable on permitted development¹⁵.

⁶ R42A, 42B, 54A, 54B

⁷ R49 or 49A

⁸ R43-48

⁹ R40(11)

¹⁰ R40(11)

¹¹ R40(11)

¹² R40(3); NPPG003

¹³ NPPG003

¹⁴ R31-39; NPPG005

¹⁵ R5; R64; NPPG006

What are the stages in the collection process?

- 1.2.7 The stages in the collection process for CIL are¹⁶:
- Developments become liable for CIL upon planning permission at which point the council issues a **Liability Notice** to the applicant¹⁷.
 - The relevant person(s) then submit a **Commencement Notice** to the council setting out when development is going to start¹⁸.
 - The council then issues a **Demand Notice** to the relevant person(s) setting out the payment due dates in line with the payment procedure (including the possibility of paying by **Instalments**)¹⁹.
- 1.2.8 Further information on the collection process for CIL can be found in the government's National Planning Practice Guidance (NPPG) on CIL²⁰ which is accessible from the council's CIL webpage at www.lbhf.gov.uk/cil.

How is CIL liability calculated?

- 1.2.9 Once rates are set for an area, a CIL liability for a development is calculated in accordance with Part 5 of the CIL Regulations (as amended) which takes into account what does and does not pay CIL (see above) and other factors such as reliefs and exemptions²¹, existing floorspace and an indexation for inflation.
- 1.2.10 Further information on calculating CIL liabilities can be found in the government's National Planning Practice Guidance on CIL which is accessible from the council's CIL webpage at www.lbhf.gov.uk/cil. The council also intends to publish a CIL calculator on the CIL webpage once the CIL comes into effect in the borough to provide a guide in calculating CIL liabilities.

1.3 How do I comment & what is the timetable?

- 1.3.1 Section 6 sets out how to comment and the timetable for consultation and introduction of the borough's CIL.
- 1.3.2 Formal representations are welcomed on the **Infrastructure** evidence (section 3), the **Viability** evidence (section 4) and the **Draft Charging Schedule** (section 5).
- 1.3.3 Comments are also welcome on other related issues, including proposals for **Neighbourhood CIL** (section 3.3), which are separate to the formal Draft Charging Schedule consultation.

¹⁶ NPPG046

¹⁷ R65

¹⁸ R67

¹⁹ R69; R69B; R70

²⁰ NPPG Section 3

²¹ NPPG Section 7

2. Evidence base, legislative & policy context

2.1 Evidence base & striking a balance

- 2.1.1 In setting the CIL, the council must have regard to “actual and expected costs of **infrastructure**”; “economic **viability** of development” and “other actual and expected sources of funding for infrastructure”²².
- 2.1.2 As part of this, the council “must use **appropriate available evidence** to inform [its] preparation of [the] charging schedule”²³.
- 2.1.3 The council must then use that evidence to “**strike an appropriate balance** between the desirability of funding from CIL (in whole or in part) the actual and expected **estimated total cost of infrastructure required to support the development of its area**, taking into account other actual and expected sources of funding; and the potential effects (taken as a whole) of the imposition of CIL on the **economic viability of development across its area**”²⁴.
- 2.1.4 The CIL “is expected to have a **positive economic effect on development**” across the Local Plan area and the council must show and explain how the proposed CIL “will **contribute towards the implementation of [the] relevant plan and support development across [the] area**”²⁵.
- 2.1.5 For the purpose of this Draft Charging Schedule, the “**relevant plan**”²⁶ is the Mayor of London’s adopted London Plan (as altered) and the council’s adopted Core Strategy and Development Management Local Plan (DM LP).
- 2.1.6 **The council considers that in light of the viability and infrastructure evidence presented in sections 3 and 4 respectively, the proposed CIL charges in section 5 meet the above requirements and strike an appropriate balance.**

2.2 Legislative & policy context

- 2.2.1 The legislation, regulations, policy and guidance context for CIL, infrastructure planning and viability are summarised in the following sections, which help form the basis of the appropriate available evidence.
- 2.2.2 The documents are discussed and referenced in more detail in the appropriate Infrastructure and Viability sections (section 3 and 4 respectively).

²² Planning Act 2008 S211(2)

²³ Planning Act 2008 S211(7A); see also R11(1) “relevant evidence”

²⁴ R14(1); NPPG Section 2

²⁵ NPPG009; NPPG018; see also Crossrail SPG paras.6.8, 6.9

²⁶ NPPG011

National

Publisher	Date	Document
HM Government	May 1990	The Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991 and others)
	Nov 2008	Planning Act 2008
	Nov 2011	Localism Act 2011 (which amends the Planning Act 2008)
	2010-14	The Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, 2013, 2014)
DCLG	Mar 2012	National Planning Policy Framework (NPPF)
	Mar 2014	National Planning Practice Guidance (NPPG): Local Plans
	Mar 2014	National Planning Practice Guidance (NPPG): Planning Obligations
	Mar 2014	National Planning Practice Guidance (NPPG): Viability
	Jun 2014	National Planning Practice Guidance (NPPG): Community Infrastructure Levy

Figure 2.1: National documents

Regional

Publisher	Date	Document
Mayor of London	Jul 2011	The London Plan: Spatial Development Strategy for Greater London
	Feb 2012	CIL Charging Schedule
	Jan 2013	London Plan Implementation Plan 1
	Mar 2013	CIL Instalments Policy
	Apr 2013	Use of Planning Obligations in the Funding of Crossrail, and the Mayoral CIL SPG ('Crossrail SPG')
	Oct 2013	The London Plan: Spatial Development Strategy for Greater London: Revised Early Minor Alterations: Consistency with the National Planning Policy Framework
	Jan 2014	Draft Further Alterations to The London Plan (FALP)
	Mar 2014	Long Term Infrastructure Investment Plan for London: Progress Report
	May 2014	London Planning Statement SPG
	Jun 2014	Draft Social Infrastructure (SI) SPG

Figure 2.2: Regional documents

- 2.2.3 The **Mayor of London CIL Charging Schedule** for Greater London came into effect on 1st April 2012 for which a charge of £50/m² is levied in the borough, although medical/health services and schools/colleges have a zero or nil charge (£0/m²). The cost to developers of paying the Mayor's CIL is taken into account in the viability evidence base for the borough CIL (see section 4.2.4.3)²⁷. The Mayor's CIL is intended to raise £300m towards the cost of Crossrail.
- 2.2.4 The adopted **London Plan** (as altered) sets a monitoring target of 615 new dwellings to be delivered on an annual basis for the borough from 2011-2021²⁸, amongst other policies and targets.
- 2.2.5 It should be noted that the Mayor has proposed **Draft Further Alterations to the London Plan (FALP)** for consultation which suggest an increased monitoring target of 1,031 dwellings for the borough from 2015-2025, amongst other alterations to policies and targets. The FALP, however, is not scheduled to be examined until September 2014 and adopted until March 2015.

Local

Publisher	Date	Document
LBHF	Sep 2007	Community Strategy 2007-14
LBHF	Oct 2011	Core Strategy
LBHF	Jul 2013	Development Management Local Plan (DM LP)
LBHF	Jul 2013	Planning Guidance Supplementary Planning Document (PG SPD)
LBHF	Jul 2013	Local Plan Review: Issues and Options for Review
LBHF	Aug 2014	Monitoring Report April 2012 to March 2013

Figure 2.3: Local documents

- 2.2.6 The adopted **Community Strategy 2007-14**, which is in its last year of effect, sets out seven key priorities for the borough:
- Provide a top quality education for all;
 - Tackle crime and antisocial behaviour;
 - Deliver a cleaner, greener borough;
 - Promote home ownership;
 - Set the framework for a healthy borough;
 - Deliver high quality, value for money public services; and
 - Regenerate the most deprived parts of the borough.

²⁷ R14(3); NPPG026; Crossrail SPG para.6.4

²⁸ The London Plan Policy 3.3 Increasing Housing Supply; Table 3.1

2.2.7 The **Core Strategy** is the overall strategic plan for the borough and shares the same vision and objectives as the Community Strategy. It proposes significant growth to be spatially distributed across the borough's five Regeneration Areas as set out in Figures 2.4 and 2.5:

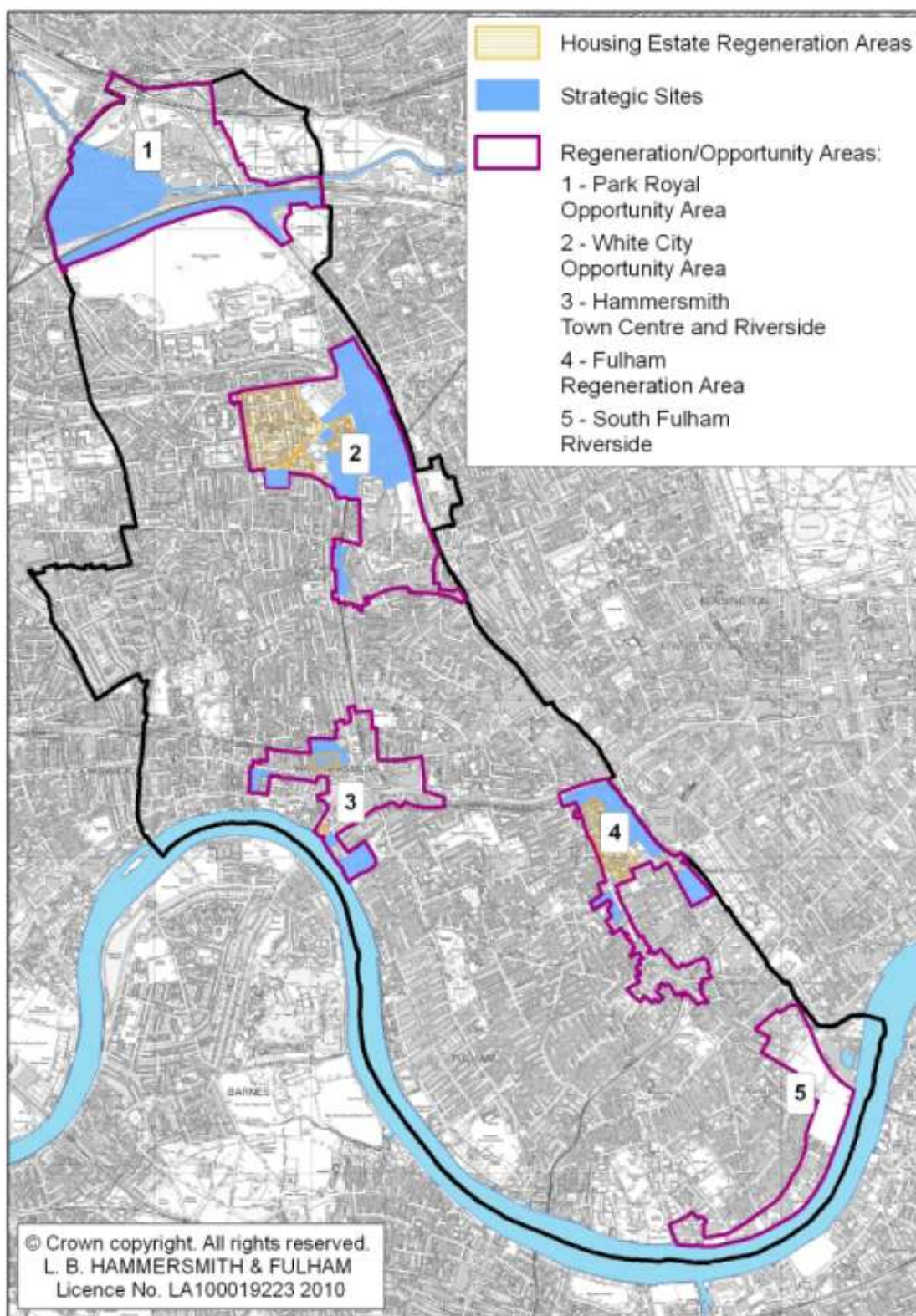


Figure 2.4: Core Strategy Strategic Policy A Map

Area	Dwellings						Jobs
	2012-17	2017-22	Total 10 yrs	2022-27	2027-32	Total 20 yrs	
Park Royal Opportunity Area	0	0	0	400	1,200	1,600	5,000
White City Opportunity Area	1,200	1,400	2,600	1,300	1,100	5,000	10,000
Hammersmith Town Centre & Riverside	500	500	1,000	0	0	1,000	5,000 -6,000
Fulham Regeneration Area (including Earls Court & West Kensington Opportunity Area)	700	700	1,400	1,200	800	3,400	5,000 -6,000
South Fulham Riverside	800	800	1,600	400	200	2,200	300 -500
Rest of the borough	1,000	200	1,200	0	0	1,200	
Total	4,200	3,600	7,800	3,300	3,300	14,400	25,300 -27,500
Average/year	840	720	780	660	640	720	
Maximum for infrastructure planning purposes			9,000			20,000	

Figure 2.5: Growth identified in the Core Strategy²⁹

- 2.2.8 The **Development Management Local Plan (DM LP)** and **Planning Guidance Supplementary Planning Document (PG SPD)** provide further policies and guidance which elaborate upon the strategic policies of the Core Strategy.
- 2.2.9 As part of the evidence base for CIL, the council must provide information on the “delivery of other targets” (in addition to information on the delivery of affordable housing targets – see section 4.2)³⁰. The **Monitoring Report** provides such information based on the implementation of the policies within the Core Strategy over the period from April 2012 to March 2013.
- 2.2.10 Amongst other monitoring indicators, the Monitoring Report provides information on the council’s delivery of housing targets as summarised in Figure 2.6. Whilst the council has not met its housing target in the monitoring year, there are 12,780 additional dwellings in the housing trajectory for the plan period 2011/12 to 2031/32. It is also worth noting that approvals in the Earls Court & West

²⁹ Adapted from Core Strategy Strategic Policy A ‘Regeneration Areas and Indicative Additional Homes and Jobs’ table (p.30) and Borough Wide Strategic Policy H1 ‘Indicative Housing Targets’ (p.96)

³⁰ NPPG018

Kensington Opportunity Area would represent a substantial increase on the quantum in Figure 2.5.

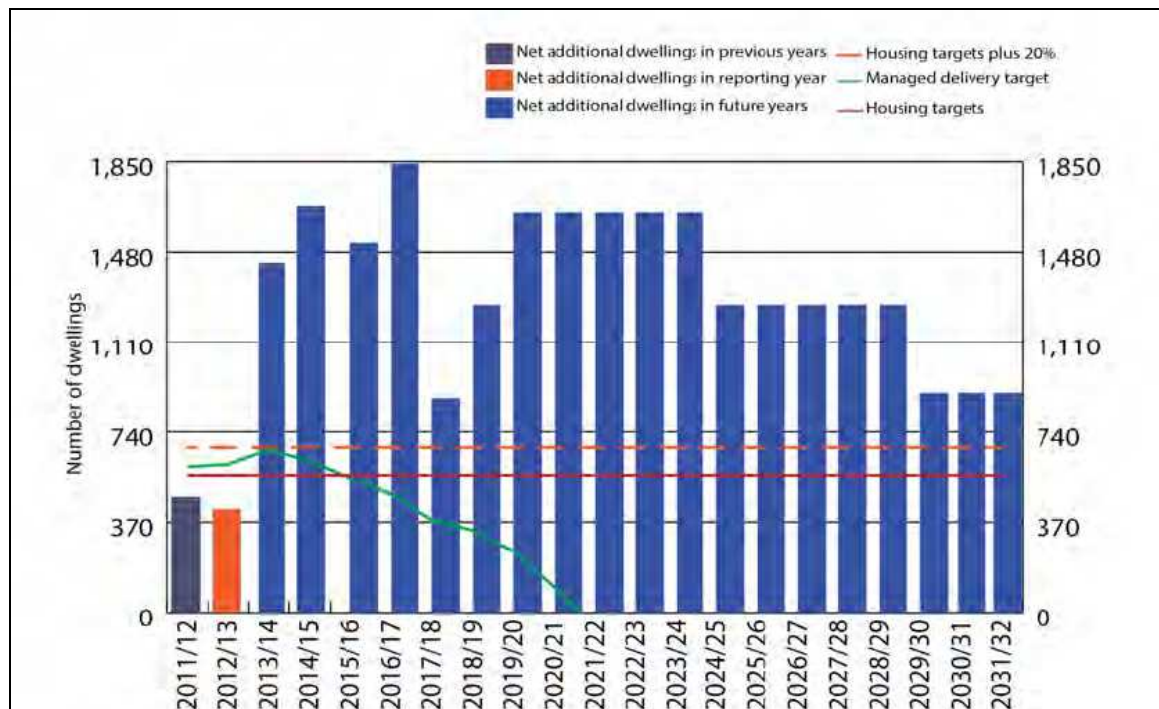


Figure 2.6: Housing Trajectory³¹

- 2.2.11 The council is intending to carry out and consult on a **Local Plan Review** which is expected to propose some policies to replace those in the existing adopted Core Strategy and Development Management Local Plan (DM LP). ‘Issues and Options for Review’ were published for consultation from July to September 2013³². The timetable for this review will be published shortly.
- 2.2.12 However, as set out in paragraph 2.1.5, for the purpose of this Draft Charging Schedule, the “**relevant plan**”³³ has to be the Mayor of London’s adopted London Plan (as altered) and the council’s adopted Core Strategy (2011) and Development Management Local Plan (DM LP, 2013).
- 2.2.13 The Regeneration and Opportunity Areas identified in the Core Strategy are particularly important in terms of the evidence base for infrastructure and viability for the council’s ‘strategic sites’.
- 2.2.14 The appropriate available evidence is summarised in the below sections for each respective area. This includes adopted Supplementary Planning Documents (SPDs), Opportunity Area Planning Frameworks (OAPFs) and supporting evidence base documents called Development Infrastructure Funding Studies (DIFS) which also contain relevant infrastructure and viability evidence.

³¹ LBHF (July 2014) Monitoring Report April 2012 to March 2013: Figure 3

³² LBHF (July 2013) Issues and Options for Review

³³ NPPG011

Park Royal

Publisher	Date	Document
LBHF; LB Ealing; LB Brent; Mayor of London	Jan 2011	Park Royal Opportunity Area Planning Framework
	Jun 2013	Old Oak: A Vision for the Future

Figure 2.7: Park Royal documents

2.2.15 The Core Strategy sets out the Strategic Policy for Park Royal in line with the housing and jobs targets summarised in Figure 2.5 as well as outlining policy for sites at Old Oak Common Sidings (PR1) and North Pole Depot (PR2).

2.2.16 The **Park Royal OAPF** sets out a framework for maximising employment opportunities, connectivity, transport, housing and public realm developments in the area. Chapter 9 promotes a standard charge approach for pooling infrastructure contributions in the area although this has not been implemented.

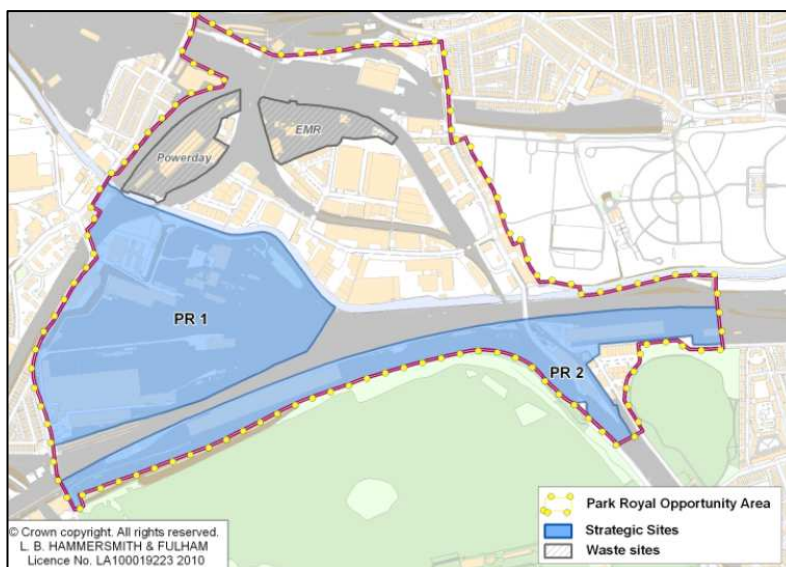


Figure 2.8: Park Royal Core Strategy

2.2.17 The **Old Oak Vision** consultation set out a vision of how 19,000 new homes and 90,000 new jobs over an area of 10km² could be delivered in the area in light of planned new Crossrail and High Speed Rail 2 (HS2) stations. The Vision introduces the possible transport and social infrastructure which could be required as part of the proposed development in the area. It should be noted that the vision and its proposals are not part of the 'relevant plan' for CIL charge-setting purposes.

2.2.18 A DIFS is being commissioned by the Mayor and the relevant boroughs to consider infrastructure and viability evidence to support a revised policy context for the area, although this is not expected to become available until late 2014. The Mayor is consulting on establishing a Mayoral Development Corporation (MDC). An MDC, if agreed would have plan-making, CIL charge-setting and decision-taking powers.

White City

Publisher	Date	Document
AECOM; Deloitte	May 2013	Development Infrastructure Funding Study
LBHF; Mayor of London	Oct 2013	White City Opportunity Area Planning Framework

Figure 2.9: White City documents

2.2.19 The Core Strategy sets out the Strategic Policy for White City Opportunity Area in line with the housing and jobs targets summarised in Figure 2.5 as well as outlining policy for sites at White City East (WCOA1); QPR Football Ground and TA Centre (WCOA2); Shepherds Bush Market (WCOA3).

2.2.20 The **White City OAPF** sets out a vision for a vibrant and creative place with a stimulating and high quality environment where people will want to live, work, shop and spend their leisure time. The OAPF sets out the range of infrastructure necessary to support development in the area, and Chapter 7 sets out a Delivery and Implementation Strategy.

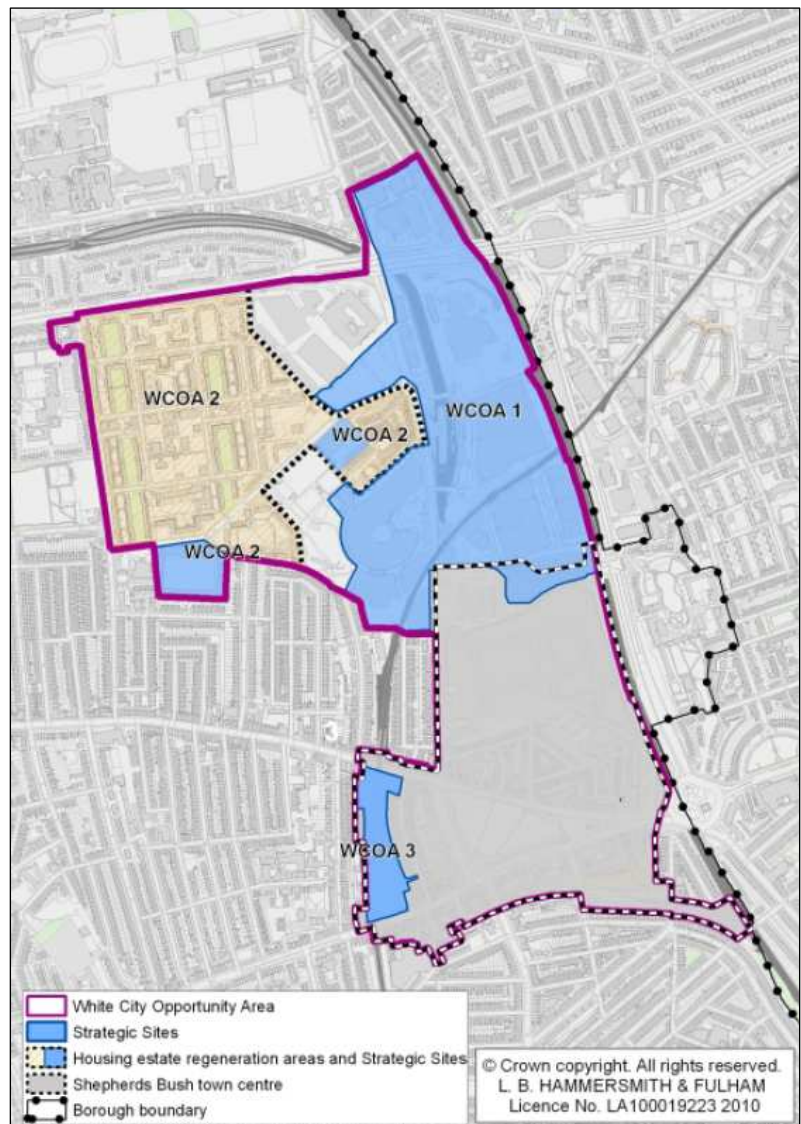


Figure 2.10: Core Strategy Strategic Policy WCOA Map

2.2.21 The OAPF is supported by a **DIFS** which provides further infrastructure and viability evidence and suggests a policy approach of continuing to seek S106s to deliver infrastructure in the area. This is discussed further in terms of viability in section 4.2 with a particular focus on White City East (WCOA1), where the majority of new development is planned to come forward.

Hammersmith Town Centre & Riverside

2.2.22 The Core Strategy sets out the Strategic Policy for Hammersmith Town Centre and Riverside in line with the housing and jobs targets summarised in Figure 2.5 as well as outlining policy for sites at Town Hall and Adjacent Land (HTC1); Kings Mall and Ashcroft Square Estate (HTC2); and Hammersmith Embankment (HTC3).

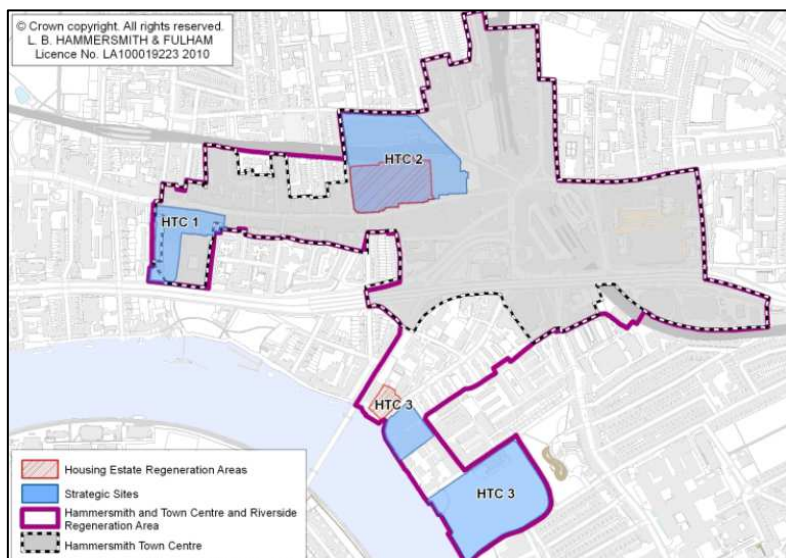


Figure 2.11: Core Strategy Strategic Policy HTC Map

2.2.23 Other than the Core Strategy policies, there is no specific local planning and infrastructure activity such as a SPD or DIFS available for this area at present. Development and infrastructure provision is largely being tested through individual planning applications and their supporting evidence base documents. However, related to the Local Plan Review, the council is considering preparing further policies and possibly a SPD for the town centre and emerging proposals for the replacement of the A4 Hammersmith Flyover.

Earls Court & West Kensington

Publisher	Date	Document
DVS	Nov 2011	Viability Study: Development Infrastructure Study
LBHF; RBKC; Mayor of London	Mar 2012	Earls Court & West Kensington Opportunity Area Joint Supplementary Planning Document

Figure 2.12: Earls Court & West Kensington documents

2.2.24 The Core Strategy sets out the Strategic Policy for Fulham Regeneration Area in line with the housing and jobs targets summarised in Figure 2.5 as well as outlining policy for sites at Earls Court Exhibition Centre 2 and Seagrave Road car park, Lillie Bridge Depot (FRA1) and North End Road/Lillie Road/Chuter Ede House/Coomer Place car park strategic site (FRA2).

2.2.25 The **Earls Court & West Kensington OAPF/SPD** sets out a vision for residential-led regeneration. It includes chapters on Social and Community Facilities, Transport and Accessibility, Energy, Environmental and Phasing and S106 strategies, articulating the infrastructure needed in the area.

2.2.26 The OAPF/SPD is supported by a **DIFS** which provides further viability evidence.

2.2.27 Developments that have already been approved in the area have made considerable S106 contributions towards identified infrastructure need. This is discussed further in terms of viability in section 4.2.

2.2.28 It should also be noted that the Opportunity Area is partly within the Royal Borough of Kensington and Chelsea and the two boroughs have worked closely together on planning and CIL matters.

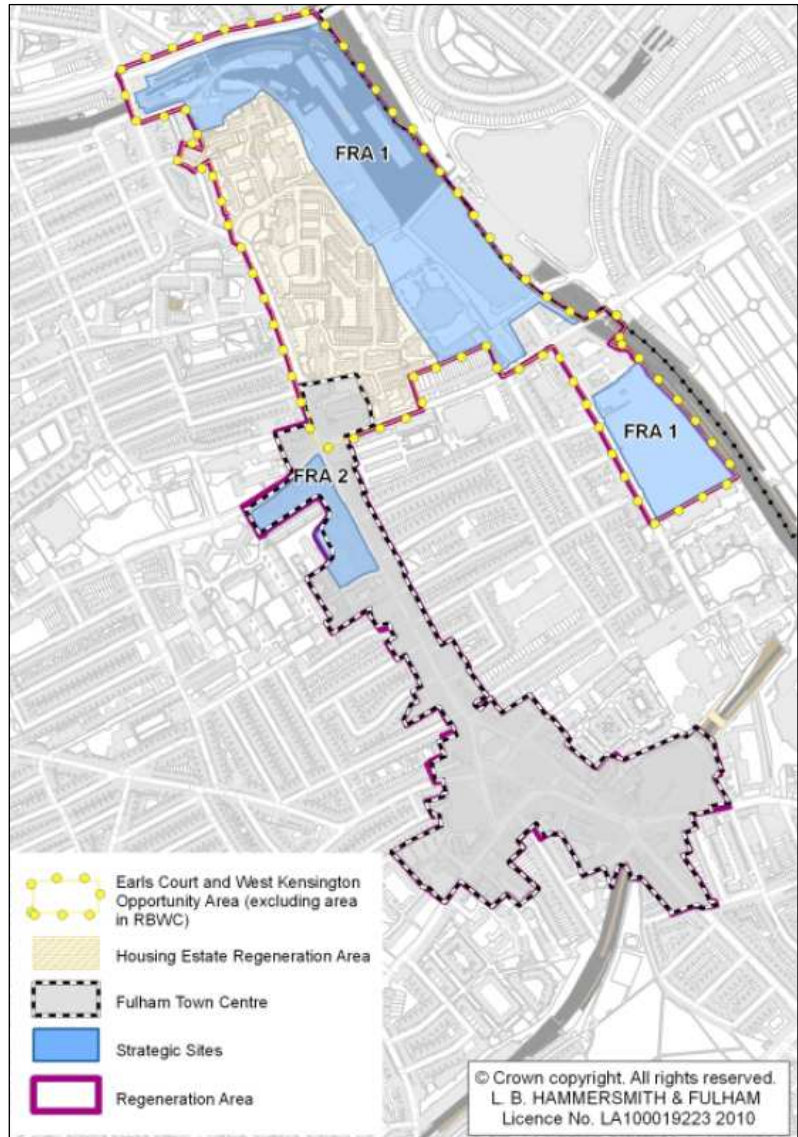


Figure 2.13: Core Strategy Strategic Policy FRA Map (including Earls Court & West Kensington Opportunity Area)

South Fulham Riverside

Publisher	Date	Document
CgMs; Cushman & Wakefield; Jacobs	Mar 2012	Delivery and Infrastructure Funding Study
LBHF	Jan 2013	South Fulham Riverside Supplementary Planning Document

Figure 2.14: South Fulham Riverside documents

2.2.29 The Core Strategy sets out the Strategic Policy for South Fulham Riverside in line with the housing and jobs targets summarised in Figure 2.5.

2.2.30 The **South Fulham Riverside SPD** sets out a vision for the area moving away from its industrial past and becoming a new residential mixed use area integrated with employment, community and leisure uses that adopt a waterfront character. The area will have a riverside focus that embraces the river offering leisure, recreational and sporting facilities linked to the river. It includes chapters on Transport Interventions, Social Infrastructure, Environmental Strategy and a Delivery and Implementation Strategy, articulating the infrastructure needed in the area.

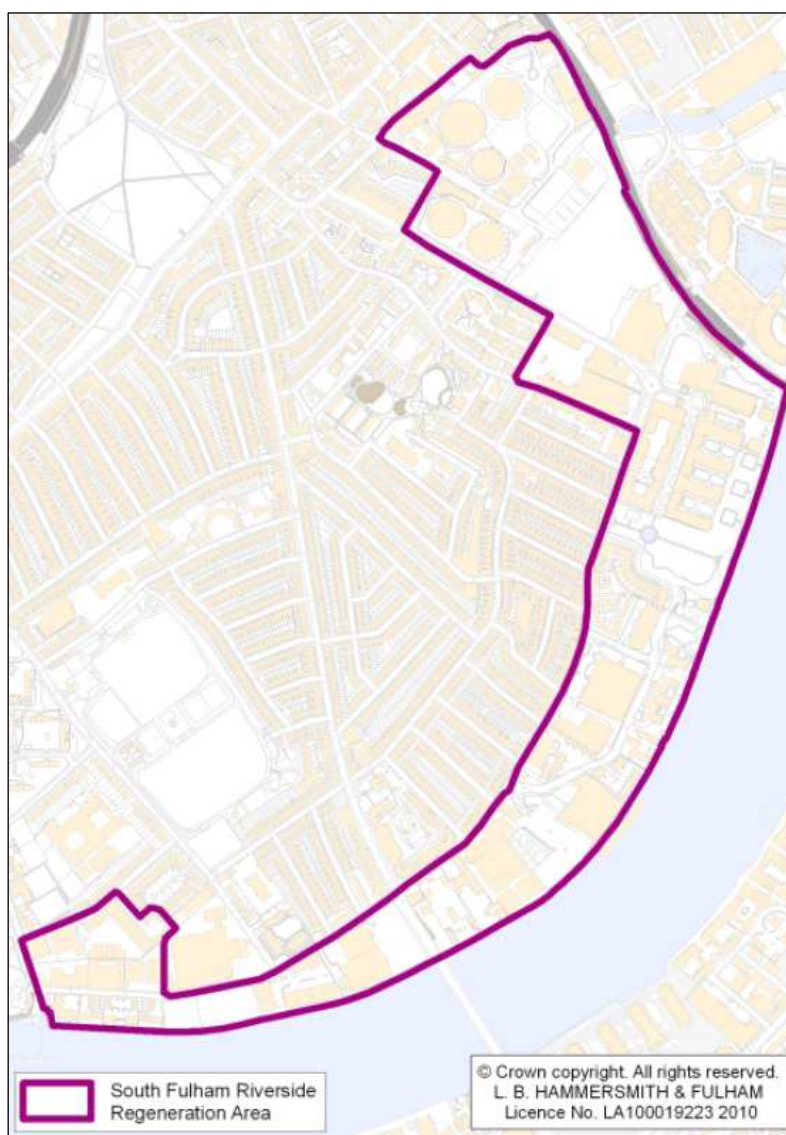


Figure 2.15: Core Strategy Strategic Policy SFR Map

2.2.31 The SPD is supported by a **DIFS** which provides further infrastructure and viability evidence. This is discussed further in terms of viability in section 4.2.

3. Infrastructure

3.1 Legislative & policy context

3.1.1 The legislation, regulations, policy and guidance for infrastructure planning are summarised in the following sections.

National

3.1.2 The overall purpose of CIL is to “ensure that the costs incurred in **supporting the development of an area** can be funded (wholly or partly) by owners or developers of land”³⁴. CIL should primarily be applied to “funding the **provision, improvement, replacement, operation or maintenance of infrastructure**”³⁵, however, a proportion of CIL – ‘Neighbourhood CIL’ – may also be applied to “anything else that is concerned with addressing the demands that development places on an area”³⁶ (see section 3.3).

3.1.3 The focus should be on “**new infrastructure** and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development”, meaning that CIL “can be used to **increase the capacity of existing infrastructure or to repair failing existing infrastructure**”³⁷.

3.1.4 The council, in developing its CIL Charging Schedule, must “think strategically in [its] use of the levy to ensure that key infrastructure priorities are delivered to **facilitate growth and the economic benefit of the wider area**”³⁸.

3.1.5 These requirements for CIL charge-setting should also be considered in light of more general planning requirements for councils to use the planning system to contribute to “building a strong, responsive and competitive economy... including the provision of infrastructure”³⁹. In addition, the council’s planning policies “should recognise and seek to address potential barriers to investment, including... any lack of infrastructure”⁴⁰ and, in doing so, Local Plans “should aim to meet the **objectively assessed... infrastructure needs** of the area”⁴¹.

Regional

3.1.6 The **London Plan** is the overall strategic plan for London. The London Plan states that it will use both S106 ‘planning obligations’ (Policy 8.2) and CIL (Policy 8.3) to help deliver its policies.

³⁴ Planning Act 2008 S205(2); see also NPPG071

³⁵ Planning Act 2008 S216(1)-(2); R59

³⁶ Planning Act 2008 S216A-B; R59A-59F; see also NPPG072

³⁷ NPPG071

³⁸ NPPG011

³⁹ NPPF para.7

⁴⁰ NPPF para.21 see also para.160

⁴¹ NPPG Local Plans para.2

3.1.7 The **Crossrail SPG** introduces how the “Mayor is considering ways of improving infrastructure planning in London” and “is keen to work with boroughs and other stakeholders... to ensure that strategically important infrastructure is identified, funded and implemented effectively”⁴². This is elaborated further in the expanded policy text for London Plan Policy 8.1 ‘Implementation’ as part of the **Further Alterations to the London Plan**.

3.1.8 The **Long Term Infrastructure Investment Plan for London: Progress Report** outlines the steps the Mayor will undertake to publish a Long Term Infrastructure Investment Plan for London by Autumn 2014 to consider infrastructure planning for the city towards 2050.

Local

3.1.9 The **Core Strategy** states that it will use both S106s and CIL to help deliver its policies, which includes delivering infrastructure:

The council will implement the policies and proposals of the Core Strategy and seek to ensure that the necessary infrastructure is secured to support regeneration by:

- ...
- undertaking pre-application discussions with developers and involving partner organisations where appropriate, and through development management powers, including negotiating S106 obligations;
- ...
- developing a charging schedule in response to CIL regulations or successor regimes that support the implementation of infrastructure projects necessary to deliver the Core Strategy...⁴³

3.1.10 Chapter 10 of the Core Strategy introduces the **Infrastructure Schedule** which lists the priority physical, social and green infrastructure schemes required to support development in the borough. This schedule is evidenced by an **Infrastructure Study Update** (April 2011) which sets out existing infrastructure provision and capacity across the borough and future infrastructure requirements and deficits. This infrastructure evidence base has since been updated to support the CIL Preliminary Draft Charging Schedule (PDCS) and Draft Charging Schedule (DCS) (see section 6.1).

3.1.11 As set out in section 2.2, there is also a range of **DIFS** and **SPDs** for some of the Regeneration & Opportunity Areas which provide context and evidence for infrastructure planning in the borough. These help inform the updated Infrastructure Schedule.

⁴² Crossrail SPG paras.4.28-4.29

⁴³ Core Strategy: Delivery and Monitoring (emphasis added)

3.2 Methodology & approach

- 3.2.1 In assessing the objectively assessed infrastructure needs to support planned development across the borough, the starting point is to consider the context set out in sections 2.2 and 3.1 and, in particular, to draw on infrastructure evidence “from the infrastructure assessment that was undertaken as part of preparing the relevant Plan”⁴⁴.
- 3.2.2 However, the council “may undertake additional infrastructure planning to identify its infrastructure funding gap, if it considers that the infrastructure planning underpinning its relevant Plan... does not reflect its latest priorities”⁴⁵.
- 3.2.3 The Infrastructure Schedule for the Core Strategy acknowledged a number of ‘unknowns’ relating to the “Additional need from Regeneration Areas” and, as set out in section 2.2, a significant amount of evidence has since been developed (and tested through public consultation) for the Regeneration and Opportunity Areas through **DIFS** and **SPDs**. It is therefore appropriate that the council’s evidence base on infrastructure planning is updated to support the Draft Charging Schedule, in terms of helping to demonstrate the funding gap.
- 3.2.4 The council’s approach to the infrastructure evidence base is as follows, for which each stage is detailed in the following sections:
1. Consider **population growth forecasts** across the borough;
 2. Decide on **infrastructure categories** and consider relevant existing and emerging **strategies** relating to those different types of infrastructure;
 3. Draft an **Infrastructure Schedule** of infrastructure schemes needed to support development in the borough;
 4. Consider other proposed local mechanisms for addressing infrastructure needs arising from new development, namely **S106s and their interface with CIL** through a **Draft Regulation 123 (‘R123’) List**;
 5. Estimate an **infrastructure funding gap** which CIL could help reduce to support development in the borough; and
 6. Estimate **CIL income** and the extent to which this could address the infrastructure funding gap.

Population growth forecasts

- 3.2.5 The significant housing growth planned in the Core Strategy and the borough’s Regeneration Areas (section 2.2) will generate significant population growth, which will in turn place extra demands on existing infrastructure and require new infrastructure to support development.

⁴⁴ NPPG016; see also NPPG009

⁴⁵ NPPG017

3.2.6 Population and household projections for the borough are summarised in Figures 3.1 and 3.2.

3.2.7 Figures 3.3 – 3.6 show the GLA 2013 Round Demographic Projections at a ward level and are based on work related to the Strategic Housing Land Availability Assessment (SHLAA) which outlines expected housing delivery across the borough. This helps provide an indication of expected population growth based on where new residential development is planned to be built in the borough.

3.2.8 As would be expected, the figures show that those wards which demonstrate the greatest population growth are those wards which include the Regeneration Areas.

3.2.9 This evidence helps ensure that infrastructure needs are focused in the areas of future development and its related population growth.

Source	2011	Change	2031
© GLA 2013 Round Demographic Projections, 2014	182,786	+37,711 (+21%)	220,497

Figure 3.1: Population and household projections

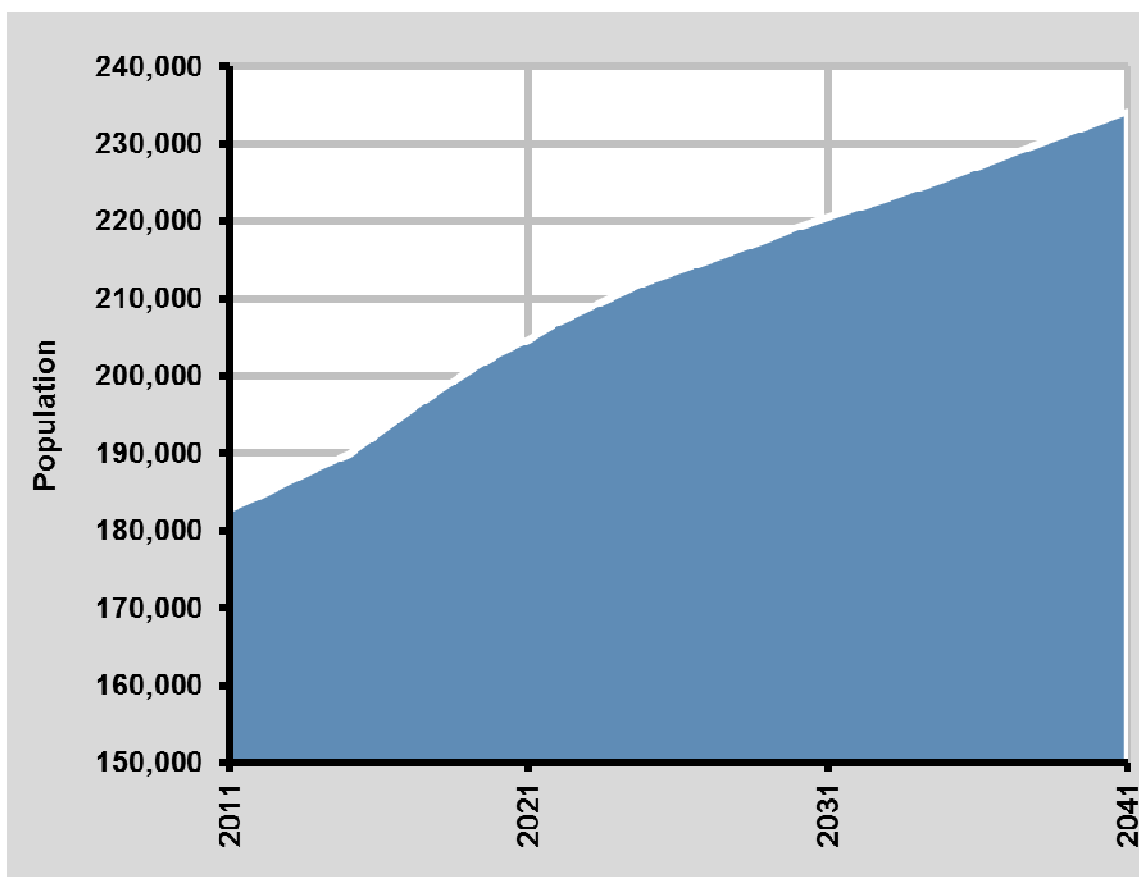


Figure 3.2 Population projections based on © GLA 2014

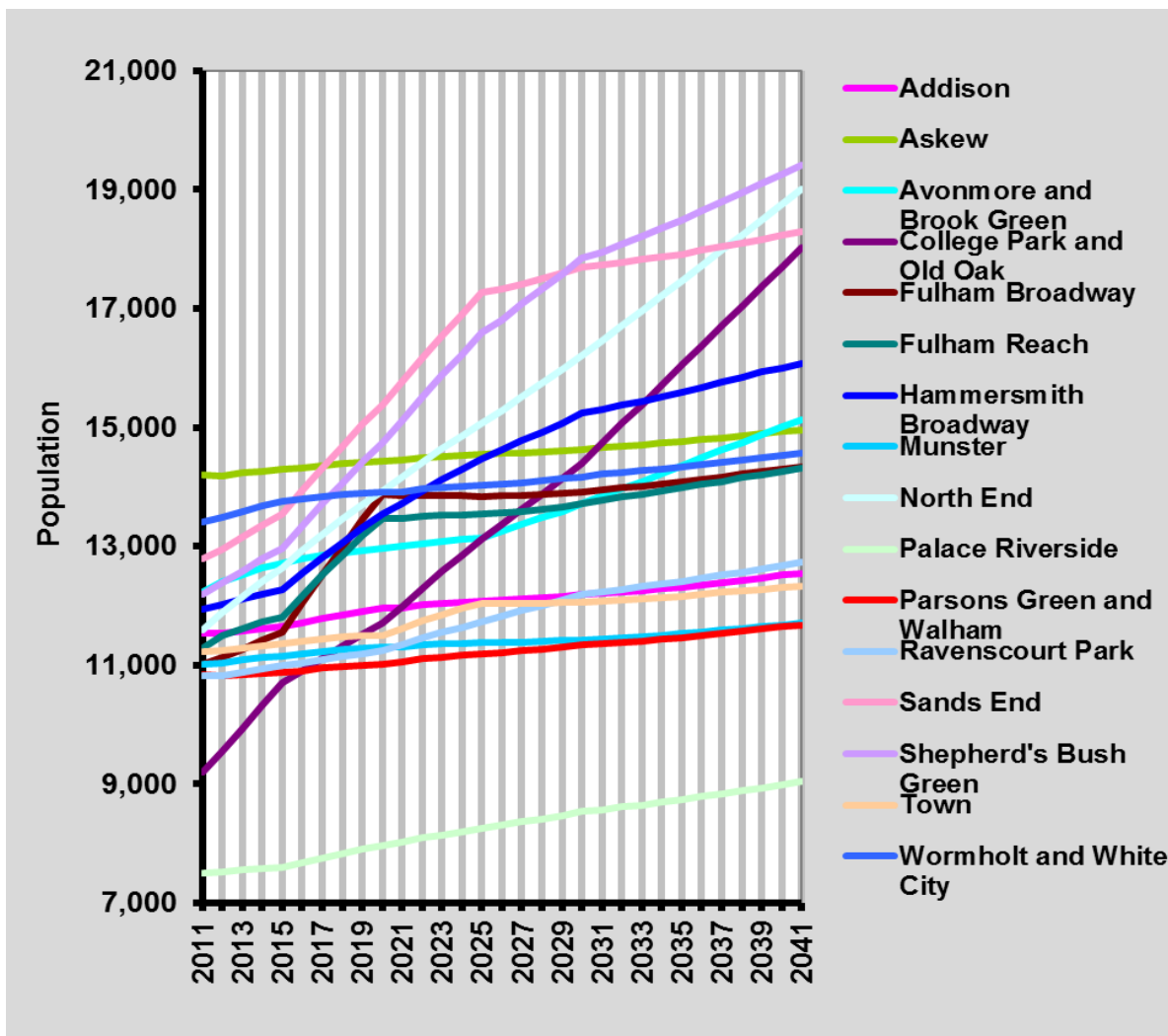


Figure 3.3 Absolute population change by ward 2011-2031 based on © GLA 2014

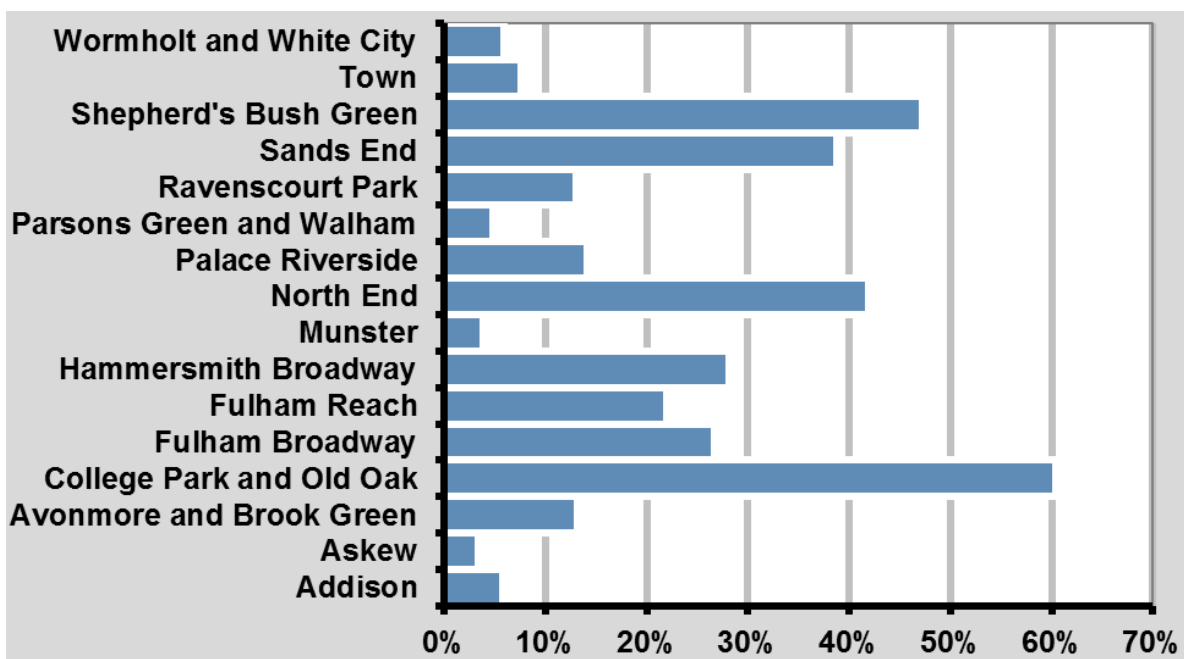


Figure 3.4 % population change by ward 2011-2031 based on © GLA 2014

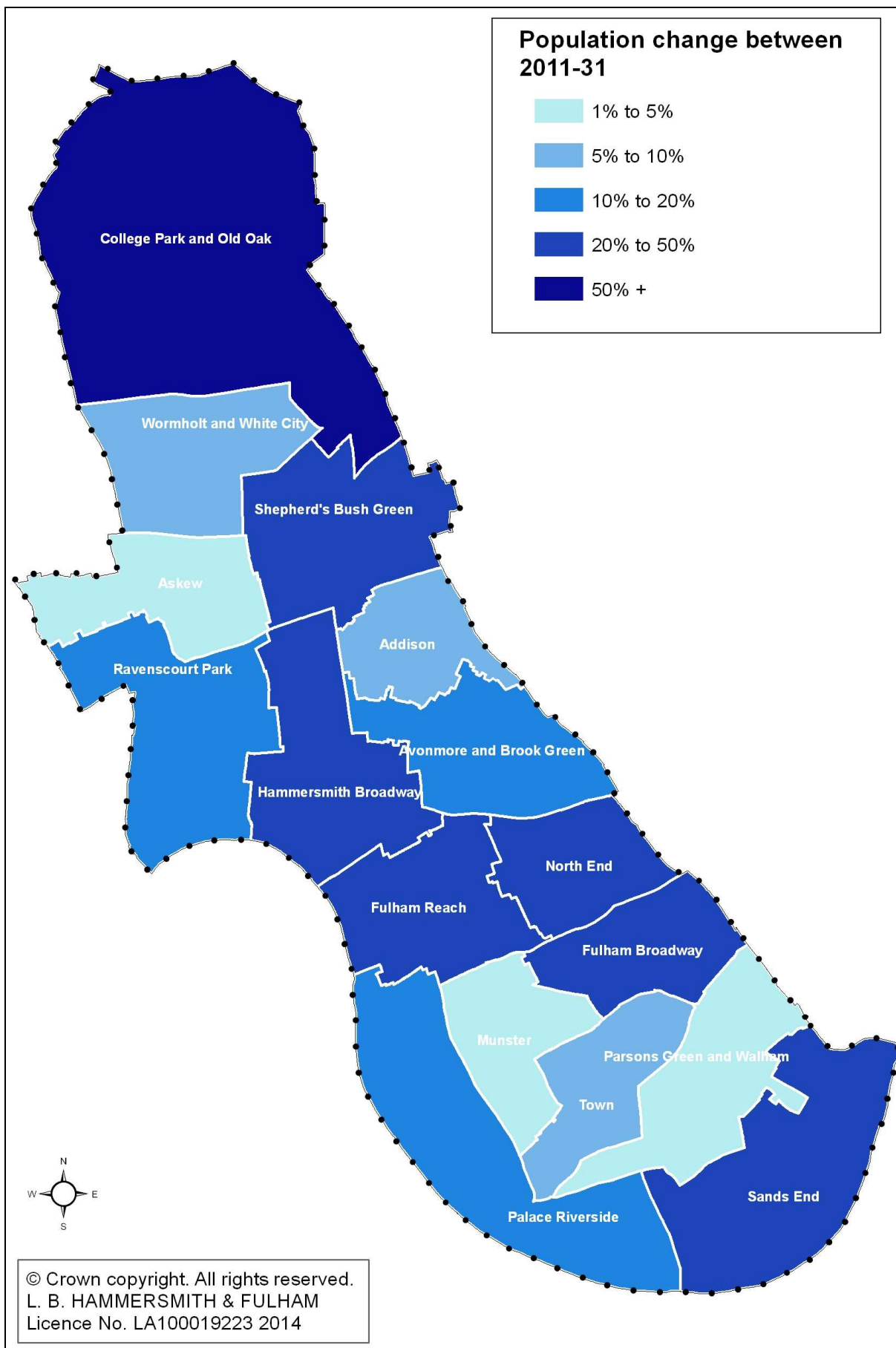


Figure 3.5 % population change by ward 2011-2031 based on © GLA 2014

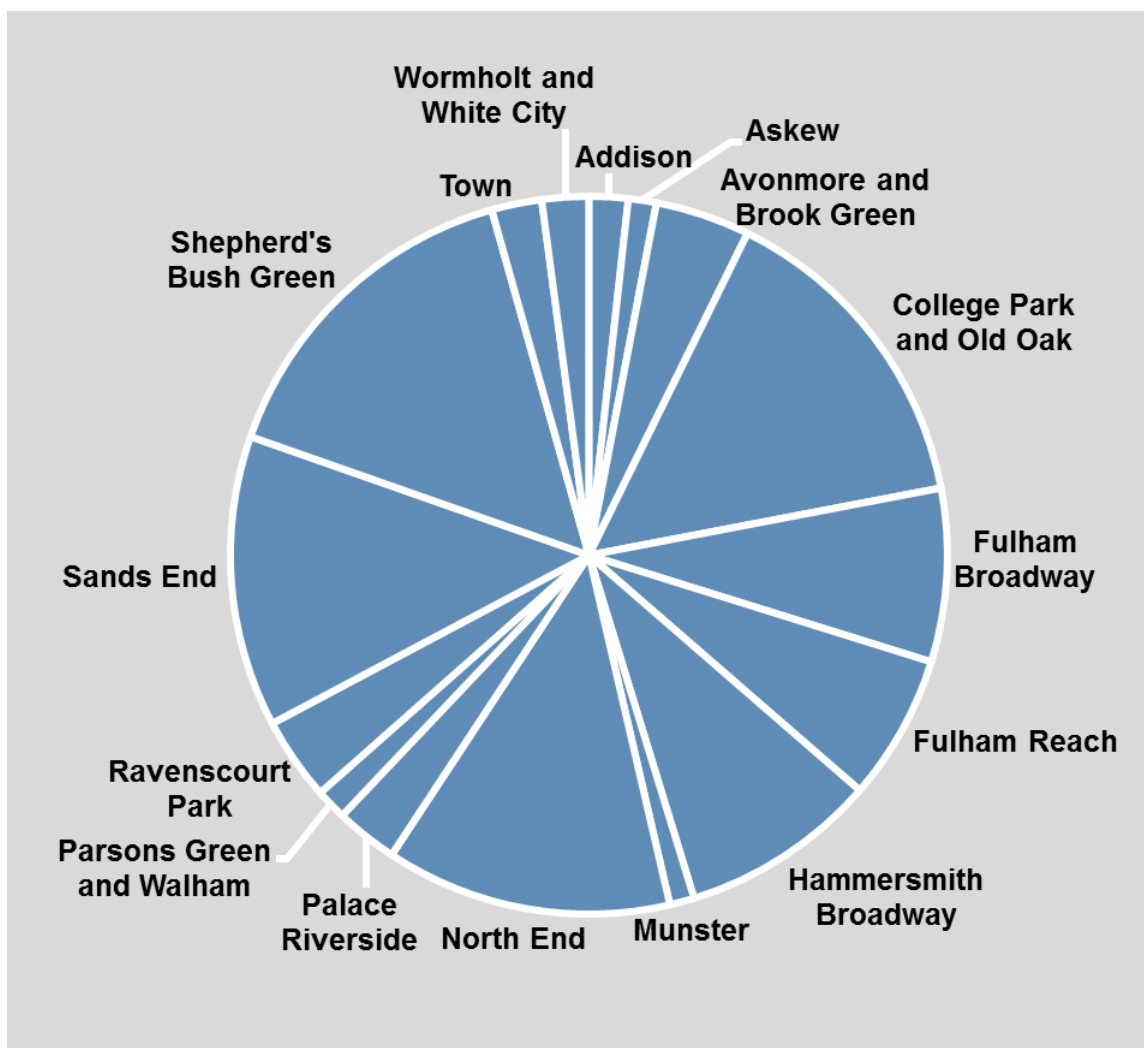


Figure 3.6 Population change by ward as % of borough population change 2011-2031 © GLA 2014

Infrastructure categories & relevant strategies

- 3.2.10 The council is basing its infrastructure planning evidence on the ‘categories’ of infrastructure set out in Figure 3.7 which are largely based around the council’s current departments to assist with delivery.
- 3.2.11 The NPPF sets out a core planning principle 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”⁴⁶. The relevant strategies relating to each category of infrastructure are set out in Appendix 2 to provide further justification and references.

⁴⁶ NPPF para.17

Infrastructure Category	Sub-Categories
Adult Social Care (ASC)	Adult Social Care
	Health
Children’s Services (CS)	Early Years
	Schools
	Youth
Environment, Leisure & Residents’ Services (ELRS)	Culture
	Community Safety
	Emergency Services
	Leisure
	Parks
	Waste & Street Enforcement
Finance & Corporate Governance (FCG)	Community Investment
Housing & Regeneration (HR)	Housing & Regeneration
	Economic Development, Adult Learning & Skills
Libraries & Archives (LA)	Libraries & Archives
Transport & Technical Services (TTS)	Energy
	Environmental Health
	Drainage & Flooding
	Highways
	Transport

Figure 3.7 Infrastructure Categories

Infrastructure Schedule

3.2.12 The council is required to identify:

- Additional **infrastructure needed** in the area to support development;
- What **other sources of funding** (other than CIL) are available for that infrastructure; and
- The **total cost of the additional infrastructure needed** that the council wishes to fund wholly or partly through CIL⁴⁷.

3.2.13 It is recognised that “there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short-term” so the council has focused

⁴⁷ NPPG017; see also NPPG016; NPPG Local Plans para.18

“on providing evidence of an aggregate funding gap that demonstrates the need to put in place the levy”⁴⁸.

3.2.14 The council has produced an updated version of the **Infrastructure Schedule** (Appendix 3) as part of the evidence base to support the Draft Charging Schedule drawing on a number of sources of information:

- **Previous iterations** of the Infrastructure Schedule (section 3.1), including representations on the Preliminary Draft Charging Schedule (PDCS) version (section 6.2);
- The **local context** and **DIFS** and **SPDs** for some of the Regeneration & Opportunity Areas (sections 2.2 and 3.1);
- **Informal consultation** with council departments and infrastructure providers;
- **Planning Applications Committee (PAC) reports**; and
- Draft or signed **S106s**.

3.2.15 The columns used in the Infrastructure Schedule are explained below:

- **Ref** – Reference code, based on Infrastructure Category (Figure 3.7).
- **Sub-Category** – Infrastructure Sub-Category (Figure 3.7).
- **Scheme** – Name of the infrastructure scheme.
- **Description** – Description of the infrastructure scheme.
- **Core Strategy** – Reference to the row number of the Core Strategy Infrastructure Schedule. Some schemes are “New”, however, it should be noted that the Core Strategy Infrastructure Schedule acknowledged a number of ‘unknowns’ relating to the “Additional need from Regeneration Areas” as set out in section 3.2, so such schemes were not entirely unanticipated.
- **CIL PDCS** – Reference number of the scheme from the previous consultation as part of the CIL PDCS Infrastructure Schedule.
- **WC / SFR DIFS** – Reference number of the scheme from either the White City (WC) or South Fulham Riverside (SF) DIFS (section 2.2).
- **Regen. Area** – The Regeneration Area which the scheme mostly supports development within, based on the policy context set out in section 2.2.
- **Other Agencies / Funding Sources** – Other possible delivery partners and/or funding sources for the scheme, other than developers.
- **First Year £ Needed** – The estimated first year in which monies are needed for the scheme.

⁴⁸ NPPG016

- **Year Complete** – The estimated year in which the scheme is expected or required to be complete.
- **Costs:**
 - **Capital** – The estimated capital (one-off) costs of the scheme.
 - **Revenue / Year** – The estimated revenue (yearly) costs of the scheme.
 - **Years** – The estimated years in which any revenue costs are required for: usually assumed for a fixed time period rather than infinitely to avoid over-estimated the funding gap.
 - **Total** – The total costs of the scheme from the above estimates. It should be noted that “£0” cost may mean that costs are unknown at present.
- **Assumed / Committed Funding**
 - **Council / Gov’t / Agencies / Other** – Estimated assumed or committed funding from the council, the government or other delivery partners for the scheme.
 - **S106** – Known S106 monies assumed or committed to the scheme.
 - **Total** – The total funding of the scheme from the above estimates.
- **Funding Gap** – The gap between the total costs and assumed or committed funding for the scheme, i.e. how much remains to be funded.
- **Proposed Mechanism**
 - **Site** – The council provisionally proposes that the scheme should be provided on-site or in-kind as part of the design and delivery of development sites.
 - **S106** – The council provisionally proposes to fund the scheme through S106 receipts (see following section on S106s & interface with CIL)
 - **R123 CIL** – The council provisionally proposes to fund the scheme through CIL receipts and this is reflected in the Draft R123 List.
 - **Future CIL** – The council provisionally proposes to fund the scheme through ‘future’ CIL receipts, although these projects are currently excluded from the Draft R123 List and the total infrastructure costs calculations because:
 - § the projects are longer-term with less accurate information on costs and funding available;

- § they are not necessarily required to support the current Relevant Plan (largely related to emerging proposals at Park Royal – see section 2.2); and/or
- § their costs are exceptionally high and could possibly unhelpfully exaggerate the overall costs reflected in the Infrastructure Schedule.

S106s

- 3.2.16 It is important to note the legislation and policy context specifically regarding S106s as an important part of delivering infrastructure.
- 3.2.17 S106 agreements are planning obligations or undertakings which can be agreed between a landowner and council relating to a planning permission and are normally used where planning conditions cannot adequately control the development and/or to secure the provision of necessary infrastructure.
- 3.2.18 S106 of the **Town and Country Planning Act 1990** states that:

Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation...

- (a) restricting the development or use of land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority on a specified date or dates periodically.⁴⁹

- 3.2.19 The **CIL Regulations** put the S106 ‘tests’ into statute (which are replicated exactly in the NPPF, the NPPG on Planning Obligations and the NPPG on CIL) which state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development⁵⁰

- 3.2.20 The **NPPG on Planning Obligations** further clarifies that planning obligations are intended to “mitigate the impact of unacceptable development to make it acceptable in planning terms”⁵¹.

⁴⁹ Town and Country Planning Act 1990 S106, as amended by S12 of the Planning and Compensation Act 1991

⁵⁰ R122(2); NPPF para.204; NPPG Planning Obligations para.1; NPPG094

S106s & interface with CIL

- 3.2.21 There is a general expectation that when CIL is introduced, **S106s “should be scaled back** to those matters that are directly related to a specific site, and are not set out in a R123 list”⁵². However, “the Government considers there is **still a legitimate role for development-specific planning obligations** to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated”⁵³.
- 3.2.22 When the borough CIL is introduced (or nationally from April 2015), **limitations on pooling contributions from S106s** will come into effect, meaning that “no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a S106 agreement, if five or more obligations for that project or type of infrastructure have been entered into since 6th April 2010, and it is a type of infrastructure that is capable of being funded by the levy”⁵⁴. (Infrastructure that is capable of being funded by CIL is defined by the Planning Act 2008 in terms of physical facilities so does not encompass some social and employment purposes that are often the subject of S106s).
- 3.2.23 The council must ensure there is **clarity** “about the [council’s] infrastructure needs and what developers will be expected to pay for through which route [CIL or S106]. There should be no actual or perceived ‘double dipping’ with developers paying twice for the same item of infrastructure”⁵⁵. Policies for seeking S106s should be set out in a Local Plan document⁵⁶ and, for transparency, the council will “set out at examination how [its] S106 policies will be varied”⁵⁷ alongside its Draft R123 List (Appendix 4).

Draft Regulation 123 (‘R123’) List

- 3.2.24 To assist with providing clarity about S106s and the interface with CIL, Regulation 123 (‘R123’) of the CIL Regulations allows the council, upon adoption of the CIL, “to set out a list of those projects or types of **infrastructure that it intends to fund, or may fund, through the levy**”⁵⁸. This list does not need to include items which may be the subject of funding from Neighbourhood CIL (section 3.3).
- 3.2.25 As part of the “appropriate evidence to inform the preparation of [the] charging schedule”⁵⁹, the council must set out a **draft of the R123 List** and “any known site-specific matters for which S106 contributions may continue to be sought”. The purpose of the list is to “help provide evidence on the potential funding gap –

⁵¹ NPPG Planning Obligations para.1

⁵² NPPG097

⁵³ NPPG094

⁵⁴ NPPG099; see R123

⁵⁵ NPPG095; see also NPPG Planning Obligations para.2

⁵⁶ NPPG Planning Obligations para.3

⁵⁷ NPPG097

⁵⁸ NPPG096; see also Planning Act 2008 S216(5); R123

⁵⁹ R14(5); see also Crossrail SPG paras.6.12, 6.14

it is not the purpose of the examination to challenge the list⁶⁰. The Draft R123 List is set out in Appendix 4.

Infrastructure funding gap

3.2.26 The Infrastructure Schedule (Appendix 3) shows a total infrastructure funding gap of approximately **£1.9 billion**, however, this reduces to approximately **£481 million** when 'Future CIL' schemes (see section on Infrastructure Schedule above for an explanation of this) are excluded as summarised in Figures 3.8 and 3.9 (presented by Infrastructure Category and Regeneration Area respectively).

Infrastructure Category	Costs	Assumed / Committed Funding	Funding Gap	Funding Gap less 'Future CIL' schemes
Adult Social Care (ASC)	£32m	£21m	£11m	£11m
Children's Services (CS)	£136m	£104m	£32m	£32m
Environment, Leisure & Residents' Services (ELRS)	£127m	£60m	£67m	£66m
Finance & Corporate Governance (FCG) (Community Investment)	£29m	£28m	£1m	£1m
Housing & Regeneration (HR)	£41m	£10m	£31m	£31m
Libraries & Archives (LA)	£5m	£4m	£1m	£1m
Transport & Technical Services (TTS)	£4,150m	£2,435m	£1,715m	£338m
Total	£4,520m	£2,662m	£1,859m	£481m

Figure 3.8 Total infrastructure funding gap by Infrastructure Category (figures rounded)

Regeneration Area	Costs	Assumed / Committed Funding	Funding Gap	Funding Gap less 'Future CIL' schemes
London-wide	£2,000m	£1,000m	£1,000m	£0m
Borough-wide	£1,587m	£1,289m	£298m	£298m
Park Royal	£238m	£110m	£128m	£0m*
White City	£151m	£64m	£86m	£86m
Hammersmith	£334m	£36m	£299m	£49m
Earls Court	£120m	£102m	£17m	£17m
South Fulham	£90m	£60m	£31m	£31m
Total	£4,520m	£2,662m	£1,859m	£481m

Figure 3.9 Total infrastructure funding gap by Regeneration Area (figures rounded). *Due to 'relevant plan' see section on Infrastructure Schedule above

⁶⁰ NPPG017

3.2.27 When the total infrastructure funding gap (less ‘Future CIL’ schemes) figure of **£481 million** is then considered in light of whether the council provisionally proposes to fund the scheme through CIL or S106 receipts as its ‘Proposed Mechanism’ (see section on Infrastructure Schedule above for an explanation of this), the funding gap is approximately **£379 million for CIL** and £92 million for S106 (the remainder is through ‘Site’ delivery), as set out in Figure 3.10.

Infrastructure Category	Funding Gap less ‘Future CIL’ schemes			
	‘R123 CIL’ Schemes	%	‘S106’ Schemes	%
Adult Social Care (ASC)	£6m	1.6%	£5m	5.9%
Children’s Services (CS)	£25m	7.3%	£7m	7.4%
Environment, Leisure & Residents’ Services (ELRS)	£52m	15.0%	£15m	15.9%
Finance & Corporate Governance (FCG) (Community Investment)	£0m	0.0%	£0.3m	0.4%
Housing & Regeneration (HR)	£0.1m	0.0%	£31m	34.0%
Libraries & Archives (LA)	£1m	0.4%	£0m	0.0%
Transport & Technical Services (TTS)	£261m	75.7%	£34m	36.6%
Total	£344m	100.0%	£92m	100.0%

Figure 3.10 Total infrastructure funding gap by Infrastructure Category and ‘Proposed Mechanisms’ (CIL or S106) (figures rounded)

3.2.28 **It is important to note a number of considerations when considering figures used in the Infrastructure Schedule and any summation of these:**

- **The Schedule and figures have been drafted primarily for the purpose of providing an evidence base for CIL;**
- **The Schedule neither represents formal council departmental budgets, a detailed spending plan for the council nor any kind of indication about the proportion of possible CIL expenditure on different Infrastructure Categories or Regeneration Areas;**
- **The figures provided are, in most cases, estimates and are likely to be revised over time;**
- **The schemes listed may not be fully comprehensive and are not in any order of priority;**
- **Total S106 figures do not represent future S106 expectations (i.e. assumptions on S106s in section 4.2) because many listed in the Schedule are already committed or ‘assumed’ (in pipeline schemes); and**

- **Funding gaps for some infrastructure categories, such as Community Investment and Libraries & Archives appear low. This does not mean that CIL receipts will not be spent on such schemes. It is simply a reflection of what is in the Infrastructure Schedule in that: some schemes will not have been identified; some schemes are already fully funded; some schemes are to be delivered through S106s or ‘on-site’.**

Estimated CIL income & remaining funding gap

3.2.29 An estimate of potential CIL income has been undertaken and summarised in Figure 3.11 based on:

- The proposed CIL charge rates set out in section 5;
- Known future housing sites (based on the Strategic Housing Land Availability Assessment, ‘SHLAA’, which does not include any ‘windfalls’) and an estimation of borough CIL-liable floorspace; and
- Future commercial floorspace quantum remaining to be developed from the Relevant Plan and an estimation of borough CIL-liable floorspace.

Year	Period	Estimated CIL Income
2014-15 – 2016/17	3 years	£2.7m
2017/18 – 2021/22	5 years	£21.0m
2022/23 – 2026/27	5 years	£21.3m
2027/28 – 2032/32	5 years	£13.4m
Total 2014/15 – 2032/32	18 years	(£3m / year average) £58.3m
less total infrastructure funding gap for CIL		– £379m
equals remaining funding gap after CIL		= £320.7m

Figure 3.11 Estimated CIL income and remaining funding gap

3.2.30 This demonstrates that CIL will only be able to make a contribution towards the borough’s total infrastructure funding gap and it will not be able to cover the costs for all schemes.

3.2.31 It would be expected that other sources of funding (including other developer contributions such as S106s) will become available over time and these could reduce the funding gap, however, it would be unrealistic to expect that the overall resultant funding gap will not be substantial. In light of this, future spending of CIL will need to be rigorously prioritised to inform decisions on CIL expenditure.

3.3 Neighbourhood CIL

3.3.1 The council “must allocate at least **15% of levy receipts** to spend on priorities that should be agreed with the local community in areas where development is taking place” (capped at £100 per council tax registered dwelling), and this can increase to **25% if a Neighbourhood Plan** is adopted for an area. This

‘Neighbourhood CIL’ does not have to be spent on just ‘infrastructure’ (see section 3.1), but may also be spent on “**anything else that is concerned with addressing the demands that development places on an area**”⁶¹.

- 3.3.2 Based on the estimated CIL income provided in Figure 3.11, Neighbourhood CIL could equate to approximately £3m x 15% = **£450,000 per year on average for the borough as a whole**. However, this figure is based on a broad estimate and the actual Neighbourhood CIL expenditure would depend on the actual quantum and location of CIL-liable development which gets built, to ensure the Neighbourhood CIL is truly spent to address demands that development places on areas.
- 3.3.3 To help decide on what Neighbourhood CIL should be spent on, the council intends to “use **existing community consultation and engagement processes**” to engage with communities and neighbourhoods, as well as involving **local businesses and ward councillors**⁶².
- 3.3.4 Whilst it will be some time before substantial amounts of CIL are likely to be received by the council for use on Neighbourhood CIL (see Figure 3.11 and section 6.1), the council considers it appropriate to use this Draft Charging Schedule consultation as the **first opportunity** for suggestions for Neighbourhood CIL expenditure to be put forward. The council expects to provide **further opportunities** for Neighbourhood CIL suggestions to be put forward once the council’s CIL is in effect and as CIL revenue is collected, which will be confirmed closer to the time.
- 3.3.5 Section 6.4 sets out how suggestions can be put forward as part of this initial consultation on the Neighbourhood CIL.

⁶¹ Planning Act 2008 S216A-B; R59A-59F; see also NPPG072

⁶² NPPG073

4. Viability

4.1 Legislative & policy context

4.1.1 The council must set CIL charges which do “not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan”⁶³.

4.1.2 In doing so, the council must present “**appropriate available evidence**”⁶⁴ that shows the “potential effects of the proposed levy rate or rates on the **economic viability** of development across [its] area”⁶⁵. Viability can be defined as follows:

An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the cost and availability of development finance, the scheme provides a competitive return⁶⁶ to the developer to ensure that development takes place and generates a land value sufficient to persuade the land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered.⁶⁷

4.1.3 More generally, the NPPF requires that “the sites and the scale of development identified in the plan should **not be subject to such a scale of obligations and policy burdens that their ability to developed viably is threatened**”⁶⁸.

4.2 Methodology & approach

4.2.1 A Viability Study (**Appendix 5**) has been prepared by consultants Peter Brett Associates (PBA, formerly Roger Tym & Partners) to provide the main viability evidence base for the Draft Charging Schedule.

4.2.2 The full methodology, appraisals and recommendations can be found in the document itself, however a summary and the key conclusions are set out here. The government acknowledges that there is no single approach for assessing viability⁶⁹.

4.2.3 As set out in section 2.2, the Viability Study is particularly complemented and supported by the SPDs and viability evidence prepared for White City East, Earls Court & West Kensington and South Fulham Riverside.

⁶³ NPPG009

⁶⁴ Planning Act 2008 S211(7A); NPPG019

⁶⁵ NPPG018

⁶⁶ See also NPPG Viability para.15; Crossrail SPG para.6.5

⁶⁷ Local Housing Delivery Group (June 2012) Viability Testing Local Plans: Advice for Planning Practitioners

⁶⁸ NPPF para.173; see also paras. 21, 160, 173-177; NPPG Local Plans para.18; NPPG Planning Obligations para.2; NPPG Viability para.1; NPPG008; NPPG093

⁶⁹ NPPG Viability para.2

4.2.4 The Viability Study approach involved the following steps:

1. A market analysis established typical sales values and benchmark land values for different uses. This identified a considerable range of residential values in the north, centre and south of the borough; and, a considerable range of benchmark land values. In addition, the White City East part of the White City Opportunity Area and the Earls Court & West Kensington Opportunity Area were identified as having different values from the north and central parts of the borough. This is in accordance with the requirement for the council to use “an **area-based approach, involving a broad test of viability** across [its] area”⁷⁰.
2. A number of hypothetical development scenarios were set for testing in the North, Central, South, White City East and Earls Court & West Kensington areas. These scenarios cover a range of site sizes and densities, with single or mixed uses, including scenarios appropriate for testing strategic sites. This is in accordance with the requirement for the council to “directly **sample an appropriate range of types of sites** across its area” and “focus on **strategic sites** on which the relevant Plan... relies”, and “those sites where the impact of the levy on economic viability is likely to most significant (such as brown field sites)”. This sampling has been considered to “provide a robust evidence base about the potential effects of the rates proposed, balanced against the need to avoid excessive detail”⁷¹.
3. A residual land value viability appraisal was carried out for each development scenario (see Viability Study Appendices) using **present day assumptions on values and costs**⁷². This compared the total value of each development with all its costs including normal developer profit and the Mayor of London’s CIL⁷³, in order to establish whether the scenario would produce a positive residual value (i.e. gross development value minus gross development costs).
4. The residual value was compared with a **benchmark land value (BLV)**⁷⁴ to establish if the development would be viable enough to pay for the land and still have a surplus or overage (see Figure 4.1).
5. The development scenarios for each use and area were assessed to establish how much CIL it would be appropriate to take from the overage without impacting on viability. This produced recommended CIL charge rates and confirmed the choice of **differential charges for different uses and areas** for CIL purposes, whilst avoiding “undue complexity”. In particular, the council has considered that where the evidence shows there is a “**strategic site, which has low, very low, or zero viability...a low or zero levy rate** in that area” has been considered⁷⁵.

⁷⁰ NPPG019

⁷¹ NPPG019; see also NPPG Viability para.5

⁷² See NPPG Viability paras.12-13 for alternative definitions of values and costs

⁷³ R14(3); NPPG026; Crossrail SPG para.6.4

⁷⁴ See NPPG Viability para.14 for alternative definitions of land value

⁷⁵ NPPG021

4.2.5 Figure 4.1 illustrates the approach taken to assessing viability and deriving an overage. If an actual development scheme was being appraised then it may be considered to be viable provided there is sufficient residual value to meet all its costs (including land, CIL and any necessary S106s). However, viability assessments of this strategic nature for CIL purposes involve a high degree of generalisation. Individual sites may have values and costs that vary from the assumed levels; there may be a need for site specific S106s; and, an additional incentive, over the benchmark land value, may be necessary to persuade the landowner to bring forward the land for development.

4.2.6 In addition, on any individual site there could be significant abnormal costs (such as land decontamination) in excess of contingency that would not be known until site investigations take place. It would be expected that abnormal costs would be reflected in the price the developer would be prepared to pay, in which case, the benchmark land value assumed in the Viability Study would be reduced. However, that might not always be the case, especially if the land value was reduced below the level at which the landowner would be prepared to sell, so some of the overage shown in the diagram may then be needed to pay for abnormal costs.

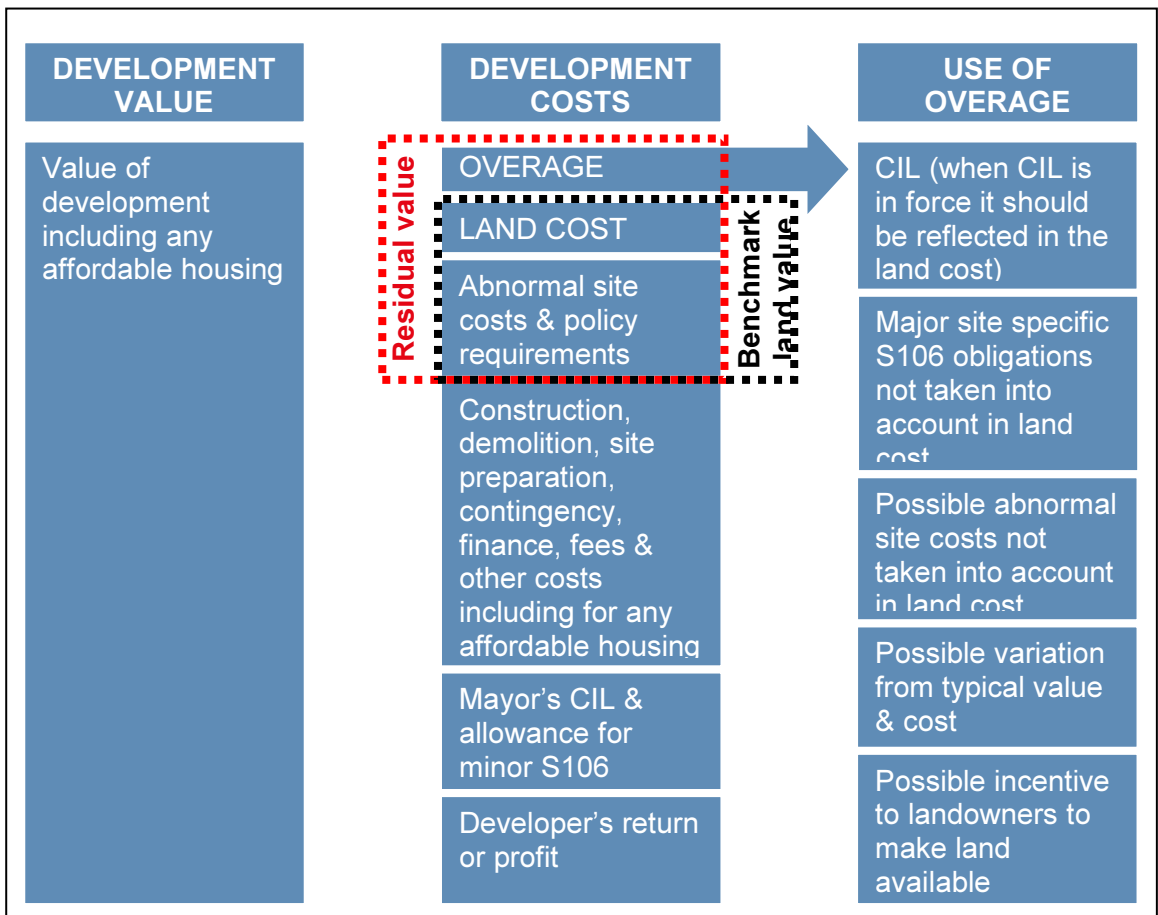


Figure 4.1: Illustration of the approach to assessing the level of CIL charge

- 4.2.7 For the reasons given above, it would not be appropriate for CIL to be charged at a level that would absorb all the overage. Therefore, a judgement has been made in the Viability Study about the proportion of the overage that could be taken by CIL without risking the sample development becoming unviable. The Viability Study has not applied a standard proportion or viability buffer but, in practice, CIL as a proportion of overage varies between only 6% and 25% for residential and mixed-use schemes and 15-54% for single use commercial (see section 4.4).
- 4.2.8 It should be noted that although the methodology shows CIL coming from the overage, when CIL has been introduced, it would be expected that it would affect the land cost. This point was made by the Examiner for the Mayor of London's CIL Charging Schedule who said "Finally the price paid for development land may be reduced. As with profit levels there may be cries that this is unrealistic, but a reduction in development land value is an inherent part of the CIL concept"⁷⁶.

Affordable housing

- 4.2.9 When making assumptions on development costs as part of the Viability Study, it is important to take into account affordable housing requirements in the relevant plan⁷⁷.
- 4.2.10 In the Viability Study affordable housing has been modelled at 40% of all housing, in accordance with Core Strategy⁷⁸ Policy H2 'Affordability', with an assumption that no grant will be available. The Study shows that housing schemes in the North, Central and South Zones should be sufficiently viable with this level of affordable housing, and be able to pay CIL charges as recommended, provided they do not deviate significantly from the Study's assumptions on costs and values.
- 4.2.11 As part of its viability evidence, the council must also provide information about "the extent to which [its] affordable housing... targets have been met"⁷⁹. The council's latest Monitoring Report for the 2012/13 year⁸⁰ states that 18% of the approved homes on sites of more than 10 units were affordable and 30% of the completed homes were affordable. This is elaborated on in Figure 4.2.
- 4.2.12 Recently approved housing schemes have generally not provided affordable housing at the 40% policy level on viability grounds. However, in some cases, developers have agreed to S106 review clauses that would enable the proportion of affordable housing to increase if economic conditions improve and higher rates of return become likely.

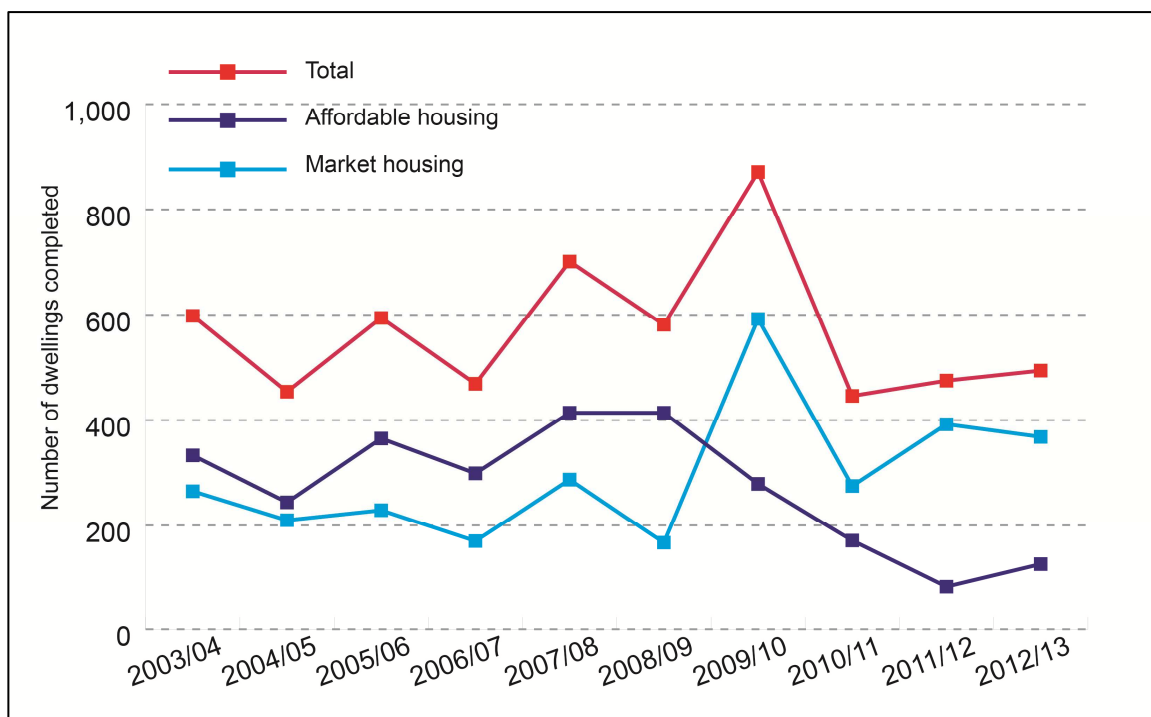
⁷⁶ The Planning Inspectorate (27th January 2012) Report on the Examination of the Draft Mayoral Community Infrastructure Levy Charging Schedule, para.32

⁷⁷ NPPG020; see also Crossrail SPG para.6.11

⁷⁸ LBHF (October 2011) Core Strategy

⁷⁹ NPPG018

⁸⁰ LBHF (July 2014) Monitoring Report April 2012 to March 2013

Figure 4.2: Type of housing approved 2003/04 to 2012/13⁸¹

4.2.13 The reduction in affordable housing approvals in recent years reflects the worsening economic conditions that have affected development viability during the recession coupled with the limited availability of housing grant. The effect of the recession is also illustrated by the fall in local residential property prices shown by the Land Registry House Price Index in Figure 4.3 in 2008/9. The Index shows that house prices only started to clearly recover to above the late 2007 / early 2008 levels in Spring 2011. Growth since then has been strong (32% over the last two years and 16% over the last year). The fact that the growth has continued now supports a more optimistic view of residential property values and development viability than would have been the case with many of the planning approvals over the last few years. Rising residential property prices also emphasise the importance of affordable housing. Therefore, the council would expect to see very much increased levels of affordable housing in future residential developments (even without grant) in accordance with policy and notwithstanding site-specific viability considerations.

4.2.14 Whilst the Viability Study set costs and value assumptions at reasonable levels, the appraisal of actual development proposals could differ for a variety of different reasons, such as those mentioned in paragraph 4.2.5. The particular factors applying in individual cases could vary. If it is robustly demonstrated that future schemes have particular unavoidable factors that prevent them from being viable with 40% affordable housing then the proportion could be reduced, in accordance with policy, as has happened in a number of cases. It should be noted that Core Strategy Policy H2 'Affordability' sets the 40% target over a ten-year time period of between 2011-21.

⁸¹ LBHF (July 2014) Monitoring Report April 2012 to March 2013: Figure 5

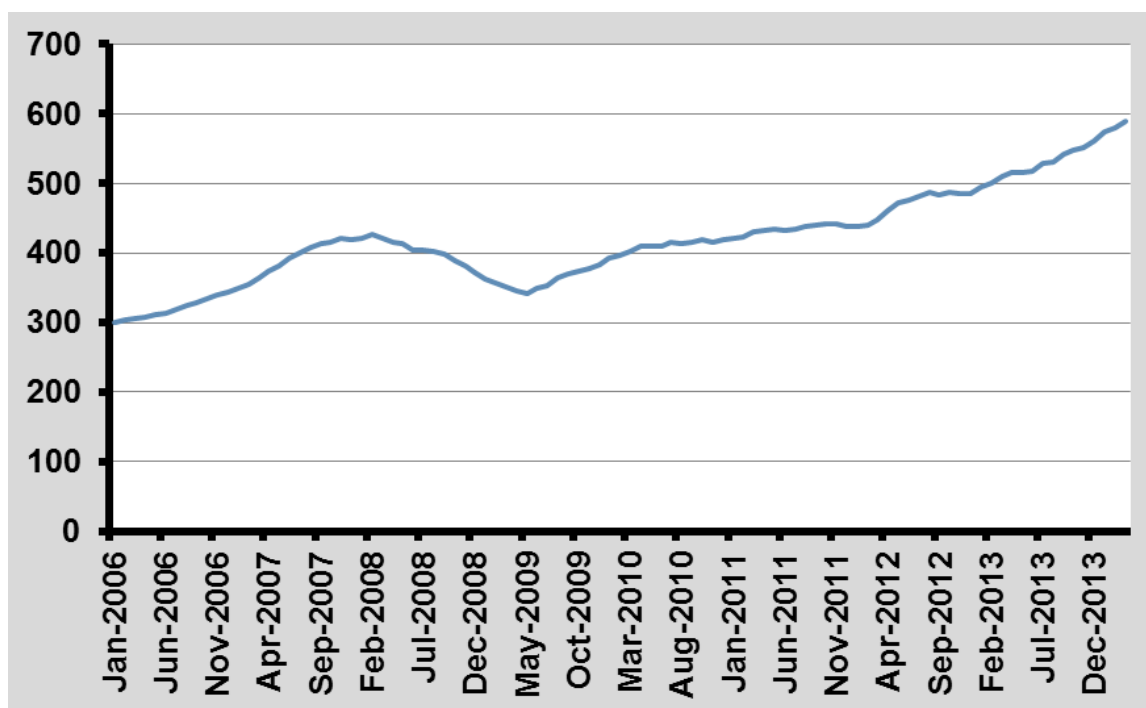


Figure 4.3 Land Registry House Price Index for LBHF

- 4.2.15 The information in section 4.4 indicates that the proposed CIL charges represent a very small percentage of costs and gross development value. Therefore, CIL is not likely to be a significant factor in a scheme becoming unviable. If there is a clear case for reducing affordable housing it is more likely to be for other reasons affecting viability rather than CIL.

S106s

- 4.2.16 In carrying out the Viability Study, the possibility of future S106s has been dealt with as follows⁸²:

- In most of the viability appraisals a sum of £1,000 per private residential unit has been included for minor S106/S278 contributions. Analysis of a number of recent S106s indicates that this is a reasonable assumption on average. This does not mean that all residential developments will be expected to actually make contributions at this level. The actual contribution may be greater, smaller or nil.
- It is recognised that in some cases more substantial contributions might be required and this is allowed for in the methodology relating to the overage as described above (Figure 4.1). Where S106s are related to policy requirements of the relevant Plan it would be expected that this would have been taken into account in the price for the land, effectively reducing the benchmark land value. However, if the cost of S106s is not wholly dealt with in this way then the methodology assumes that the costs will come from the overage. In the proposed CIL Zones, as CIL takes no more than 25% of the overage (section

⁸² See also Crossrail SPG para.6.13

4.4), there is clearly considerable scope for additional S106s if there are no other calls on the overage. Analysis of recent S106s in the proposed CIL Zones indicates that the average cost of site specific obligations after CIL is introduced would, on average, be largely absorbed by the £1,000 per private residential unit allowance noted above, though this will not apply to all schemes.

- In White City East, Earls Court & West Kensington and South Fulham Riverside, site-specific infrastructure that is needed to mitigate local impact is identified in the SPDs and supporting DIFS prepared for those areas (section 2.2). The way this has been taken into account is explained in the sections below covering each area respectively.

4.2.17 The council must also “provide information about the amount of funding collected in recent years through S106 agreements”⁸³ as part of the evidence base. The table below shows the financial contributions in S106 obligations that have been approved since January 2011.

FINANCIAL CONTRIBUTIONS IN S106 OBLIGATIONS APPROVED IN RECENT YEARS (excluding final highway payments)	
2011	£15,803,943
2012	£77,793,385
2013	£38,810,475
2014 (to July) and pending approval	£39,983,389
TOTAL	£172,391,192

Figure 4.4 S106 obligations approved in recent years

⁸³ NPPG018; see also NPPG Viability para.4

White City East

- 4.2.18 From using largely the same assumptions as the DIFS for this area, section 5.7 of the Viability Study concludes that a CIL charge of £80/m² could be justified for all uses in White City East. However, it also recommends that if the council pursued a policy approach to secure future infrastructure by means of S106s then the CIL charge should be £0/m².
- 4.2.19 The Study suggests that if the delivery of essential infrastructure identified in the DIFS is sought through S106s rather than CIL, the potential remaining overages after S106 costs would be significantly reduced and development in the area would not be able to bear a CIL charge. In addition, if part or all of the DIFS identified abnormal costs did not lead to a reduction in land value, there could be further major impact on the overage. The CIL methodology, is based on maintaining a satisfactory overage for the additional reasons illustrated in Figure 4.1.
- 4.2.20 Most sites have already had planning permission granted for redevelopment alongside considerable S106 contributions towards the identified DIFS infrastructure, largely on a pooled basis. The council considers that it is appropriate to continue to seek S106s in order to directly mitigate the development in the area and that it should be possible to do this without contravening the limits on pooling S106s.
- 4.2.21 On this basis, the council accepts the Viability Study recommendation for a £0/m² charge in this area on viability grounds.

Earls Court & West Kensington

- 4.2.22 From using largely the same assumptions as the DIFS for this area, section 5.7 of the Viability Study concludes that a CIL charge cannot be supported.
- 4.2.23 Unlike, other appraisals the Study is able to include some site-specific infrastructure and abnormal costs which results in a negligible overage. There are also additional S106 costs which would lead to an even lower overage (likely negative) for the purposes of the CIL viability modelling exercise.
- 4.2.24 The entirety of the main site has already had outline planning permission granted for redevelopment alongside considerable S106 contributions towards identified infrastructure need. The council considers that it is appropriate to continue to seek S106s from future developments in order to directly mitigate the development in the area and that it should be possible to do this without contravening the limits on pooling S106s.
- 4.2.25 On this basis, the council accepts the Viability Study recommendation for a £0/m² CIL charge in this area on viability grounds.
- 4.2.26 It should also be noted that the Opportunity Area is partly within the Royal Borough of Kensington and Chelsea and the two boroughs have worked closely together on planning and CIL matters. The emerging proposed CIL charge for the

remainder of the Opportunity Area land in the neighbouring Royal Borough of Kensington and Chelsea is £0/m²⁸⁴.

South Fulham Riverside & the South Zone

- 4.2.27 In light of consideration of the DIFS for this area, section 5.7 of the Viability Study concludes that South Fulham Riverside should be included within the South Zone for CIL purposes, with a charge of £400/m² for private residential floorspace.
- 4.2.28 A separate DIFS has been carried out for South Fulham Riverside and approved development has made a considerable contribution, largely pooled, towards the total infrastructure costs estimated at just over £82million.
- 4.2.29 When CIL is in force it is expected that contributions to the cost of most physical infrastructure facilities for the area, except for those directly related to mitigating development (such as highway works) will be collected by CIL, in accordance with the Draft R123 List in Appendix 4. However, it is estimated that other S106 requirements in the South Fulham Riverside area (the principal area for future development in the Zone), based on the DIFS, could be approximated at up to around £100/ m² for each private residential unit. Nevertheless, it is considered that schemes in that area would still be sufficiently viable for a CIL charge of £400/ m² on private residential floorspace

⁸⁴ RBKC (March 2014) Draft Charging Schedule (submission version)

4.3 Viability Study recommended charge rates

4.3.1 The Viability Study recommends that development could support the CIL charges set out in Figure 4.5.

Use	South Charging Zone	Central Charging Zone		North Charging Zone
		Within Hammersmith Town Centre	Outside Hammersmith Town Centre	
Charge for all uses unless otherwise stated	£80/m ²			
Residential	£400/m ²	£200/m ²		£100/m ²
Office (B1a/b)	£0/m ²	£80/m ²	£0/m ²	£0/m ²
Industrial (B1c/B2) and warehousing (B8) uses	£0/m ²			
Hotels	£0/m ²			
Health and Education uses*	£0/m ²			
White City East**	£80/m ² or £0/m ²			
Earls Court and West Kensington Opportunity Area	£0/m ²			

Figure 4.5: Recommended CIL charges (Table 6.1 of the Viability Study)

*Education and health are defined as per the Mayor of London's CIL Charging Schedule⁸⁵

**See section 5.7 of the Viability Study

⁸⁵ Mayor of London (February 2012) CIL Charging Schedule

4.4 Proposed charge rates as a proportion of overage, costs & values

- 4.4.1 To avoid setting a charge “right at the margins of viability”, the council’s proposed rates “should be reasonable... but there is **no requirement for a proposed rate to exactly mirror the evidence**”. The NPPG on CIL states that there is “room for some pragmatism” and that it is “appropriate to ensure that a ‘buffer’ or margin is included, so that the levy rate is able to support development when economic circumstances adjust”⁸⁶.
- 4.4.2 The council considers that, in addition to the overage methodology, it is also valid from a viability point of view to consider CIL as a proportion of overall scheme costs and values.
- 4.4.3 Figure 4.6 compares the proposed charge rates with overage and Gross Development Value (‘GDV’).
- 4.4.4 It is assumed that 40% affordable housing is eligible for social housing relief from CIL (see 1.2.2). Therefore, when the total proposed residential CIL charges are averaged over all floorspace they average 60% of the full charge. The commercial floorspace in the mixed use schemes is assumed to all pay CIL at £80/m² but, in practice, some of this would be office space or other uses with a £0/m² charge.
- 4.4.5 The figure shows that the **proportion of overage taken for CIL does not exceed 24% for the residential and mixed use schemes in the three proposed CIL Zones and 54% for the single use schemes**. This leaves a viability buffer to absorb the other possible costs indicated in Figure 4.1.
- 4.4.6 Paragraph 6.2.4 of the Viability Study states that CIL “equates to a nominal amount when compared to Gross Development Value and the ‘cost’ of additional requirements such as affordable housing, contingencies, build costs etc. Previous CIL Examinations have indicated that a CIL charge of between 1% and 4% of GDV are likely to be appropriate”.

⁸⁶ NPPG020; see also NPPG Viability para.8

Viability Appraisal		CIL £/m2 overall Assuming all non-residential floorspace liable	CIL as % of overage	CIL as % of GDV
N1	10 houses	£60	6%	1.5%
N2	50 flats	£60	13%	1.5%
N3	500 flats	£60	11%	1.5%
N4	750 flats	£60	10%	1.5%
N5	500 flats & 10k commercial	£64	24%	1.8%
N6	750 flats & 15k commercial	£64	18%	1.8%
C1	10 houses	£120	8%	2.1%
C2	50 flats	£120	14%	2.4%
C3	500 flats	£120	11%	2.4%
C4	750 flats	£120	8%	2.4%
C5	500 flats & 10k commercial	£112	15%	2.4%
C6	750 flats & 15k commercial	£112	12%	2.4%
S1	10 houses	£180	9%	3.1%
S2	50 flats	£180	18%	3.5%
S3	500 flats	£180	12%	3.5%
S4	750 flats	£180	10%	3.5%
S5	500 flats & 10k commercial	£159	18%	3.5%
S6	750 flats & 15k commercial	£159	12%	3.5%
HTC1	HTC offices	£80	15%	1.7%
BOR2	Comparison retail	£80	19%	1.9%
BOR3	Convenience retail	£80	29%	1.7%
BOR5	Student accommodation	£80	33%	2.2%
BOR6	Leisure	£80	54%	2.6%

Figure 4.6: Charge rates as % of overage and value

4.5 Proposed charge rates compared to neighbouring authorities

- 4.5.1 The proposed charge rates are broadly comparable to those established and emerging in the neighbouring boroughs of Kensington & Chelsea, Wandsworth, Richmond upon Thames, Hounslow, Ealing and Brent.
- 4.5.2 The established and emerging residential charge rates in these boroughs are indicatively mapped in Appendix 6. Reference should be made to the respective authorities' established and emerging CIL Charging Schedules in the first instance, available from their websites.

5. Draft Charging Schedule

5.1 Charge rates per square metre (“/m²”)

5.1.1 Based on the evidence, the proposed CIL charging rates for the borough are set out in Figure 5.1 with the proposed Charging Zones illustrated in Figure 5.2.

Charging Zones	Uses			All uses unless otherwise stated	Health*
	Residential (C3)	Office (B1a/b)	Warehouseing (B8)		Education**
	HMO (C4)				Industrial (B1(c)/B2)
	Hostel				Selling/display of motor vehicles
				Scrapyards	
			Hotel (C1)		
North	£100/m ²	Nil	£80/m ²	Nil	
Central A†	£200/m ²	£80/m ²			
Central B		Nil			
South	£400/m ²				
White City East‡	Nil				
Earls Court & West Kensington Opportunity Area‡	Nil				

Figure 5.1 Proposed CIL charge rates (Nil = £0/m²)

5.1.2 * Health is defined as “Development used wholly or mainly for the provision of any medical or health services except for the use of the premises attached to the residence of the consultant or practitioner”⁸⁷.

5.1.3 ** Education is defined as “Development used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education”⁸⁸.

5.1.4 † The Central A Charging Zone boundary is the same as the Hammersmith Town Centre boundary on the council’s adopted Proposals Map⁸⁹.

5.1.5 ‡ It should be noted that, whilst a £0/m² (nil) rate is proposed at White City East and Earls Court & West Kensington Opportunity Area, this does not mean that the council will not receive significant financial contributions from developments in these areas as S106s will continue to be used (section 4.2).

5.1.6 The format and content of the DCS⁹⁰ is replicated in this section.

⁸⁷ As per Mayor of London (February 2012) CIL Charging Schedule

⁸⁸ As per Mayor of London (February 2012) CIL Charging Schedule

⁸⁹ LBHF (October 2011) Core Strategy



Figure 5.2: CIL Charging Zones

5.2 Charging authority

5.2.1 The charging authority is the London Borough of Hammersmith & Fulham.

5.3 Date of approval

5.3.1 The Charging Schedule was approved by the council on [date to be inserted].

5.4 Date of effect

5.4.1 The Charging Schedule will become effective on [date to be inserted] (see section 6.1).

5.5 Calculation of CIL charge & indexation

5.5.1 The 'Chargeable Amount', including indexation to take into account inflation, will be calculated in accordance with the Community Infrastructure Levy Regulations 2010 (as amended), particularly Part 5, Part 6 and Regulation 6. This is interpreted in more detail in section 1.2.

5.6 CIL-related policies

5.6.1 The council's CIL-related policies will be published on its website at www.lbhf.gov.uk/cil. The council's current intentions regarding CIL-related policies are:

Regulation	Policy	Status
44/45	Discretionary Charitable Relief ⁹¹	No current intention to publish
49A	Discretionary Social Housing Relief ⁹²	No current intention to publish
55	Discretionary Exceptional Circumstances Relief ⁹³	No current intention to publish
69B	Instalments ⁹⁴	No current intention to publish <i>Intending to follow the Mayor of London's Instalments Policy⁹⁵</i>

Figure 5.3 CIL-related policies

⁹¹ R44-46; NPPG115

⁹² R49A-49B; NPPG123

⁹³ R55-58; NPPG129

⁹⁴ Planning Act 2008 S217(2)(b); R69B-70; NPPG055

⁹⁵ R70(4); Mayor of London (March 2013) CIL Instalments Policy

5.7 Statutory compliance

- 5.7.1 The Charging Schedule has been issued, approved and published in accordance with the CIL Regulations 2010 (as amended) and Part 11 of the Planning Act 2008 (as amended).

5.8 State aid

- 5.8.1 State aid is a concept derived from European Law ('EU Law'). In very broad terms EU Law prohibits a European Union member state from providing support to 'undertakings' (i.e. persons engaged in economic activity) which distorts or threatens to distort competition, affects trade between member states of the European Union and which favours certain undertakings or the production of certain goods⁹⁶. In setting differential rates, including zero rates, the council must not do so "in such a way that they constitute a notifiable state aid under European Commission regulations"⁹⁷.
- 5.8.2 The council has only set the differential rates, including zero rates, where this is based on economic viability evidence which justifies this approach. In light of the the government guidance on state aid⁹⁸ and relevant legislation, the council does not consider that these proposals give rise to unlawful state aid as explained below:

Is the assistance granted by the state or through state resources (including tax exemptions)?

The proposed nil rates represent an exemption from paying CIL (a 'levy') to the council based on economic viability evidence.

It should be noted, however, that for the proposed differential Charging Zone nil rates (i.e. White City East and Earls Court & West Kensington Opportunity Area), developers are and will still be expected to make developer contributions through other mechanisms, notably S106s, so overall there is not an exemption from making developer contributions.

Does the assistance give an advantage to one or more undertakings (organisations engaged in economic activity) over others?

The proposed rates are based on economic viability evidence from broad market data and do not give organisations any particular advantage or disadvantage over other competitors.

In addition, as indicated above, developers will still have to make S106 payments so that no undertaking will gain an advantage over others.

⁹⁶ NPPG154

⁹⁷ NPPG024

⁹⁸ Adapted from Department for Business, Innovation & Skills (November 2010) State Aid Assessment and (November 2013) State Aid: The Basics

Does the assistance distort or have the potential to distort competition?

The proposed rates do not have the potential to distort competition due to the above reasons.

Does the assistance affect trade between member states?

The proposed rates do not affect trade between member states due to the above reasons.

5.9 Sustainability

- 5.9.1 Charging Schedules do not require a Sustainability Appraisal⁹⁹ as they are financial documents and not 'land use planning' documents.

5.10 Equalities

- 5.10.1 An initial Equalities Impact Assessment (EqIA) was undertaken and consulted on during the PDCS consultation for which no comments were received.
- 5.10.2 The EqIA has been updated for this Draft Charging Schedule and set out in Appendix 7, for which representations are also welcome, and is available from the council's website at www.lbhf.gov.uk/cil.

5.11 Review

- 5.11.1 Once in place, the council must keep the Charging Schedule under review and ensure that it remains appropriate over time e.g. in light of changes to market conditions and the infrastructure funding gap. The government does not prescribe when reviews should take place¹⁰⁰. It would be appropriate for the council to consider any review of the Charging Schedule in light of "other demands on development to ensure an appropriate balance... is maintained"¹⁰¹ and/or alongside or following future iterations of a Local Plan Review¹⁰².

5.12 Monitoring

- 5.12.1 The Monitoring Indicators in Appendix 8 of the Core Strategy¹⁰³ include monitoring the delivery of infrastructure schemes.
- 5.12.2 After the council starts charging CIL, the council must prepare short reports on CIL by the end of each calendar year for the previous financial year¹⁰⁴ covering information including¹⁰⁵:

⁹⁹ NPPG011

¹⁰⁰ Planning Act 2008 S211(9); NPPG043

¹⁰¹ Crossrail SPG para.6.16

¹⁰² NPPG011

¹⁰³ LBHF (October 2011) Core Strategy

- Total CIL receipts for the reported year.
- Total CIL expenditure for the reported year.
- Summary details of CIL expenditure during the reported year including:
 - the items of infrastructure to which CIL (including land payments) has been applied;
 - the amount of CIL expenditure on each item;
 - the amount of CIL applied to repay borrowed money, including any interest, with details of the infrastructure items which that money was used to provide (wholly or in part); and
 - the amount of CIL applied to administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation.
- The amount of CIL passed to any local council or any person to spend on infrastructure.
- Summary details of the receipt and expenditure of CIL relating to Neighbourhood CIL funds.
- Total amount of CIL receipts retained at the end of the reported year (including from previous years) for both Neighbourhood CIL funds and non-Neighbourhood CIL funds projects.

5.12.3 It is intended that these monitoring requirements will be reported through the council's Monitoring Report which is currently published on an annual basis on the council's website at www.lbhf.gov.uk/ldf.

5.12.4 It should be noted that the council became a collecting authority for the Mayor of London's CIL on 1st April 2012, for which the Mayor produces his own report.


¹⁰⁴ Planning Act 2008 S216(7); R62(5); NPPG087

¹⁰⁵ R62(4); see also R34(5) of The Town and Country Planning (Local Planning) (England) Regulations 2012

6. How to comment & timetable

6.1 What is the timetable?

6.1.1 The Draft Charging Schedule represents the second stage of public consultation in the process that will lead to the introduction of CIL charges for most new development in the borough (see section 1.2). The expected timetable is (subject to change):

<ul style="list-style-type: none"> Friday 7th September to Friday 19th October 2012 (6 weeks) 	Preliminary Draft Charging Schedule (PDCS) ¹⁰⁶ consultation	Consultation closed See section 6.2 for summary of comments
<ul style="list-style-type: none"> Friday 22nd August to Friday 3rd October 2014 (7 weeks)¹⁰⁷ 	Draft Charging Schedule (DCS)¹⁰⁸ consultation	
<ul style="list-style-type: none"> Autumn / Winter 2014 	Submission of DCS for examination ¹⁰⁹	
<ul style="list-style-type: none"> Late 2014 	Independent public examination ¹¹⁰	
<ul style="list-style-type: none"> Early 2015 	Publication & effect ¹¹¹	
<ul style="list-style-type: none"> 2016+ 	Accumulation of CIL receipts Neighbourhood CIL expenditure	

6.1.2 **Representations must be received by the council by 5pm on Friday 3rd October 2014.**

6.2 What comments have been made so far?

6.2.1 The council must take into account representations on the PDCS before it publishes the Draft Charging Schedule¹¹².

6.2.2 Subsequently, the council has had further discussions with some of those who made representations (including early engagement with local developers and the

¹⁰⁶ R15; NPPG028

¹⁰⁷ R17(3) requires at least 4 weeks; NPPG031 suggests at least 6 weeks; Revised SCI Table 3.3 requires at least 6 weeks

¹⁰⁸ Planning Act 2008 S211(1); R12; R16; NPPG012; NPPG030

¹⁰⁹ R19; NPPG032

¹¹⁰ Planning Act 2008 S212; R19-24; NPPG033

¹¹¹ Planning Act 2008 S213-214; R25; R28; NPPG040

¹¹² R15(7)

property industry¹¹³) in order to clarify issues and assess the extent to which it was possible and appropriate to modify any aspect of the approach to determining charging rates – these are referred to as ‘Pre-DCS’ consultation responses.

- 6.2.3 All of the representations received and the council’s responses are detailed in Appendix 8 and a summary of these sorted by issue is provided in Appendix 9. The council’s response to the principal areas of comment is summarised further in the sections below.

CIL Charging Zones

- Agreed that the Earls Court & West Kensington Opportunity Area should be dealt with as a separate Charging Zone based on viability evidence. The introduction of the separate White City East Charging Zone enables more particular assumptions to be used for appraisals (see section 4.2).
- Not agreed that there is evidence that the wider Fulham Regeneration Area should be a separate Charging Zone.
- Not agreed that Stamford Bridge Football Stadium should be included in the Central Zone as the area is likely to have more in common with the residential values of the South Zone (see section 4.2).

Affordable housing

- Not agreed that affordable housing targets would prevent contributions to infrastructure from developments. In any particular case, policy permits a reduction in affordable housing for viability reasons. The proposed CIL charges represent a very small proportion of gross development value or scheme costs (see section 4.4).

S106 costs

- Agreed (especially in the light of revised CIL guidance) that greater clarity on future S106 costs is necessary. Most residential appraisals include an allowance of £1,000 per private residential unit and further consideration has been given to the approach to dealing with S106 costs in White City East, Earls Court & West Kensington and South Fulham Riverside (see section 4.2).

Sample sites

- Agreed (especially in the light of revised CIL guidance) that the range of sample sites should include larger and mixed use schemes appropriate to assessing the viability of strategic sites (see section 4.2).

¹¹³ NPPG014; NPPG019; NPPG021

Development costs and values

- Not agreed that the viability methodology does not allow for abnormal costs but this is clarified in the Viability Study and this document (see section 4.2).
- Not agreed that the proposed benchmark land values are generally inappropriate but these have been reviewed and increased where necessary, especially for White City East.
- Not agreed that build costs which are based on Building Cost Information Service (BCIS) data are generally too low but these have been updated in the Viability Study.
- Various comments were made about other costs and assumptions on phasing used in the sample appraisals. The assumptions have been reviewed in the Viability Study and have been updated where appropriate. In particular, the allowance for on-site external works has been increased.
- Not agreed that residential values used in the South Zone are too high. Residential property values in the borough have increased considerably in the last few years as explained in the Viability Study.

CIL charges and uses

- Not agreed that there is evidence that the North and Central Zone charges are too high.
- Not agreed that in view of likely future S106 costs in South Fulham Riverside, the proposed charge of £400/m² in the South Zone should be reduced.
- Not agreed that there is evidence that the following uses would be unable to pay CIL at £80/m²: fire stations, police facilities, football stadiums, D1 uses.
- Agreed, in the light of further evidence in the Viability Study, that hotels should have a £0/m² charge (see sections 4.3 and 5.1).

CIL policies

- Agreed there will be an Instalments Policy – i.e. intending to follow the Mayor of London's Instalments Policy (see section 5.6).
- It is not currently proposed to introduce a Discretionary Exceptional Circumstances Relief policy (see section 5.6).
- In order to qualify for Social Housing Relief, any affordable housing product would need show it meets the relevant regulations (see section 1.2).

6.3 Who is being consulted?

6.3.1 Any person may make representations about the Draft Charging Schedule¹¹⁴. The council is consulting:

- Communities, neighbourhoods, local businesses and ward councillors (see section 3.3);
- Councils adjoining the council's area¹¹⁵:
 - Royal Borough of Kensington and Chelsea;
 - London Borough of Wandsworth;
 - London Borough of Richmond upon Thames;
 - London Borough of Hounslow;
 - London Borough of Ealing;
 - London Borough of Brent;
- The Mayor of London¹¹⁶;
- The Local Enterprise Partnership¹¹⁷, which, covering the council's area is the London Enterprise Panel (LEP);
- Local developers and the property industry¹¹⁸
- Infrastructure providers¹¹⁹; and
- All bodies consulted during the PDCS stage¹²⁰, which also included¹²¹:
 - Local residents, businesses and business bodies; and
 - Voluntary bodies.

¹¹⁴ R17(1)

¹¹⁵ R11(1); R15(3); NPPG010; NPPG026

¹¹⁶ R11(1); R15(3); NPPG026

¹¹⁷ NPPG011

¹¹⁸ NPPG014; NPPG019; NPPG021; see also NPPG Viability para.4

¹¹⁹ NPPG014

¹²⁰ NPPG031

¹²¹ R15

6.4 What can I comment on?

Draft Charging Schedule & supporting evidence base

6.4.1 Formal representations on the **Draft Charging Schedule (DCS) and the supporting evidence base documents** are welcomed by the council.

6.4.2 **All such representations will be submitted to an independent examiner as part of the independent public examination and will be made publicly available for inspection on the council's website and other locations¹²².** Please note that although comments on the content of the Draft R123 List will be submitted to the examiner for information, it is not for the examination to challenge the list. The council will, however, consider all such comments.

6.4.3 The relevant sections and documents are:

- **Evidence base & striking a balance** – **Section 2**
- **Infrastructure** – **Section 3**
 - Appendix 3 Infrastructure Schedule
 - Appendix 4 Draft R123 List
- **Viability** – **Section 4**
 - Appendix 5 Viability Study
- **Draft Charging Schedule (DCS)** – **Section 5**

6.4.4 Anyone making such representations on the formal DCS may request¹²³:

- The right to be heard by an examiner upon the examination of the DCS¹²⁴ (such requests must be made before the end of the consultation period);
- To be notified of any of the following:
 - That the DCS has been submitted to the examiner in accordance with section 212 of the Planning Act 2008;
 - The publication of the recommendations of the examiner and the reasons for those recommendations; and
 - The approval of the charging schedule by the charging authority.

6.4.5 A person who has made representations about the DCS may withdraw those representations at any time by giving notice in writing to the council¹²⁵.

¹²² R19

¹²³ R16(2); NPPG030

¹²⁴ Planning Act 2008 S212(9); R16(2)(d); R21(1)

Neighbourhood CIL & Equalities Impact Assessment (EqIA)

- 6.4.6 Representations on the **Neighbourhood CIL** and the **Equalities Impact Assessment (EqIA)**, which are separate to the formal Draft Charging Schedule consultation, are also welcomed by the council.
- 6.4.7 These representations **will not** be submitted to an independent examiner as they will not be part of the independent public examination. A summary of the representations **will be** made publicly available for inspection on the council's website.
- 6.4.8 The relevant sections and documents are:
- **Neighbourhood CIL** – **Section 3.3**
– Appendix 3 Infrastructure Schedule
 - **Equalities Impact Assessment (EqIA)** – **Section 5.10**
– Appendix 7 EqIA

6.5 Where can I view the consultation documents?

6.5.1 All the consultation information and relevant documents are available from¹²⁶:

- **Website** www.lbhf.gov.uk/cil
- **Libraries** Reference-only copies are available from:

 Askew Road Library
 Avonmore Library
 Fulham Library
 Hammersmith Library
 Hurlingham and Chelsea School and Community Library
 Shepherds Bush Library

 For details and opening hours, please see:
www.lbhf.gov.uk/libraries
- **Hammersmith Town Hall Extension** Reference-only copies are available from:

 First Floor, Hammersmith Town Hall Extension, King Street, Hammersmith, London W6 9JU

 For details and opening hours, please see:
www.lbhf.gov.uk/planning > [Planning Applications](#) > [Advice > Duty Planner Service](#)

¹²⁵ R17(4)
¹²⁶ R16(1)

6.5.2 The document will be made available in large print, or Braille format. If you require the document in one of these formats, please email cil@lbhf.gov.uk, phone 0208 753 7032, or write to the address above.

6.6 How do I comment?

6.6.1 Representations are invited by email or post:

- **Email** cil@lbhf.gov.uk
- **Post** Sid Jha
CIL Draft Charging Schedule Consultation
Development Plans Team
Planning Division
Transport & Technical Services
Hammersmith & Fulham Council
5th Floor, Town Hall Extension
King Street
Hammersmith
London W6 9JU

6.6.2 Representations should make clear which sections and documents are being commented on and also make clear any formal requests being made if the comments are part of the formal DCS consultation (see section 6.4). To make this easier, **a Consultation Response Form is available to complete in Appendix 11 and available from the council's website at www.lbhf.gov.uk/cil.**

6.6.3 The consultation on the DCS is being undertaken in accordance with the council's Revised Statement of Community Involvement (SCI)¹²⁷ which is available on the council's website at www.lbhf.gov.uk/ldf.

6.6.4 A formal Statement of the Representations Procedure is available at Appendix 10.

6.6.5 **Representations must be received by the council by 5pm on Friday 3rd October 2014.**

¹²⁷ LBHF (October 2013) Revised Statement of Community Involvement (SCI)

Appendix 1 Glossary

Term / Abbreviation	Explanation	Relevant section
ASC	Adult Social Care	Figure 3.7
BCIS	Building Cost Information Service	Section 6.2
BLV	Benchmark Land Value	Section 4.2
CCG	Clinical Commissioning Group	Appendix 2
CIL	Community Infrastructure Levy	Section 1.1
CS	Children's Services	Figure 3.7
DCLG	Department for Communities and Local Government	Various
DCS	Draft Charging Schedule	Section 6.1
DIFS	Development Infrastructure Funding Study	Section 2.2
DM LP	Development Management Local Plan	Figure 2.3
ECWK	Earls Court & West Kensington	Section 2.2
ELRS	Environment, Leisure & Residents' Services	Figure 3.7
EqIA	Equalities Impact Assessment	Section 5.10; Appendix 7
EU	European Union	Section 5.8
FALP	Further Alterations to the London Plan	Figure 2.2
FCG	Finance & Corporate Governance	Figure 3.7
FRA	Fulham Regeneration Area	Section 2.2
GDV	Gross Development Value	Section 4.4
GIA	Gross Internal Area floorspace	Section 1.2

Term / Abbreviation	Explanation	Relevant section
GLA	Greater London Authority	Various
HM Government	Her Majesty's Government	Various
HMO	House in Multiple Occupation	Figure 5.1
HR	Housing & Regeneration	Figure 3.7
HS2	High Speed Rail 2	Section 2.2
HTC	Hammersmith Town Centre	Section 2.2
LA	Libraries & Archives	Figure 3.7
LEP	London Enterprise Panel	Section 6.3
LFB	London Fire Brigade	Appendix 2
LIP	Local Implementation Plan	Appendix 2
MDC	Mayoral Development Corporation	Section 2.2
MOPAC/MPS	Mayor's Office for Policing and Crime / Metropolitan Police Service	Appendix 2
Neighbourhood CIL	See section 3.3	Section 3.3
NHS	National Health Service	Appendix 2
NPPF	National Planning Policy Framework	Various
NPPG	National Planning Practice Guidance	Various
OAPF	Opportunity Area Planning Framework	Section 2.2
PAC	Planning Applications Committee	Section 3.2
PBA	Peter Brett Associates	Section 4.2
PDCS	Preliminary Draft Charging Schedule	Section 6.1

Term / Abbreviation	Explanation	Relevant section
PG SPD	Planning Guidance Supplementary Planning Document	Figure 2.3
R123	Regulation 123 of the CIL Regulations 2010 (as amended)	Section 3.2
RBKC	Royal Borough of Kensington & Chelsea	Various
Ref	Reference code based on Infrastructure Category	Paragraph 3.2.16; Figure 3.7
S106	Section 106 agreement	Section 3.2
S278	Section 278 of the Highways Act 1980 (as amended)	Section 4.2
SCI	Statement of Community Involvement	Section 6.6
SFR	South Fulham Riverside	Section 2.2
SHLAA	Strategic Housing Land Availability Assessment	Section 3.2
SPD	Supplementary Planning Document	Section 2.2
SI	Social Infrastructure	Figure 2.2
SPG	Supplementary Planning Guidance	Section 2.2
SUDS	Sustainable Urban Drainage Systems	Appendix 4
TTS	Transport & Technical Services	Figure 3.7
WC	White City	Various
WRWA	Western Riverside Waste Authority	Appendix 2

Appendix 2 Infrastructure Categories & Relevant Strategies

Infrastructure Category	Sub-Category	Planning Act 2008 S216 + NPPG Section 4	NPPF paras.	London Plan Policies + SPGs	London Plan Implementation Plan 1 + FALP Table 8.1	Core Strategy	DM LP	PG SPD Policies	White City Chapters	Earls Court & West Kensington Key Principles	South Fulham Riverside Chapters	Other relevant strategies
Adult Social Care (ASC)	Adult Social Care		162	3.17 SI (June 2014) Ch.4	Social Infrastructure		A5		5	Section 9.11		
	Health		17; 69; 156; 162; 171	3.2; 3.16-3.17 Housing (Nov 2012) section 6.3 SI (June 2014) Ch.4	Social Infrastructure	Objs.9; 11 Policy CF1 Paras. 3.36; 4.13; 8.58; 10.9	D1		5	SC2	12	<ul style="list-style-type: none"> NHS H&F Strategic Plan 2009-14 (Nov 2009) HF CCG Out of Hospital Care Strategy 2012-15 (Oct 2012) LBHF Health & Wellbeing Strategy Draft (Jun 2013) NHS North West London Shaping a Healthier Future (ongoing)
Children's Services (CS)	Earls Years								5	SC1	12	<ul style="list-style-type: none"> LBHF Childcare Sufficiency Assessment 2011-14 (Aug 2011)
	Schools		72;162	3.16; 3.18 Housing (Nov 2012) section 6.2 SI (June 2014) Ch.5	Social Infrastructure	Objs.9-10 Policy CF1 Paras.3.33-3.35; 4.12; 7.32; 8.51-8.53; 10.7-10.8	D1		5	SC1	12	<ul style="list-style-type: none"> LBHF Special Educational Needs (SEN) Review (2008) LBHF School Organisation & Investment Strategy (Mar 2014)
	Youth								5			<ul style="list-style-type: none"> LBHF Children & Young People's Plan (Mar 2010) LBHF Commissioning of Youth Provision 2013-15 Cabinet Report (Jul 2012)
Environment, Leisure & Residents' Services (ELRS)	Culture				Social Infrastructure	Obj.9 Paras. 3.39	D1; D2		2			
	Community Safety		58; 69	3.16; 7.3 Housing (Nov 2012) section 6.1	Social Infrastructure	Objs.9; 12 Policies BE1; CF1	G1		5	SC6		<ul style="list-style-type: none"> LBHF Community Safety Partnership Strategic Assessment 2012-14 (Apr 2012)

Infrastructure Category	Sub-Category	Planning Act 2008 S216 + NPPG Section 4	NPPF paras.	London Plan Policies + SPGs	London Plan Implementation Plan 1 + FALP Table 8.1	Core Strategy	DM LP	PG SPD Policies	White City Chapters	Earls Court & West Kensington Key Principles	South Fulham Riverside Chapters	Other relevant strategies
	Emergency Services			3.16			D1			SC6	12	<ul style="list-style-type: none"> • LBHF Generic Emergency Plan (Sep 2010) • London Ambulance Service Estate Strategy (Jan 2011) • LBHF Crime & Disorder Reduction Partnership Strategic Assessment 2013-14 (Apr 2013) • MOPAC/MPS Estates Strategy 2013-16 (May 2013) • LFB Fifth London Safety Plan 2013-16 (Jul 2013)
	Leisure		9; 23; 73-74; 156; 161; 171	2.18; 3.16; 3.19; 4.6 Housing (Nov 2012) section 6.1 SI (June 2014) Ch.6	Social Infrastructure	Obj.9 Policy CF1 Paras. 3.39	D2		2; 5	CS1-CS2; SC4-SC5		<ul style="list-style-type: none"> • LBHF Leisure Needs Assessment (Mar 2010) • LBHF CSPAN Physical Activity Strategy 2011-16 (Nov 2011)
	Parks		58; 73-78; 109; 114; 117-119	2.18; 7.18-7.19; 7.23 Green Grid (Mar 2012) Housing (Nov 2012) section 6.1 Play & Informal Recreation (Sep 2012)	Social Infrastructure Green Infrastructure	Obj.15 Policy CF1; OS1 Maps 3; 8 Paras. 3.28; 3.37-3.38; 4.16; 8.54-8.57; 8.62; 10.11-10.13	D2; E1-E4	Design 8	2 5	UF5; UF10-13; ENE3; ENV18; ENV19	7; 12-13	<ul style="list-style-type: none"> • LBHF Open Spaces & Outdoor Recreation Facilities in H&F (Jan 2006) • LBHF Parks & Open Spaces Strategy 2008-18 (Jul 2008) • Parks Capital Programme 2013-16 Cabinet Report (Apr 2013)
	Waste & Street Enforcement		156; 162	5.16-5.17 Land for Industry & Transport (Sep 2012)	Waste	Policy CC3	H5	Sustainability 3-12; 27	6	ENV10-ENV13	13	<ul style="list-style-type: none"> • Mayor's Municipal Waste Management Strategy (Nov 2011) • LBHF Waste Prevention Plan 2011/12 (2011) • WRWA Waste Policy Statement (Jul 2013)
Finance & Corporate Governance (FCG)	Community Investment		17; 23; 70; 156	3.1; 3.16 Housing (Nov 2012) section 6.1	Social Infrastructure	Obj.9 Policy CF1 Paras. 3.41-3.42; 8.48; 10.14	D1; D2		5	SC7	12	<ul style="list-style-type: none"> • LBHF 3rd Sector Strategy (2009)

Appendix 3 Infrastructure Schedule

Provided as a separate document

Appendix 4 Draft R123 List

Column A: Draft R123 List

The council intends that it will or may spend CIL on part or all of the cost of provision, improvement, replacement, operation or maintenance of the following infrastructure facilities, as listed in **Column A**, to support development in the borough. The list is alphabetical by category. Inclusion of items in the R123 List does not imply priority, or that the council will spend CIL on every item, or not spend CIL on other unlisted items.

There are a number of exceptions to the R123 List where the council intends to negotiate S106 obligations to secure provision of infrastructure as defined in the Planning Act 2008. In general, this is where that infrastructure is required to make a specific development proposal acceptable. In some cases, the infrastructure is or may be required to be jointly funded by a number of developments in an area, in which case there can be no more than five contributing planning obligations.

Column B: Draft potential future S106 & S278 List (or possibly Neighbourhood CIL)

When CIL is brought into effect in the borough, the council still intends to negotiate S106 obligations and S278 agreements (for highway works) where necessary and appropriate to mitigate the local impact of developments and to make them acceptable. Such S106s could include provision for affordable housing, infrastructure not included within the R123 List, infrastructure items specifically excluded from the R123 List, and other purposes (which may or may not be defined as infrastructure). **Column B** lists examples of items that could typically be the subject of S106s or S278s. The list is not exclusive and obligations or agreements may be sought for other purposes that are appropriate to particular sites.

The items listed in Column B may also be funded by Neighbourhood CIL appropriate. Neighbourhood CIL can be spent on infrastructure or anything else that is concerned with addressing the demands that development places on an area. CIL Regulations do not require the Neighbourhood CIL to be detailed in the R123 List.

Infrastructure Category & Sub-Category		Column A Draft R123 List	Column B Draft potential future S106 & S278 List (or possibly part of Neighbourhood CIL)
ASC	Health	<ul style="list-style-type: none"> Primary healthcare and out of hospital care team facilities 	
CS	Early Years, Schools, Youth	<ul style="list-style-type: none"> Primary, secondary and special education and youth facilities. 	<ul style="list-style-type: none"> Early years (nursery) contributions Youth outreach contributions
ELRS	Community Safety	<ul style="list-style-type: none"> Community safety facilities (including local policing facilities) Public realm CCTV infrastructure 	<ul style="list-style-type: none"> Enhanced policing contributions CCTV within a development scheme and connections to the council's system
	Leisure & Parks	<ul style="list-style-type: none"> Public leisure facilities including parks and other public open space, outdoor sports pitches, courts and greens, play and other spaces for children and teenagers, swimming pools, gyms and indoor sports halls, allotments and Linford Christie Stadium 	<ul style="list-style-type: none"> Provision of public open space or play areas within a development scheme required to comply with a policy of the Development Plan
	Biodiversity		<ul style="list-style-type: none"> On-site provision, maintenance or improvement of nature conservation areas and green corridors to comply with a policy of the Development Plan
	Waste & Street Enforcement	<ul style="list-style-type: none"> Household and public waste recycling and waste management facilities 	<ul style="list-style-type: none"> Provision of on-site facilities and bins on the highway required to service a specific development proposal
FCG	Community Investment	<ul style="list-style-type: none"> Community facilities including community centres, voluntary sector meeting places and centres, and public cultural facilities 	
HR	Economic Development, Adult Learning & Skills	<ul style="list-style-type: none"> Learning and training facilities, job shops, business hubs/incubators 	<ul style="list-style-type: none"> Employment, training and workplace coordinators, business engagement services, business procurement
LA	Libraries & Archives	<ul style="list-style-type: none"> Libraries and archives 	
TTS	Energy		<ul style="list-style-type: none"> Decentralised energy networks Carbon reduction & energy efficiency (e.g. boiler insulation, LED lights)
	Environmental Health	<ul style="list-style-type: none"> Air quality, noise and contaminated land monitoring infrastructure 	<ul style="list-style-type: none"> On-site air quality monitoring infrastructure required to assess or help mitigate a development proposal Air quality monitoring costs On-site contaminated land mitigation On-site noise reduction measures and infrastructure Noise monitoring costs

Infrastructure Category & Sub-Category	Column A Draft R123 List	Column B Draft potential future S106 & S278 List (or possibly part of Neighbourhood CIL)	
	Drainage & Flooding	<ul style="list-style-type: none"> • Flood mitigation and defences. • Borough Sustainable Urban Drainage Systems (SUDS) 	<ul style="list-style-type: none"> • Works required to mitigate flood risk to a specific development (including on-site Sustainable Urban Drainage Systems (SUDS)) (considered alongside SUDS Approval Body arrangements), or works to the Thames Wall where the responsibility lies with a riparian landowner
	Highways & Transport	<ul style="list-style-type: none"> • Transportation infrastructure for walking, cycling, public transport and highways; excluding measures for highways & transport listed in column B. 	<ul style="list-style-type: none"> • Provision of new or enhanced access from the highway or public transport facilities to a development site. (S106 &/or S278) • Highway measures necessary to directly mitigate the impact of particular development proposals. (S106 &/or S278) • Provision, relocation, replacement or improvement of pedestrian cycle and bus facilities on-site or in the highways immediately surrounding the site (S106 &/or S278) • Changes to, or introduction of, local traffic management or controlled parking (S106 &/or S278) • Removal, relocation or replacement of street furniture, dropped kerbs, crossovers, street trees (S106 &/or S278) • Bus service contributions • River bus service contributions • Provision or enhancement of the Thames Path or canal path, and access to the river or canal. • Provision of electric car charging parking spaces within a development scheme to comply with a policy of the Development Plan • Car club contributions
	Environmental Improvements	<ul style="list-style-type: none"> • Environmental improvements to enhance the appearance, safety and security of the public realm, especially in town centres. 	<ul style="list-style-type: none"> • Action related to the public realm provided within a development site, or action in the area surrounding a site to mitigate the impact of development.

Infrastructure which is excluded from the R123 List (Column A) and for which provision will be made by means of S106 obligations or S278 agreements (Column B)

1. For development in **White City East**: the essential mitigation infrastructure listed in the WCOAPF SPD (and DIFS) and any other infrastructure required to make development in the White City East area acceptable in accordance with Core Strategy Strategic Policy WCOA and Strategic Site WCOA 1.
2. For development in the **Earls Court & West Kensington Opportunity Area**: any infrastructure necessary to comply with the Phasing & S106 Strategy set out in the ECWK SPD or which is otherwise required to make a development acceptable in accordance with Core Strategy Strategic Policy FRA and Strategic Site FRA 1 (Opportunity Area).
3. For the provision of the northern link road through the National Grid site as required by the **South Fulham Riverside** SPD and any necessary other works to mitigate the development of that site including but not limited to any necessary works within Highways Package 2 as defined by the SFR DIFS.
4. An item of infrastructure (or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a planning application acceptable (subject to there being no more than 5 planning obligations (already entered into since April 2010) for that item at the time).
5. Provision of on-site accommodation for infrastructure purposes where the cost of occupation is met from sources external to the development (e.g. occupation on commercial terms).
6. Replacement of any existing infrastructure facility that is proposed as part of a development proposal.
7. Provision of infrastructure which is required to ensure compliance by a development with a policy of the Development Plan and any relevant SPDs which specifically requires provision on the relevant site.

Appendix 5 Viability Study

Provided as a separate document

Appendix 6 Neighbouring Authorities' Residential CIL Charge Rates



Indicative only. Based on below table as at June 2014. Reference should be made to respective authorities' established and emerging CIL Charging Schedules in the first instance for precise boundaries and up-to-date rates. See section 4.5.

Borough	Latest stage in CIL charge-setting (as known at June 2014)	
Kensington & Chelsea	June 2014	Examination Hearing
Wandsworth	November 2012	In Effect
Richmond-upon-Thames	March 2014	Examiner's Report
Hounslow	March 2014	Preliminary Draft Charging Schedule
Ealing	March 2014	Preliminary Draft Charging Schedule
Brent	July 2013	In Effect

Appendix 7 Equalities Impact Assessment (EqIA)

Provided as a separate document

Appendix 8 PDCS Reps & Council Responses

Provided as a separate document

Appendix 9 PDCS Reps & Council Responses: Summary

Topic	Issue	Summary	Response
A. Charging Zones	Charging Zones	<p>Should be a differential Charging Zones for Fulham Regeneration Area</p> <p>Stamford Bridge Stadium should be within the Central Zone</p>	<p>There is no evidence to suggest that a separate charge for Fulham Regeneration Area is required.</p> <p>If any development proposals came forward, it is considered that residential values would have more in common with the area south of Fulham Road. The Stadium is physically separated from the Central Zone by the District Line.</p>
A. Charging Zones	Earls Court West Kensington: differential rates	Various comments that Earls Court & West Kensington should be dealt with differently from other strategic sites and should use viability evidence more like the SPD viability study.	Agreed that it is more appropriate to deal with Earls Court & West Kensington as a separate strategic site having regard to the DVS SPD Viability Study 'DIFS'.
B. Appraisal methodology	Affordable housing	Comments doubt the ability to secure 40% affordable housing as well as infrastructure contributions though CIL.	<p>The Viability Study appraisals are based on achieving 40% affordable housing in accordance with policy. If individual sites are shown to have reasons why they are not viable at those proportions of affordable housing, the policy allows the proportion to be varied to achieve viability.</p> <p>In general, the proposed CIL contributions would be equivalent to a very small proportion of GDV and unlikely to affect overall scheme viability, or significantly affect the proportion of affordable housing.</p>
B. Appraisal methodology	CIL as a proportion of overage	Queries how the appropriate level of CIL in comparison to overage has been decided.	The overage /m ² of total development is the surplus on the appraisal, being the difference between residual land value and the benchmark land value. The ability of the development to pay CIL at any particular level is assessed against the overage allowing for the possibility that the overage may also be required (in a particular case) to fund S106 contributions (over the £1,000/private residential unit allowance in the appraisals), abnormal costs not taken into account in the actual land price paid, variations to costs in particular schemes and a further incentive to the landowner to release land. Given the uncertainties surrounding viability appraisal, the overage is of course an approximate indicator, which should be used cautiously. A formula is not applied to arrive at an appropriate level of CIL charge, a judgement is made based on the overage.
B. Appraisal methodology	S106 costs	Various comments relating to the treatment of remaining site specific S106 costs, and the extent of those costs (in particular in South Fulham Riverside).	<p>In the appraisals, a general allowance of £1,000/private residential unit has been included for relatively minor S106 costs. It is not assumed that all residential sites will actually pay this rate as that will depend on the circumstances of the scheme and meeting the legal tests.</p> <p>The Viability Study methodology assumes that any additional S106 costs for residential or commercial development will be met from within the overage within which there is considerable headroom above the CIL charge.</p>

Topic	Issue	Summary	Response
B. Appraisal methodology	S106 costs in relation to previous schemes	Proposed CIL rates should be compared with recent S106 obligations.	This is reported in paragraphs 4.2.17-18 and Figure 4.4 of the DCS Consultation Document.
C. Appraisal site typologies	Earls Court West Kensington cross boundary issues	Viability assessment of Earls Court & West Kensington should be cross-boundary rather than based separately on the two boroughs.	The Viability Study's appraisal for Earls Court & West Kensington is based on the whole SPD area which includes both boroughs.
C. Appraisal site typologies	Large & strategic sites	The CIL viability appraisals should include assessment of large sites and strategic sites. Sample mixed use quantum proposed for large sites broadly representative but site areas relatively small. Single use sites not appropriate.	The Viability Study has an expanded range of sample sites that includes two large mixed use schemes in each Charging Zone, together with an appraisal for the whole of the Earls Court & West Kensington SPD area.
C. Appraisal site typologies	Mixed uses	Need to consider mixed use appraisals	The Viability Study includes mixed use appraisals.
C. Appraisal site typologies	Retail appraisals insufficient	Lack of evidence with only two appraisals	Sampling is appropriate at borough level and is representative of local market conditions.
D Appraisal assumptions	Evidence	Lack of evidence to justify rates	Further evidence is provided in the Viability Study, including within its Appendix A.
D. Appraisal assumptions	Abnormals	Abnormal costs are not taken into account in appraisals	Abnormal costs will clearly vary from site to site and it is not feasible to assess these for CIL viability appraisals. The Viability Study methodology presumes that abnormal costs would be reflected in the land costs. This is because developers seeking to purchase sites would expect the land owners' price paid to be reduced to take account of abnormal costs in making the site available for development. Therefore, the actual land price would be expected to be less than the Benchmark Land Value adopted by the Viability Study. If the land price could not absorb abnormal costs, the Viability Study methodology allows scope for such costs to be absorbed from within the viability overage, since only a small proportion would be required to pay for CIL.
D. Appraisal assumptions	Benchmark Land Values	Some comments querying proposed BLVs in different parts of the borough, for different commercial uses and in White City. However, no alternative values were suggested.	The approach to setting benchmark land values is explained in Appendix A of the Viability Study.

Topic	Issue	Summary	Response
D. Appraisal assumptions	Build costs	Build costs are too low. BCIS rates are not reflective of site constraints and premium rates in London	Build costs have been reviewed in the Viability Study. The approach to cost figures is explained in Appendix A of the Study. Residential build costs are based upon industry data from the Build Cost Information Service (BCIS) which is produced by the Royal Institution of Chartered Surveyors (RICS). BCIS offers a range of prices dependent on the final specification. For flats upper quartile rates for 6+ storey development have been used whilst assumptions for houses also use upper quartile rates.
D. Appraisal assumptions	Demolition costs	Demolition costs should be included in appraisals at £100-200k	It would be expected that demolition costs would be reflected in the price paid for development sites so that they could cost less than the benchmark land value. This approach was taken in the White City DIFS.
D. Appraisal assumptions	External works	One comment was that 5% was a reasonable allowance; another that it is insufficient (should be typically 8-15%)	5% is considered to be a satisfactory estimate for CIL purposes.
D. Appraisal assumptions	Finance costs	Two comments that 7% is appropriate. another that it should be 8% for smaller developers	7% is considered to satisfactorily reflect market rates for CIL purposes.
D. Appraisal assumptions	Floorspaces	Some queries concerning the average dwelling size (one considered assumption was low) and commercial mix (no suggested alternative)	The floorspace figures are considered to be suitable for CIL purposes.
D. Appraisal assumptions	Land values and acquisition costs	Benchmark Land Values are too low for White City. Other comments query the source of the figures	The figure for White City East has been increased in the Viability Study. The approach to benchmark land values is explained in Appendix A of the Viability Study.
D. Appraisal assumptions	Marketing costs	Marketing costs too low	Marketing costs are included within the revised financial model at £1,000 per private residential unit which is a recognised industry standard
D. Appraisal assumptions	Phasing	Build periods for 500 and 750 homes are too short and sales rates too high. Other comments that build cash flows look reasonable.	The phasing periods have been reviewed and, as used for the Viability Study, are considered to be acceptable.
D. Appraisal assumptions	Professional fees	Should be higher at 12-12.5%.	Professional fees are based upon accepted industry standards and are calculated as a percentage of build costs at 10% which has been increased from the figure of 8% used at the PDCS stage.
D. Appraisal assumptions	Profit	Two suggested that Internal Rate of Return (IRR) is more appropriate; one that profit should be on GDV; one that CIL would erode profit too much	20% on costs is considered to be a reasonable level for CIL viability testing.
D. Appraisal assumptions	Residential values	Residential values too high in South Zone	Residential values in the South Zone have been reviewed and are considered to be acceptable.
D. Appraisal assumptions	Sensitivity testing	Sensitivity testing should be carried out	Proposed charge rates are not set at a level that would absorb all the overage so are still capable of being viable, even when market sensitivities are tested.

Topic	Issue	Summary	Response
D. Appraisal assumptions	White City DIFS	The DIFS should be taken into account	The DIFS has been published with the White City Opportunity Area Planning Framework. It has been referred to in preparing the Viability Study for CIL purposes.
E. CIL charges	Affordable housing relief	Relief should be given for Pocket Homes product.	Amendments to the CIL Regulations in February 2014 allow the council to introduce discretionary social housing relief for accommodation that will, if sold, continue to be available to future purchasers at 80% of market price. If the council introduces such relief Pocket Homes would need to show that it meets the criteria.
E. CIL charges	CIL charge	£400/m ² residential charge and £80/m ² for other uses is too high in South Zone; £200/m ² too high in Central Zone. North Zone development is unable to support CIL. Charge and should be more equal to the Mayor of London's CIL charge.	No change proposed. There is sufficient coverage for a CIL rate of £400 per square metre to be charged without threatening the viability of development.
E. CIL charges	Other uses	Fire-stations, police facilities, football stadiums, hotels, D1, should have nil charges	A reduced nil charge for hotels is proposed.
F. CIL policies	Instalments policy	There should be an instalments policy	The council currently does not expect that it will introduce its own Instalment Policy. Therefore, the Mayor of London's CIL Instalment Policy will apply to Mayoral and borough CIL payments.
F. CIL policies	Policy for exceptional circumstances	There should be a policy to allow relief in exceptional circumstances	The council currently does not expect that it will introduce a Discretionary Exceptional Circumstances Relief policy and considers that the proposed charge rates are viable. However, if evidence emerges that such a policy should be introduced, the council will review its position.
G. Other	Park Royal/Old Oak	Potential CIL income from the Park Royal Opportunity Area should be included in the calculation of CIL income	The council and GLA are working to secure major regeneration of the Old Oak sidings area but the details are not yet included within the London Plan or the Local Plan. It is premature, therefore, to consider the implications for the current CIL proposals.

Appendix 10 Notice & Statement of the Representations Procedure

London Borough of Hammersmith & Fulham

Community Infrastructure Levy (CIL) Regulations 2010 (as amended) Regulation 16: Publication of a Draft Charging Schedule

STATEMENT REGARDING THE AVAILABILITY FOR INSPECTION OF A DRAFT CHARGING SCHEDULE AND RELEVANT EVIDENCE

The London Borough of Hammersmith & Fulham, as a Charging Authority, intends to submit a Draft Charging Schedule (DCS) for examination in accordance with section 212 of the Planning Act 2008 (as amended). As required in the CIL Regulations 2010 (as amended), the council is inviting representations on the Draft Charging Schedule and its supporting evidence.

The council is also inviting representations on the following related matters which it will consider separately from the Draft Charging Schedule examination:

- The infrastructure projects or types of infrastructure that the council intends will be, or may be, wholly or partly funded by CIL (other than CIL to which Regulation 59 applies). These are set out in the Draft Regulation 123 list which forms part of the evidence for the Draft Charging Schedule but is not subject to detailed consideration at the Draft Charging Schedule examination.
- Suggestions for 'Neighbourhood CIL', that is, infrastructure projects or types of infrastructure or anything else that is concerned with addressing the demands that development places on an area and which may be wholly or partly funded by CIL to which Regulation 59 applies. See section 3.3 of the Consultation Document.
- Equalities Impact Assessment (EqIA) for the CIL Draft Charging Schedule.

Period for Consultation

Friday 22nd August 2014 until 5:00 pm on Friday 3rd October 2014.

Please note that in accordance with Regulation 17(2)(a), representations on the Draft Charging Schedule and its supporting evidence must be made within this period.

Documents available for inspection

- Draft Charging Schedule (DCS)
- Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) Consultation Document, containing evidence to support the Draft Charging Schedule, including appendices:
 - Appendix 3 Infrastructure Schedule
 - Appendix 4 Draft R123 List
 - Appendix 5 Viability Study (Peter Brett Associates: April 2014)
 - Appendix 7 Equalities Impact Assessment (EqIA) (not forming part of the Draft Charging Schedule evidence)

Places where documents are available for inspection

Website	www.lbhf.gov.uk/cil
Libraries	Reference-only copies are available from: Askew Road Library Avonmore Library Fulham Library Hammersmith Library Hurlingham and Chelsea School and Community Library Shepherds Bush Library For details and opening hours, please see: www.lbhf.gov.uk/libraries
Hammersmith Town Hall Extension	Reference-only copies are available from: First Floor, Hammersmith Town Hall Extension, King Street, Hammersmith, London W6 9JU For details and opening hours, please see: www.lbhf.gov.uk/planning > Planning Applications > Advice > Duty Planner Service

STATEMENT OF THE REPRESENTATIONS PROCEDURE

Representations must be submitted electronically by email or made in writing by post to:

Email: cil@lbhf.gov.uk

Post:

Siddhartha Jha
 CIL Draft Charging Schedule Consultation
 Development Plans Team
 Planning Division
 Transport & Technical Services
 Hammersmith & Fulham Council
 5th Floor Town Hall Extension
 King Street
 Hammersmith
 London
 W6 9JU

Representations should make clear which matters, sections and documents are being commented on. A consultation response form is available on our website (www.lbhf.gov.uk/cil) to assist you in providing a response or is available on request from the address above.

All representations made regarding the Draft Charging Schedule and its supporting evidence, in accordance with Regulation 17, will be submitted to the independent examiner.

Any person making representations regarding the Draft Charging Schedule and its supporting evidence may request the right to be heard by the examiner. Such requests must be made by the end of the consultation period.

Representations on the Draft Charging Schedule and its supporting evidence may be accompanied by a request to be notified at a specified address of any of the following:

- (i) that the draft charging schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008,
- (ii) the publication of the recommendations of the examiner and the reasons for those recommendations, and
- (iii) the approval of the charging schedule by the charging authority.

Any person who has made representations about a draft charging schedule may withdraw those representations at any time by giving notice in writing to the council by email or post to the address above.

All representations made concerning related matters (i.e. the items included on the Draft R123 list, 'Neighbourhood CIL', or the EqIA) will be considered separately by the council.

For further information please email cil@lbhf.gov.uk, call 0208 753 7032 or write to the council's office at the address above.

Appendix 11 Consultation Response Form

Contact details

Name	
Position	
Organisation If relevant	
Agency If making comments on behalf of an organisation	
Postal address	
Postcode	
Email address	
Telephone number	
I am making comments on... Please check all boxes that apply	<input type="checkbox"/> The Draft Charging Schedule & supporting evidence base – Form A <input type="checkbox"/> Neighbourhood CIL suggestions – Form B <input type="checkbox"/> The Equalities Impact Assessment (EqIA) – Form C

Please return your completed form either by email to cil@lbhf.gov.uk or by post to **Sid Jha, CIL Draft Charging Schedule Consultation, Development Plans Team, Planning Division, Transport & Technical Services, Hammersmith & Fulham Council, 5th Floor, Town Hall Extension, King Street, Hammersmith, London W6 9JU**. Representations must be received by the council by **5pm on Friday 3rd October 2014**.

Other documents are available at www.lbhf.gov.uk/cil.

Form A: Comments on the Draft Charging Schedule & supporting evidence base

Please use this form to make comments on the **Draft Charging Schedule** or the supporting evidence contained within this Consultation Document (Sections 2-4) and the relevant appendices (3: **Infrastructure Schedule**; 4: **Draft R123 List**; 5: **Viability Study**).

All such representations will be submitted to an independent examiner as part of the independent public examination and will be made publicly available for inspection on the council’s website and other locations. Please note that although comments on the content of the Draft R123 List will be submitted to the examiner for information, it is not for the examination to challenge the list. The council will, however, consider all such comments separately.

I request the right to be heard by an examiner upon examination of the Draft Charging Schedule This request must be made before the end of the consultation period	<input type="checkbox"/>
I request to be notified that the Draft Charging Schedule has been submitted to the examiner in accordance with section 212 of the Planning Act 2008	<input type="checkbox"/>
I request to be notified of the publication of the recommendations of the examiner and the reasons for those recommendations	<input type="checkbox"/>
I request to be notified of the approval of the charging schedule by the charging authority	<input type="checkbox"/>
If any of the above requests are made, I confirm that the contact details for notification are set out in the contact details section (previous page)	<input type="checkbox"/>

Document or Appendix	Section, Paragraph or Ref #	Comment

Document or Appendix	Section, Paragraph or Ref #	Comment

Please continue on separate sheets as necessary

Form B: Neighbourhood CIL suggestions

Please use this form to make suggestions for use of potential Neighbourhood CIL monies.

Please read section 3.3 and Appendix 3 Infrastructure Schedule before completing.

These representations will not be submitted to an independent examiner as they will not be part of the independent public examination. A summary of the representations will be made publicly available for inspection on the council's website.

We would like to know if you think any of the infrastructure sub-categories and schemes listed in the Infrastructure Schedule (Appendix 3, summarised below), are particularly appropriate for spending Neighbourhood CIL. Please tick the sub-category(/ies) and write in the relevant references (#s) of schemes you support.

Sub-Category	Ref # of particular schemes you support
Adult Social Care <input type="checkbox"/>	ASC...
Health <input type="checkbox"/>	ASC...
Early Years <input type="checkbox"/>	CS...
Schools <input type="checkbox"/>	CS...
Youth <input type="checkbox"/>	CS...
Culture <input type="checkbox"/>	ELRS...
Community Safety <input type="checkbox"/>	ELRS...
Emergency Services <input type="checkbox"/>	ELRS...
Leisure <input type="checkbox"/>	ELRS...
Parks <input type="checkbox"/>	ELRS...
Waste & Street Enforcement <input type="checkbox"/>	ELRS...
Community Investment <input type="checkbox"/>	FCG...
Housing & Regeneration <input type="checkbox"/>	HR...
Economic Development, Adult Learning & Skills <input type="checkbox"/>	HR...
Libraries & Archives <input type="checkbox"/>	LA...
Energy <input type="checkbox"/>	TTS...
Environmental Health <input type="checkbox"/>	TTS...
Drainage & Flooding <input type="checkbox"/>	TTS...
Highways <input type="checkbox"/>	TTS...
Transport <input type="checkbox"/>	TTS...

Please put forward any other suggestions for spending Neighbourhood CIL to address demands placed on an area by development

Description of your suggestion

How does the suggestion address demands that development places on an area?

The suggestion helps address demands that development places on which (ward) area?

LONDON BOROUGH OF
HAMMERSMITH
AND FULHAM
WARD BOUNDARIES

h&f
putting residents first

□ Ward Boundaries

- 1. College Park & Old Oak
- 2. Wormholt & White City
- 3. Shepherds Bush Green
- 4. Askew
- 5. Ravenscourt Park
- 6. Hammersmith Broadway
- 7. Addison
- 8. Avonmore & Brook Green
- 9. Fulham Reach
- 10. North End
- 11. Palace Riverside
- 12. Munster
- 13. Fulham Broadway
- 14. Town
- 15. Parsons Green & Walham
- 16. Sands End

Larger ward maps are available in Appendix 12

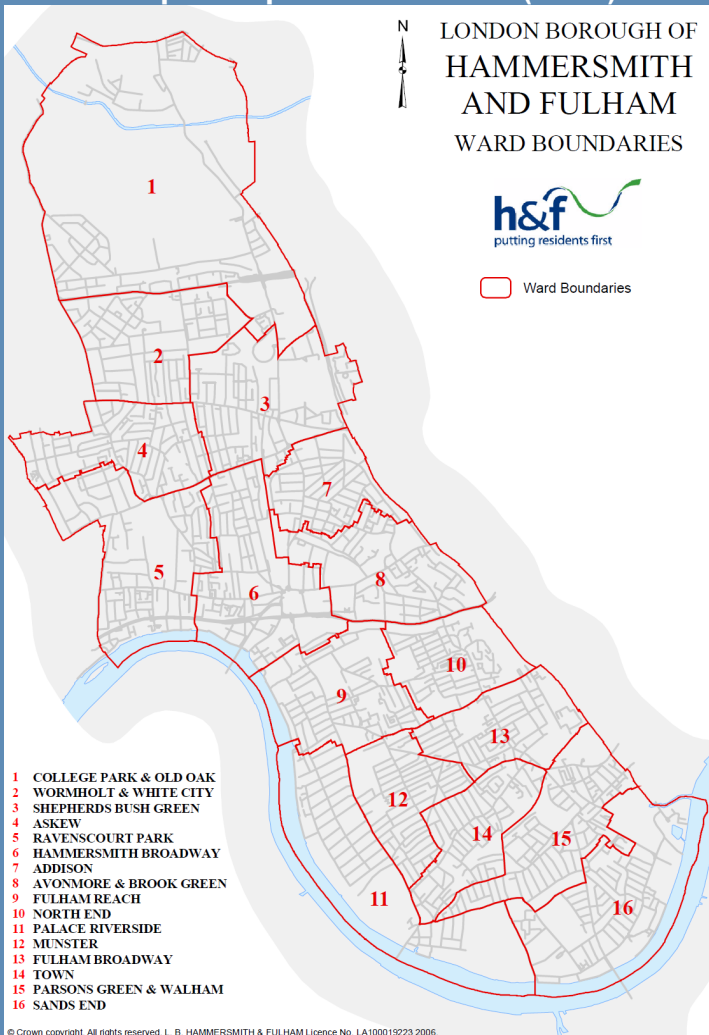
What other information, if any, can you provide on your suggestion?
E.g. other organisations involved, estimated costs (£), other committed or possible funding

Please put forward any other suggestions for spending Neighbourhood CIL to address demands placed on an area by development

Description of your suggestion

How does the suggestion address demands that development places on an area?

The suggestion helps address demands that development places on which (ward) area?



- 1. College Park & Old Oak
- 2. Wormholt & White City
- 3. Shepherds Bush Green
- 4. Askew
- 5. Ravenscourt Park
- 6. Hammersmith Broadway
- 7. Addison
- 8. Avonmore & Brook Green
- 9. Fulham Reach
- 10. North End
- 11. Palace Riverside
- 12. Munster
- 13. Fulham Broadway
- 14. Town
- 15. Parsons Green & Walham
- 16. Sands End

Larger ward maps are available in Appendix 12

What other information, if any, can you provide on your suggestion?
E.g. other organisations involved, estimated costs (£), other committed or possible funding

Please continue on separate sheets as necessary

Form C: Comments on the Equalities Impact Assessment (EqIA)

Please use this form to make comments relating to the **Equalities Impact Assessment (EqIA)** (section 5.10 / Appendix 7 EqIA).

These representations will not be submitted to an independent examiner as they will not be part of the independent public examination. A summary of the representations will be made publicly available for inspection on the council's website.

Document or Appendix	Section or Page #	Comment
Appendix 7 EqIA		
Appendix 7 EqIA		
Appendix 7 EqIA		

Please continue on separate sheets as necessary

Appendix 12 Ward Maps

Higher resolution maps available from [www.lbhf.gov.uk/Directory/Council and Democracy](http://www.lbhf.gov.uk/Directory/Council%20and%20Democracy)

