

Community Infrastructure Levy Draft Charging Schedule (DCS)

Background Evidence



**Copies of Representations to Draft
Charging Schedule Consultation
(06 November 2020 to 20 December 2020)**

January 2021

London Borough of Bromley Planning Policy and Strategy

T: 0208 313 4344

E: LCIL@bromley.gov.uk

List of Respondents

ID	Organisation	Type
DCS-001	NHS London Healthy Urban Development Unit	Infrastructure Provider / Agency
DCS-002	Transport for London	Infrastructure Provider / Agency
DCS-003	Natural England	Infrastructure Provider / Agency
DCS-004	Aperfield Green Belt Action Group	Local Community / Interest Group
DCS-005	Highways England	Infrastructure Provider / Agency
DCS-006	Sport England	Infrastructure Provider / Agency
DCS-007	Environment Agency	Infrastructure Provider / Agency
DCS-008	Countryside Properties	Developer / Landowner
DCS-009	Countryside Properties and The Riverside Group	Developer / Landowner
DCS-010	Areli Real Estate	Developer / Landowner
DCS-011	Network Rail	Infrastructure Provider / Agency
DCS-012	Metropolitan Police	Infrastructure Provider / Agency
DCS-013 (via SurveyMonkey)	Cray Forum	Local Community / Interest Group
DCS-014 (via SurveyMonkey)	Orpington and District Archaeological Society	Local Community / Interest Group
DCS-015 (via SurveyMonkey)	Anonymous	Individual
DCS-016 (via SurveyMonkey)	Friends of Scadbury	Local Community / Interest Group
DCS-017 (via SurveyMonkey)	Anonymous	Individual
DCS-018 (via SurveyMonkey)	Resident	Individual

Renwick, James

From: Mary Manuel <Data Redacted>
Sent: 27 November 2020 13:18
To: Renwick, James
Cc: HINDELL, Lucy (NHS BROMLEY CCG); L_CIL (Local Community Infrastructure Levy)
Subject: Re: Bromley CIL Draft Charging Schedule Consultation

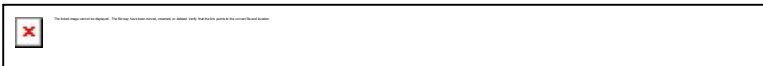
Hi James,

I'll check with Lucy and we'll ensure you're kept up to date and also the Health and Wellbeing Board.

Kind regards,

Mary

Mary Manuel
Head of the NHS London Healthy Urban Development Unit
<Data Redacted>



PLEASE NOTE THE EMAIL ADDRESS FOR THE NEL COVID-19 INCIDENT

ROOM: thccg.nelcoronavirus@nhs.net

From: Renwick, James <Data Redacted>
Sent: Friday, November 27, 2020 12:08 PM
To: Mary Manuel <Data Redacted>
Cc: HINDELL, Lucy (NHS BROMLEY CCG) <Data Redacted> L_CIL (Local Community Infrastructure Levy) <LCIL@bromley.gov.uk>
Subject: RE: Bromley CIL Draft Charging Schedule Consultation

Thanks Mary – I believe that the IDP contains all information supplied by the CCG as of the date of compiling the report (August 2020). As discussed, the IDP will periodically be revised (next iteration probably summer 2021, however feel free to share any emerging works on priorities.

Regards

James

From: Mary Manuel <Data Redacted>
Sent: 27 November 2020 11:55
To: Renwick, James<Data Redacted>
Cc: HINDELL, Lucy (NHS BROMLEY CCG) <Data Redacted>
Subject: Bromley CIL Draft Charging Schedule Consultation

Dear James,

Thank you for consulting the CCG and HUDU with regard to Bromley's Draft CIL Charging Schedule. We support the nil rating of health and related facilities in line with other London boroughs. We note that residential development which delivers additional care and support services will also be zero rated. While we understand that there are viability issues with regard to this type of development, we would ask that the Council continues to secure contributions from developments to mitigate their impact on health infrastructure through S106 agreements for these and other developments.

The Infrastructure Delivery Plan included in the consultation process does not include the health projects which have been shared with the Council and details provided by Lucy Hindell and colleagues. Please can you advise when an updated IDP will be published including these? Should you require any further detail before publication please can you liaise directly with Lucy, and keep me advised of timescales.

Kind regards,

Mary

Mary Manuel
Head of the NHS London Healthy Urban Development Unit
<Data Redacted>



PLEASE NOTE THE EMAIL ADDRESS FOR THE NEL COVID-19 INCIDENT ROOM: thccg.nelcoronavirus@nhs.net



Transport for London

4 December 2020

Bromley CIL Draft Charging Schedule
Planning Policy and Strategy
Civic Centre
Stockwell Close
Bromley
BR1 3UH

Transport for London
City Planning

5 Endeavour Square
Westfield Avenue
Stratford
London E20 1JN

Phone 020 7222 5600
www.tfl.gov.uk

By email: lcil@bromley.gov.uk

Dear Sir/Madam,

London Borough of Bromley Community Infrastructure Levy ~ Draft Charging Schedule.

Please note that these comments represent the views of Transport for London officers and are made entirely on a "without prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to this matter. The comments are made from TfL's role as a transport operator and highway authority in the area. These comments also do not necessarily represent the views of the Greater London Authority (GLA).

Thank you for giving Transport for London (TfL) the opportunity to comment on the LB Bromley Community Infrastructure Levy Draft Charging Schedule.

We are pleased to see amendments to the draft charging schedule based on our previous comments, including the reference to the MCIL2 Charging Schedule which took effect on the 1 April 2019. We are also pleased that the MCIL2 rate of £60 per square metre (applicable to CIL liable development in LB Bromley) is a consideration in the CIL viability updated evidence to support the borough-wide rates proposed. However, there are several matters that require clarity, which have been set out below.

Draft Charging Schedule

The CIL Regulations were amended in September 2019 and the formula for calculating CIL in England set out in Schedule 1. In the section entitled 'Liability to pay CIL', it would be clearer if reference was made to Regulation 40, Schedule 1. Also, the link to the Mayoral CIL web page is out of date and should be amended to: <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>.

Annual Infrastructure Funding Statement

We note that Table 3.3 of the Infrastructure Delivery Plan (IDP) refers to transport infrastructure costs (for example, rail, DLR, and BLE) being funded in whole or part from CIL. Paragraph 3.32 also mentions that Network Rail station enhancements would be funded in part by CIL (and section 106) and this is welcomed. However, transport infrastructure is not specified as one of the priorities for CIL funding in the IDP Schedule (Appendix 1). While, there is no longer a legislative requirement to produce a Regulation 123 List setting out projects, or types of infrastructure intended to be funded or part funded through CIL, authorities are required to set out infrastructure priorities for the forthcoming year in the Annual Infrastructure Funding Statement. To positively plan for infrastructure delivery, it would be useful to have an indication of the transport priorities for CIL spend in advance of this. This will enable priorities to be aligned with those of TfL as early in the process as possible.

We do appreciate that authorities are faced with competing priorities for CIL funding; however, TfL looks forward to working closely with you in ensuring that necessary transport infrastructure is prioritised and delivered in the borough to aid both the delivery of the local and London Plan, the Mayor's Transport Strategy and enable Good Growth.

In the meantime, if you wish to discuss any aspect of this response, please do not hesitate to contact me.

Yours faithfully,

<Data
Redacted>

Josephine Vos
Manager, London Plan and Planning Obligations Team

<Data Redacted>

Date: 25 November 2020
Our ref: 333140
Your ref: Community Infrastructure Levy Draft Charging Schedule



Mr B Johnson
Bromley CIL Draft Charging Schedule
Planning Policy and Strategy
London Borough of Bromley
Civic Centre
Stockwell Close
Bromley BR1 3UH

Hornbeam House
Crewe Business Park
Electra Way
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Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY
lcil@bromley.gov.uk

Dear Mr Johnson

Planning Consultation: London Borough of Bromley Community Infrastructure Levy Draft Charging Schedule Consultation

Thank you for your consultation request on the above Strategic Planning Consultation, dated 6th November 2020.

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

Natural England have **no comments** to make on this consultation.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Sharon Jenkins
Operations Delivery
Consultations Team
Natural England

Renwick, James

From: Sue Hossack <Data Redacted>
Sent: 20 November 2020 16:31
To: L_CIL (Local Community Infrastructure Levy)
Subject: BROMLEY'S COMMUNITY INFRASTRUCTURE LEVY

BROMLEY'S COMMUNITY INFRASTRUCTURE LEVY

Thank you for your letter outlining the draft charging structure. Whilst we are focused on the protection of the Green Belt and green spaces, we feel that the figures quoted appear proportionate and trust the charges made will be used for infrastructure and not other issues.

pp. PAUL MARSHALL
CHAIRMAN
APERFIELD GREEN BELT ACTION GROUP

Renwick, James

From: Morgan, Samantha <Data Redacted>
Sent: 13 November 2020 09:20
To: L_CIL (Local Community Infrastructure Levy)
Cc: Planning SE; Archer, Heather
Subject: Highways England Response for: #11760 London Borough of Bromley Community Infrastructure Levy Draft Charging Schedule Consultation

Consultation: London Borough of Bromley Community Infrastructure Levy Draft Charging Schedule Consultation

Highways England Ref: : #11760

Dear Sir/Madam,

Thank you for your email dated 6 November 2020 regarding the above draft charging schedule.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Our interest in such strategy documents is specifically focussed on the council's approach to highway and transport matters in relation to regeneration and new development. We are keen to understand how local authorities initially identify and prioritise transport improvements in order to deliver sustainable development. Specifically how local authorities set and implement policy to manage trip demand and ultimately how these might contribute to the safe and efficient operation of the Strategic Road Network for which we are responsible. For Bromley, our interests lie in the M25 and A20.

It should be noted that, in accordance with MHCLG guidance, any development contributions towards SRN improvements would usually be secured via S278 agreements, and not via a CIL Reg123 List or S106. The use of S278s will enable multiple sites to contribute if appropriate, and also secures the Secretary of State's position by ensuring that 100% of contributions go towards the SRN improvement.

Thank you again for involving us in your consultation process. I trust that the above comments are of assistance to you and look forward to our continued involvement with the development of your Local Plan. Please continue to consult us via our inbox: planningse@highwaysengland.co.uk.

Kind Regards,

Samantha Morgan (Sent of behalf of Janice Burgess Area 5 Spatial Planner)
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ
Web: <https://highwaysengland.co.uk>

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Highways England Company Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF | <https://www.gov.uk/government/organisations/highways-england> | info@highwaysengland.co.uk

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Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ

Consider the environment. Please don't print this e-mail unless you really need to.

Renwick, James

From: Laura Hutson <Data Redacted>
Sent: 11 November 2020 15:50
To: L_CIL (Local Community Infrastructure Levy)
Subject: Draft CIL charging schedule

Thank you for consulting Sport England on the LBB draft CIL charging schedule. Sport England is pleased to note that sports facilities do not appear to be liable to pay CIL.

Most community sports facilities such as leisure centres, playing fields etc are operated by local authorities, clubs and voluntary organisations on a not for profit basis to meet community needs. If CIL was charged for new facilities, or enhancements to existing facilities, this may have viability implications for implementing the proposals.

Sport England is therefore supportive of the schedule as currently set out.

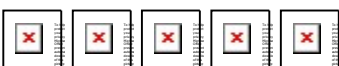
Kind regards,

Laura Hutson
Planning Manager

<Data Redacted>



Level 1 21 Bloomsbury Street WC1B 3HF



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [Gaile Walters](#)

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to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Louise Hartley, Sport England's Data Protection Officer directly by emailing DPO@sportengland.org



Planning Strategy and Projects
Planning Division
London Borough of Bromley
Bromley BR1 3UH

Ourref: SL/2009/105151/OR-05/PO1

Your ref: Email

Date: 18 December 2020

Dear Sir/Madam,

Bromley Community Infrastructure Levy (CIL) Draft Charging Schedule Consultation

Thank you for consulting the Environment Agency on the above. We recommend regular reviews on the environmental infrastructure requirements informed by the latest evidence to enable the sustainable delivery of the ongoing and proposed development across Bromley:

- Maintained flood defences, surface water management systems and flood storage areas
- Improved river corridors and improved water
- Modern and climate change resilient waste management facilities

The existing environmental infrastructure may require updating and increased funding to ensure it is able to deal with more extreme weather events due to climate change. The [EA2025 plan](#) and the government [25 year environment plan](#) show the need for infrastructure to be regularly inspected and maintained to high standards and ensure it is resilient to more extreme weather events. For example flood defences across Bromley may require upgrading / replacing if they experience more pressure from increased numbers of flooding events. Also existing waste management sites may require upgrading and new modern buildings to prevent odour issues during warmer summer events. We recommend mapping the status of the current environmental infrastructure across the borough and then map the future infrastructure requirements to support the proposed housing growth.

We recommend integrating environmental infrastructure to deliver multiple environmental, social and economic benefits for residents, workers and visitors to Bromley. For example by identifying areas for improvement such as river restoration or linking green corridors across the borough will deliver multiple benefits. Bromley has a high number of rivers with some running underground through culverts. This may require additional investment to ensure the culverts remain effective and we are keen to work with you to develop a longer term plan for managing and improving the river network across Bromley. Attached is a map showing the high number of main rivers and flood zones across Bromley.

Please find more detailed information below for your consideration. We hope our response is helpful and if you have any questions or require more information please let me know.

Yours faithfully,

Charles Muriithi MRTPI
Planning Specialist

Kent and South London
<Data Redacted>

Well maintained flood defences, surface water management systems and flood storage areas

The borough is covered by two catchments; the Ravensbourne and the Darent and Cray. Both of these rivers and many of their tributaries have their source in Bromley and flow northwards through the borough towards the Thames. The western half of the borough is within the Ravensbourne catchment whereas the eastern part is within the Darent and Cray catchment.

Fluvial flooding is largely contained to the north of the borough, in close proximity to the Beck, River Ravensbourne, Kyd Brook and the River Cray. There are several key tributaries associated with these watercourses, as well as a network of ordinary watercourses which all contribute to fluvial flood risk in the borough. Flood risk management requires coordination of a variety of actions, including planning of developments, land management, flood warning, community involvement and structures to reduce flood risk. We have worked closely with London Borough of Bromley in identifying environmental issues contained within the adopted local plan and other strategies where the need for environmental infrastructure is addressed.

We are pleased to see that comments from our 2016, 2018 and 2020 consultations have been used to inform to the Infrastructure Delivery Plan. We note that the flood risk management schemes updates we provided have been used to update Table 14.1 Environment Agency Projects on page 68. The schemes updates are as follows:

- Ravensbourne East branch (Bromley Golf Centre) – Outline Business Case completed and finalising options.
- St James Stream at Upper Elmers End - Outline business case completed and reviewed. Options have been identified that would improve flood risk, but due to lack of funding, progress is uncertain.
- Beck (east Branch) at Park Langley - Outline business case completed and reviewed. Options have been identified that would improve flood risk, but due to lack of funding, progress is uncertain.
- Kyd Brook at Petts Wood- Project proposal is not going forward in its previous format due to feasibility, and we are bidding for funding for a potential scheme at Pett's Wood within our next 6 year flood and coastal erosion risk management investment programme.

Existing corridors of land along the river frontage should be safeguarded and opportunities taken to set back development to enable sustainable and cost effective flood risk management, including upgrading of river assets. Flood awareness and robust emergency planning and response will additionally be critical to sustainable ongoing flood risk management.

It is our intention to use proposals for Community Infrastructure Levy charging schedules to secure funding for flood risk management schemes that are unlikely to be wholly funded through Central or Local government funds. CIL will help complement other funding sources and fill gaps that remain as more funding for flood risk infrastructure will be expected to be provided locally as the traditional form of Grant in Aid is being reduced. This could be infrastructure schemes to mitigate the impacts of surface water runoff, reduce flood risk, river restoration projects, or projects to deliver river basin management plan objectives, where they

can be clearly linked to open space or flood defence benefits or other flood risk management infrastructure.

We are pleased to note that the Draft Charging Schedule recognises the need to keep the Infrastructure Delivery Plan (IDP) as a 'living' document which will be updated as and when new infrastructure demands arise or projects are identified.

Improved river corridors and improved water quality

As part of the Water Framework Directive (WFD) all waterbodies are assessed for environmental quality. Currently the water environment and rivers across Bromley are generally assessed as requiring improvement.

The link below shows the latest status of the rivers across the Ravensbourne catchment and actions required to improve the water environment
Catchment Data Explorer link <https://environment.data.gov.uk/catchment-planning/>

We recommend the CiL levy focuses on how the river corridors and water quality across Bromley can be improved.

Waste management facilities

The existing two main council waste management sites at Waldo Road and Churchfields require upgrading work due to ongoing drainage issues and some odour complaints from the local community. We are aware some work is proposed during 2021 but longer term we recommend consideration of full demolition and rebuild or consider the potential for a new integrated and modern waste management facility for the LB of Bromley which could perhaps be funded through the Community Infrastructure Levy process.

A new modern integrated waste management facility in a single location would also remove the existing Waldo Road waste site from a high risk flood zone and away from a culverted river as flooding events are expected to increase in frequency we recommend considering alternative lower flood risk sites for a new waste management site. Modern waste management facilities would prevent disruption and amenity issues during a flood event or extreme heatwaves.

We recommend the Infrastructure Delivery Plan is updated to include the need for modern waste management facilities and how the ongoing development proposed could be used to fund new facilities. A new modern integrated waste site in Bromley would ensure compliance with the latest good practice and environmental Permitting guidance, fire prevention guidance and health and safety guidance. The objective is for all waste management activities to be conducted in modern and fully enclosed buildings to prevent odour and amenity issues and manage fire risk from waste sites. The London Plan policies and permitting good practice encourage full enclosure.



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Tel: +44 (0) 20 7493 4002

WE/CS/NJ/PD10858
Email: <Data Redacted>

Planning Policy
London Borough of Bromley
Bromley Civic Centre
Stockwell Close
Bromley
BR1 3UH

18 December 2020

Dear Sir or Madam

LONDON BOROUGH OF BROMLEY – BROMLEY COMMUNITY INFRASTRUCTURE LEVY CONSULTATION REPRESENTATIONS ON BEHALF OF COUNTRYSIDE PROPERTIES

On behalf of our client, Countryside Properties, we write to submit representations to the London Borough of Bromley, (LBB) in respect of the consultation exercise currently being undertaken in relation to the draft Community Infrastructure Levy (CIL) Charging Schedule.

Context for Representations

LBB are currently undertaking a consultation exercise in relation to the draft Community Infrastructure Levy (CIL) Charging Schedule. The draft charging schedule (2020) sets the following CIL charges:

Rates (<i>applicable across the whole administrative area of the London Borough of Bromley</i>)	Charge £ per sqm
Residential development excluding residential development which delivers additional care and support services	£100 per sqm
Large-scale purpose built shared living ¹ and purpose built student accommodation ²	£150 per sqm
Retail Warehousing ³ over 1000sqm	£100 per sqm
Supermarkets/foodstore over 280sqm (3,000 sq ft)	£100 per sqm
Other forms of development	£0 per sqm

This follows an initial consultation on the Borough's preliminary draft CIL Charging Schedule, which was undertaken in March 2018. This was also accompanied by a CIL Viability Evidence Report, which was completed in November 2018 by Dixon Searle. Following this consultation exercise, we understand the Council have reviewed the responses and revised the draft schedule accordingly. It should also be noted that following the initial consultation in March 2018, the Mayor has also adopted MCIL2 which increased Bromley's chargeable rate from £35 to £60.



This consultation seeks views with regard to the both the set rate for development floorspace and the blanket approach adopted by LBB when applying CIL. The feedback from these representations, we understand will be considered within Bromley's adopted Charging Schedule.

Policy Context

The Statutory development plan for Bromley Town Centre comprises:

- The 2016 London Plan;
- London Borough of Bromley Local Plan (2019); and
- London Borough of Bromley Town Centre Area Action Plan (2010).

Emerging Policy

The Greater London Authority (GLA) is currently in the process of preparing a new London Plan. The Mayor of London is in the process of preparing a new London Plan which is now at an advanced stage. The Mayor has recently announced that he will be formally approving the new draft London Plan on 21st December and will shortly thereafter submit this to the Secretary of State (SoS) as a response to the previous Directions by the SoS.

The LBB are not in the process of preparing a new Local Plan. However they are currently in the process of preparing Supplementary Planning Documents for both Bromley Town Centre and Orpington Town Centre.

Mayoral CIL

In February 2019 the Mayor adopted a new charging schedule (MCIL2). Which came into effect on the 1 April and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 and Crossrail 2. For LBB, the MCIL2 rate is set at £60 per sqm and will be applied to all net additional floorspace. MCIL2 will not, however, be applied to medical or educational floorspace.

Churchill Quarter

On 8th February 2017, the London Borough of Bromley (LBB) selected Countryside Properties as its preferred development partner to bring forward the first phase of Site 10, Churchill Quarter. This is located in the northern part of the allocation within Bromley Town Centre.

Bromley Town Centre is an Opportunity Area as outlined within the London Plan. Opportunity Areas, as defined within the London Plan, have the capacity to deliver 575,000 additional jobs and 303,000 addition new homes. This will be achieved through accommodating developments of higher densities in areas with good existing or potential public transport accessibility. Bromley Opportunity Area, as set out within the London Plan, has the capacity to deliver 2,000 new jobs and a minimum of 2,500 new homes. Furthermore, the Opportunity Area should promote Bromley Town Centre's role as a Metropolitan Town Centre through the delivery of new residential development and distinctive cultural, leisure and quality shopping experiences. Bromley Opportunity Area should also promote the enhancement of Bromley's business environment through the delivery of modern viable office provision.

The Bromley Local Plan specifically outlines the following in relation to Site Allocation 10:



- *Redevelopment for mixed use including 1230 residential units, offices, retail and transport interchange.*
- *Proposals will be expected to:*
 - *Incorporate a sensitive design which respects the adjoining low rise residential development whilst optimising its key town centre location.*
 - *Improve Bromley South Station Provide a high quality public realm and accessibility to and through the site.*
 - *Provide an attractive and active frontage to the High Street.*
 - *Be accompanied by a Masterplan to show how the proposed development is consistent with a comprehensive development of the site.*

The Churchill Quarter Site is located within Bromley Town Centre which is designated as both a Metropolitan Centre and an Opportunity Area within the London Plan as detailed above. The Site further lies within Site Allocation 10. The Site as existing comprises of twenty residential maisonette properties at Ethelbert Close, Bromley Town Church and Nos. 102 108 High Street.

On the 11th May 2018 Countryside Properties (UK) Limited submitted a planning application for the redevelopment of the Churchill Quarter site (ref: 18/02181/FULL1). The application proposals seek full planning permission for the following:

- Seven blocks, ranging between heights of 1 and 15 storeys (17 levels on the western boundary);
- 410 new residential units comprising of 116 x 1 bed units, 207 x 2 bed units and 37 x 3 bed units;
- 1315 sqm of new flexible community space (Use Class D1);
- 1193 sqm of commercial floor space (Use Class A1 / A3/ D1/ D2);
- 615 sqm of office / maker spaces (Use Class B1);
- 103 Car parking spaces;
- 807 cycle parking spaces; and
- Public realm improves including the redesign of Library Garden, upgrading of Churchill Way, areas allocated for public art in Library Gardens and the Site, and informal and formal play spaces.

There are currently ongoing negotiations with the Council in respect to the application proposals and various scheme amendments are under consideration. These are looking to positively respond to the feedback received through the statutory consultation process, whilst ensuring a deliverable scheme that meets the Councils strategic objectives as land owners and Partners.

Community Infrastructure Levy Consultation, November 2020

The following sections respond to the draft Charging Schedule and demonstrates how LBB's blanket approach to adopting a single CIL charge rate for residential development would be contrary to the aspirations of the Local Plan and would intrinsically discourage the delivery of much needed housing in the most sustainable location within the Borough.

Proposed Borough Wide CIL Rates

Whilst it is acknowledged that applying a flat rate is the simplest approach for LBB when considering CIL, this does not reflect or support the Council's and GLA's aims to deliver new development within the most sustainable locations including Opportunity Areas and Town Centres such as Bromley Town Centre.



Within the emerging London Plan, draft Policy GG2 (Making the best use of land) states that to create successful sustainable mixed-use places, which make the best use of land, those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas, surplus public land and sites within and on the edge of town centres. The policy further states that Sites should be prioritised for development which are well-connected by existing or planned public transport and developments should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development particularly in locations which are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

This approach of delivering development in sustainable places is further echoed within LBB's Local Plan. Paragraph 1.4.15 of the Local Plan states that new housing to meet and exceed where possible, the minimum 641 London Plan target should be provided in sustainable locations, close to existing facilities and re-use brownfield sites. We already know that this requirement will be increasing within the new London Plan, and thereafter further through the new central Government Standard Methodology which we consider further below.

Furthermore, emerging Policy SD1 (Opportunity Areas) of the Intend to Publish Version of the London Plan states that the ensure Opportunity Areas fulfil their potential Boroughs should support development which creates employment opportunities and housing choices for Londoners.

At a local level, Policy 90 (Bromley Town Centre Opportunity Area) of the LB Local Plan identifies that Bromley Town Centre will deliver a minimum of 2,500 new homes and an indicative 2,000 jobs. Policy 92 (Metropolitan & Major Town Centres) further outlines that the Council will require development within Bromley Town Centre to contribute positively to the town's status as an Opportunity Area and to its role as a Metropolitan Centre.

The above clearly demonstrates that both the emerging London Plan and LBB Local Plan place emphasis on the need to deliver development within sustainable locations such as Opportunity Areas. LBB's current proposed approach for a flat chargeable rate for development would be in direct contradiction with this and would not provide any incentive to landowners and developers to deliver the strategic and local policy aspirations for development in sustainable locations.

At present, the draft schedule sets a flat rate for the whole borough and does not adopt an approach which differentiates the varying context of locations within the Borough. On the one hand, the borough comprises of a significant quantum of Green Belt and greenfield land but also has urban locations which are designated as opportunity and renewal areas. These varying spectrums pose different issues with significantly more costs associated with delivering developments on previously developed land in town centre locations such as Churchill Quarter. A blanket rate for the borough, would significantly impact the delivery of a number of urban schemes. As a predominately Green Belt borough, the opportunities to help deliver development in sustainable locations on previously developed land is imperative to help alleviate pressures on Green Belt land.

The adoption of 'zones' which better reflect the nature of the location such as Bromley's town centres, opportunity areas and renewal areas would be much more appropriate to acknowledge the different contexts. This approach would allow for varying rates, with a zero rate or reduced rate in areas where development is prioritised by planning policy at levels but also where there are significantly greater development costs associated with such schemes. This would help incentivise developers to bring forward schemes in these locations.

The accompanying Viability Report, prepared by Dixon Searle (July 2020) recognises that there is an alternative approach that could be adopted where a variable rate is adopted to key areas including Town Centres. An approach of this nature



was raised during the consultation exercise on the preliminary drafting schedule within a number of the responses received, however, the Council within their response to these consultation responses identify that the Council consider that a flat rate is a *'more practical approach and has been deemed affordable'*. Whilst it is acknowledged that the proposed approach would be simpler, the Borough has a duty to ensure sustainable development is brought forward. As outlined above, in a borough which comprises a significant proportion of Green Belt land, it is imperative that the Council use all reasonable endeavours to ensure in the first instance housing and employment targets can be delivered within the locations identified and prioritised in the Local Plan. Applying a variable rate to CIL, where the rate charged for development is reduced in these areas, would assist LBB in achieving its policy aims and targets.

Viability and the delivery of Housing

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Whilst the adoption of the Local Plan is relatively recent and we understand LBB are not in the process of producing a new Local Plan, the London Mayor is shortly to adopt its new London Plan. Within the Intend to Publish London Plan, draft Table 4.1 identifies a housing target of 774 units per annum (ten year housing target of 7,740) for LBB. This represents an increase from the adopted London Plan and Local Plan (641 units), reflecting the Mayor's drive to increase housing delivery within the capital through the optimisation for housing delivery on all suitable and available sites. Against this increased target LBB's latest Annual Monitoring Report (November 2020) shows that the Council can only demonstrate 3.31 years of supply of housing. This automatically triggers para 11 of the National Planning Policy Framework and the presumption in favour of sustainable development. This can only lead to an increase in speculative residential development proposals in unplanned locations. A variable CIL rate would help discourage this and at worst at least ensure appropriate CIL levels are captured from such sites.

In addition to the above, it should also be noted that the Government published on 16th December details of a new standard methodology to calculate housing need. This increases LBB's annual need to 1,211 units per annum thus exacerbating this situation even further.

It is clear therefore that LBB need to significantly deliver additional housing to meet not only their current adopted target but any increase in this which may be applied upon both the adoption of the new London Plan and the revisions to the Standard Housing Methodology.

The adoption of the Borough's blanket CIL charging rate for development, will significantly impact the viability of projects in many sustainable and prioritised locations, which could result in a number of developments unable to be brought forward. This would undermine the ability of the Council to address its growing housing shortfall. Whilst it is acknowledged that CIL plays an important role to generate funding for infrastructure to support new development, this should not be at the expense of bringing forward sustainable and Plan led development within the Borough. Paragraph 10 of the NPPG states that *'when deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on the viability of development'*. It is considered that LBB's draft charging schedule does not achieve an *'appropriate balance'* as it has the potential to discourage developers to bring forward much needed housing.



The Viability Report that supports the draft arguing Schedule clearly recognises that an alternative approach could be appropriate.

We therefore encourage LBB to review the rate for residential development and look to apply a reduction in identified urban areas where there are higher cost implications for developers to bring forward sites. This would ensure that much needed housing is delivered alongside other policy aspirations for these locations.

Indeed through proper viability testing of the CIL rates it is possible that in strategically important locations for redevelopment a zero CIL rate is appropriate for some uses including housing.

Conclusions

In summary, whilst we acknowledge the need for LBB to adopt a CIL Charging schedule to ensure sufficient funding is raised through developments to deliver additional infrastructure within the Borough, the current draft Schedule presents significant implications for both the delivery of developments within urban locations but also the much needed housing development within the Borough. There is both a clear drive at national, regional and local level to ensure development is delivered in sustainable locations on previously developed land including Opportunity Areas, Town Centres and Site allocations and the current approach to CIL provides no incentive for developers and landowners to do this. .

Given the importance of the CIL Charging Schedule for developers in the Borough, we look forward to further engagement with the Council as this is progressed to adoption.

We trust these comments are useful however should you require any clarification of the issues raised in this letter, please do not hesitate to contact Chloe Saunter or myself at this office.

Yours sincerely,

WILL EDMONDS

PARTNER

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Planning Policy
London Borough of Bromley
Bromley Civic Centre
Stockwell Close
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18 December 2020

Dear Sir or Madam

LONDON BOROUGH OF BROMLEY – BROMLEY COMMUNITY INFRASTRUCTURE LEVY CONSULTATION REPRESENTATIONS ON BEHALF OF COUNTRYSIDE PROPERTIES AND THE RIVERSIDE GROUP

On behalf of our clients, Countryside Properties and The Riverside Group, we write to submit representations to the London Borough of Bromley, (LBB) in respect of the consultation exercise currently being undertaken in relation to the draft Community Infrastructure Levy (CIL) Charging Schedule.

Context for Representations

LBB are currently undertaking a consultation exercise in relation to the draft Community Infrastructure Levy (CIL) Charging Schedule. The draft charging schedule (2020) sets the following CIL charges:

Rates (<i>applicable across the whole administrative area of the London Borough of Bromley</i>)	Charge £ per sqm
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Retail Warehousing ³ over 1000sqm	£100 per sqm
Supermarkets/foodstore over 280sqm (3,000 sq ft)	£100 per sqm
Other forms of development	£0 per sqm

This follows an initial consultation on the Borough's preliminary draft CIL Charging Schedule, which was undertaken in March 2018. This was also accompanied by a CIL Viability Evidence Report, which was completed in November 2018 by Dixon Searle. Following this consultation exercise, we understand the Council have reviewed the responses and revised the draft schedule accordingly. It should also be noted that following the initial consultation in March 2018, the Mayor has also adopted MCIL2 which increased Bromley's chargeable rate from £35 to £60.



This consultation seeks views with regard to the both the set rate for development floorspace and the blanket approach adopted by LBB when applying CIL. The feedback from these representations, we understand will be considered within Bromley's adopted Charging Schedule.

Policy Context

The Statutory development plan for Pike Close comprises:

- The 2016 London Plan; and
- London Borough of Bromley Local Plan (2019).

Emerging Policy

The Greater London Authority (GLA) is currently in the process of preparing a new London Plan. The Mayor of London is in the process of preparing a new London Plan which is now at an advanced stage. The Mayor has recently announced that he will be formally approving the new draft London Plan on 21st December and will shortly thereafter submit this to the Secretary of State (SoS) as a response to the previous Directions by the SoS.

The LBB are not in the process of preparing a new Local Plan. However they are currently in the process of preparing Supplementary Planning Documents for both Bromley Town Centre and Orpington Town Centre.

Mayoral CIL

In February 2019 the Mayor adopted a new charging schedule (MCIL2). Which came into effect on the 1 April and superseded MCIL1. MCIL2 will be used to fund Crossrail 1 and Crossrail 2. For LBB, the MCIL2 rate is set at £60 per sqm and will be applied to all net additional floorspace. MCIL2 will not, however, be applied to medical or educational floorspace.

PIKE CLOSE, BURNT ASH HEIGHTS

Pike Close Estate is located to the west of Burnt Ash Lane and extends approximately 0.9ha. The Estate currently comprises of 92 residential units. The Estate is located within the Ravensbourne, Plaistow & Sundridge Renewal Area, which has been identified by the LBB as an area where proposals should provide demonstrable economic, social, and environmental benefits.

Pre-application engagement with local residents, the GLA and LBB has been undertaken in relation to the Site's redevelopment since 2016. In 2018, Countryside were selected as joint development partner alongside the Riverside Group, a registered affordable housing provider, to bring forward the redevelopment of the Pike Close Estate.

Since the appointment of Countryside the scheme has continued to evolve and engagement has been continued to be undertaken with key stakeholders. Between the 22 March and the 15 April 2019 a ballot, in accordance with the Mayor of London's ballot requirements for new regeneration projects, was held. An offer document was produced by Riverside which was voted on by local residents and of the 86 eligible votes, 77 of these were returned. 82% of the returned votes were in support of the regeneration of Pike Close and as such, the ballot was approved.



As a result of a clear majority voting in favour for the regeneration of Pike Close, the team are now in the process of working towards an application for the Site's regeneration. The proposed scheme will seek to reprovide the existing residential accommodation on the Site for residential alongside an uplift in residential units.

Community Infrastructure Levy Consultation, November 2020

The following sections respond to the draft Charging Schedule and demonstrates how LBB's blanket approach to adopting a single CIL charge rate for residential development would be contrary to the aspirations of the Local Plan and would intrinsically discourage the delivery of much needed housing in the most sustainable location within the Borough.

Proposed Borough Wide CIL Rates

Whilst it is acknowledged that applying a flat rate is the simplest approach for LBB when considering CIL, this does not reflect or support the Council's and GLA's aims to deliver new development within the most sustainable locations including Renewal Areas such Ravensbourne, Plaistow & Sundridge Renewal Area, which as set out above, Pike Close is situated within.

Within the emerging London Plan, draft Policy GG2 (Making the best use of land) states that to create successful sustainable mixed-use places, which make the best use of land, those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas, surplus public land and sites within and on the edge of town centres. The policy further states that Sites should be prioritised for development which are well-connected by existing or planned public transport and developments should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development particularly in locations which are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

This approach of delivering development in sustainable places is further echoed within LBB's Local Plan. Paragraph 1.4.15 of the Local Plan states that new housing to meet and exceed where possible, the minimum 641 London Plan target should be provided in sustainable locations, close to existing facilities and re-use brownfield sites. We already know that this requirement will be increasing within the new London Plan, and thereafter further through the new central Government Standard Methodology which we consider further below.

Furthermore, Policy 13 (Renewal Areas) of the LB Local Plan states that the Council will seek to maximise opportunities for the enhancement and improvement within Renewal Areas. Renewal Areas will be required to maximise opportunities to deliver high quality environments, support health and wellbeing, create inclusive communities, encourage an appropriate mix of housing tenures, make a positive contribution to the vitality of local centres and improve accessibility.

The above clearly demonstrates that both the emerging London Plan and LBB Local Plan place emphasis on the need to deliver development within sustainable locations such as Renewal Areas. LBB's current proposed approach for a flat chargeable rate for development would be in direct contradiction with this and would not provide any incentive to landowners and developers to deliver the strategic and local policy aspirations for development in sustainable locations.

At present, the draft schedule sets a flat rate for the whole borough and does not adopt an approach which differentiates the varying context of locations within the Borough. On the one hand, the borough comprises of a significant quantum of Green Belt and greenfield land but also has urban locations which are designated as opportunity and renewal areas. These varying spectrums pose different issues with significantly more costs associated with delivering developments on previously developed land in town centre locations such as Pike Close. A blanket rate for the borough, would significantly



impact the delivery of a number of urban schemes. As a predominately Green Belt borough, the opportunities to help deliver development in sustainable locations on previously developed land is imperative to help alleviate pressures on Green Belt land.

The adoption of 'zones' which better reflect the nature of the location such as town centres, opportunity areas and renewal areas would be much more appropriate to acknowledge the different contexts. This approach would allow for varying rates, with a zero rate or reduced rate in areas where development is prioritised by planning policy at levels but also where there are significantly greater development costs associated with such schemes. This would help incentivise developers to bring forward schemes in these locations.

The accompanying Viability Report, prepared by Dixon Searle (July 2020) recognises that there is an alternative approach that could be adopted where a variable rate is adopted to key areas including Renewal Areas. An approach of this nature was raised during the consultation exercise on the preliminary drafting schedule within a number of the responses received, however, the Council within their response to these consultation responses identify that the Council consider that a flat rate is a '*more practical approach and has been deemed affordable*'. Whilst it is acknowledged that the proposed approach would be simpler, the Borough has a duty to ensure sustainable development is brought forward. As outlined above, in a borough which comprises a significant proportion of Green Belt land, it is imperative that the Council use all reasonable endeavours to ensure in the first instance housing and employment targets can be delivered within the locations identified and prioritised in the Local Plan. Applying a variable rate to CIL, where the rate charged for development is reduced in these areas, would assist LBB in achieving its policy aims and targets.

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In addition to the above, it should also be noted that the Government published on 16th December details of a new standard methodology to calculate housing need. This increases LBB's annual need to 1,211 units per annum thus exacerbating this situation even further.



It is clear therefore that LBB need to significantly deliver additional housing to meet not only their current adopted target but any increase in this which may be applied upon both the adoption of the new London Plan and the revisions to the Standard Housing Methodology.

The adoption of the Borough's blanket CIL charging rate for development, will significantly impact the viability of projects in many sustainable and prioritised locations, which could result in a number of developments unable to be brought forward. This would undermine the ability of the Council to address its growing housing shortfall. Whilst it is acknowledged that CIL plays an important role to generate funding for infrastructure to support new development, this should not be at the expense of bringing forward sustainable and Plan led development within the Borough. Paragraph 10 of the NPPG states that *'when deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on the viability of development'*.

This is especially important for Sites such as Pike Close, which are to be delivered in combination with a Registered Housing Provider. The Mayor's Estate Regeneration draft policy within the Intend to Public London Plan (draft Policy H8 Loss of existing housing and estate redevelopment) requires all development proposals that include the demolition and replacement of affordable housing to follow the Viability Tested Route and should seek to provide an uplift in affordable housing in addition to the replacement affordable housing floorspace. Adopting a CIL charge to these types of housing schemes has the ability to significantly affect the viability of schemes and as such, hinder their ability to deliver any uplift affordable housing, which is a strategic priority for both the GLA and LBB. It is considered therefore that LBB's draft charging schedule does not achieve an *'appropriate balance'* as it has the potential to discourage developers to bring forward much needed housing.

The Viability Report that supports the draft Charging Schedule clearly recognises that an alternative approach could be appropriate.

We therefore encourage LBB to review the rate for residential development and look to apply a reduction in identified urban areas where there are higher cost implications for developers to bring forward sites. This would ensure that much needed housing is delivered alongside other policy aspirations for these locations.

Indeed through proper viability testing of the CIL rates it is possible that in strategically important locations for redevelopment a zero CIL rate is appropriate for some uses including housing.

Conclusions

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Given the importance of the CIL Charging Schedule for developers in the Borough, we look forward to further engagement with the Council as this is progressed to adoption.

We trust these comments are useful however should you require any clarification of the issues raised in this letter, please do not hesitate to contact Chloe Saunter or myself at this office.



Yours sincerely,

WILL EDMONDS

PARTNER

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Planning Policy
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18 December 2020

Dear Sir or Madam

LONDON BOROUGH OF BROMLEY – BROMLEY COMMUNITY INFRASTRUCTURE LEVY CONSULTATION REPRESENTATIONS ON BEHALF OF ARELI REAL ESTATE

On behalf of our client, Areli Real Estate, we write to submit representations to the London Borough of Bromley, (LBB) in respect of the consultation exercise currently being undertaken in relation to the draft Community Infrastructure Levy (CIL) Charging Schedule.

Context for Representations

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This consultation seeks views with regard to the both the set rate for development floorspace and the blanket approach adopted by LBB when applying CIL. The feedback from these representations, we understand will be considered within Bromley's adopted Charging Schedule.

Policy Context

The Statutory development plan for Bromley Town Centre comprises:

- The 2016 London Plan; and
- London Borough of Bromley Local Plan (2019).

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The LBB are not in the process of preparing a new Local Plan. However they are currently in the process of preparing Supplementary Planning Documents for both Bromley Town Centre and Orpington Town Centre.

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Areli Real Estate

Areli Real Estate have a land interest within Orpington Town Centre, specifically the Walnut Shopping Centre Site. Areli purchased the Walnuts Shopping Centre Site in September 2019 and will bring forward the Site for redevelopment. The Walnuts Shopping Centre is located within the Orpington Town Centre and comprises a mix of retail, leisure and commercial uses. Orpington town centre is a designated Major Town Centre towards which growth and regeneration should be strategically targeted towards in accordance with adopted Development Plan policy and National Planning Guidance. Critically policy at all levels requires redevelopment opportunities in such a location to be optimised in order to reduce pressure for development in less sustainable locations including the Green Belt, the protection of which continues to be strongly advocated.

The Walnuts Shopping Centre represents an exciting regeneration opportunity within the town centre which has the potential to bring forward a wide range of appropriate town centre uses including a significant quantum of residential accommodation for the Borough. Areli Real Estate have begun consultation on the redevelopment of the Site with key stakeholders and the London Borough of Bromley. The proposal to date comprises of the redevelopment of the Walnuts Shopping Centre Site to provide a mixed use development comprising of residential, commercial and leisure uses. The



redevelopment of the Site which includes both the Walnuts Shopping Centre and Walnuts Leisure Centre will provide approximately 1000 new homes, a state of the art new leisure facility, high quality floorspace for retail and other town centre uses and new high quality public realm including a new civic town square.

Community Infrastructure Levy Consultation, November 2020

The following sections respond to the draft Charging Schedule and demonstrates how LBB's blanket approach to adopting a single CIL charge rate for residential development would be contrary to the aspirations of the Local Plan and would intrinsically discourage the delivery of much needed housing in the most sustainable location within the Borough.

Proposed Borough Wide CIL Rates

Whilst it is acknowledged that applying a flat rate is the simplest approach for LBB when considering CIL, this does not reflect or support the Council's and GLA's aims to deliver new development within the most sustainable locations including major Town Centres like Orpington.

Within the emerging London Plan, draft Policy GG2 (Making the best use of land) states that to create successful sustainable mixed-use places, which make the best use of land, those involved in planning and development must enable the development of brownfield land, particularly in Opportunity Areas, surplus public land and sites within and on the edge of town centres. The policy further states that Sites should be prioritised for development which are well-connected by existing or planned public transport and developments should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development particularly in locations which are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

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Furthermore, Policy 13 (Renewal Areas) of the LB Local Plan states that the Council will seek to maximise opportunities for the enhancement and improvement within Renewal Areas. Renewal Areas will be required to maximise opportunities to deliver high quality environments, support health and wellbeing, create inclusive communities, encourage an appropriate mix of housing tenures, make a positive contribution to the vitality of local centres and improve accessibility.

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At present, the draft schedule sets a flat rate for the whole borough and does not adopt an approach which differentiates the varying context of locations within the Borough. On the one hand, the borough comprises of a significant quantum of Green Belt and greenfield land but also has urban locations which are designated as opportunity and renewal areas. These varying spectrums pose different issues with significantly more costs associated with delivering developments on



previously developed land in town centre locations such as the Walnuts Shopping Centre. A blanket rate for the borough, would significantly impact the delivery of a number of urban schemes. As a predominately Green Belt borough, the opportunities to help deliver development in sustainable locations on previously developed land is imperative to help alleviate pressures on Green Belt land.

The adoption of 'zones' which better reflect the nature of the location such as Bromley's town centres, opportunity areas and renewal areas would be much more appropriate to acknowledge the different contexts. This approach would allow for varying rates, with a zero rate or reduced rate in areas where development is prioritised by planning policy at levels but also where there are significantly greater development costs associated with such schemes. This would help incentivise developers to bring forward schemes in these locations.

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In addition to the above, it should also be noted that the Government published on 16th December details of a new standard methodology to calculate housing need. This increases LBB's annual need to 1,211 units per annum thus exacerbating this situation even further.

It is clear therefore that LBB need to significantly deliver additional housing to meet not only their current adopted target but any increase in this which may be applied upon both the adoption of the new London Plan and the revisions to the Standard Housing Methodology.

The adoption of the Borough's blanket CIL charging rate for development, will significantly impact the viability of projects in many sustainable and prioritised locations, which could result in a number of developments unable to be brought forward. This would undermine the ability of the Council to address its growing housing shortfall.

The Borough's blanket CIL charging rate for development further hinders the delivery of Town Centre regeneration schemes such as Orpington Town Centre. Within recent Government announcements, the regeneration of the high street and the strategic regeneration of declining town centres has been identified as a key focus for both central and local Government. Large scale town centre regeneration projects are hugely complex in nature often requiring land use assembly and lease term considerations.

The delivery of residential uses alongside other town centre uses is an important part of scheme deliverability.

As a result of this, the delivery of Town Centre regeneration schemes are often costly and complex and the delivery of residential uses as part of mixed use schemes is an important part of scheme deliverability. The adoption therefore of a blanket CIL rate for development does not take into account these complexities of these types of schemes or provide any incentive for high quality town centre regeneration scheme to come forward. Adoption of such an approach can only serve to frustrate the successful delivery of such important regeneration objectives and encourage residential development in non-town centre locations.

Whilst it is acknowledged that CIL plays an important role to generate funding for infrastructure to support new development, this should not be at the expense of bringing forward sustainable and Plan led development within the Borough. Paragraph 10 of the NPPG states that '*when deciding the levy rates, an authority must strike an appropriate balance between additional investment to support development and the potential effect on the viability of development*'. It is considered that LBB's draft charging schedule does not achieve an '*appropriate balance*' as it has the potential to discourage developers to bring forward much needed housing.

The Viability Report that supports the draft Charging Schedule clearly recognises that an alternative approach could be appropriate.

We therefore encourage LBB to review the rate for residential development and look to apply a reduction in identified urban areas where there are higher cost implications for developers to bring forward sites. This would ensure that much needed housing is delivered alongside other policy aspirations for these locations.

Indeed through proper viability testing of the CIL rates it is possible that in strategically important locations for redevelopment a zero CIL rate is appropriate for some uses including housing.



Conclusions

In summary, whilst we acknowledge the need for LBB to adopt a CIL Charging schedule to ensure sufficient funding is raised through developments to deliver additional infrastructure within the Borough, the current draft Schedule presents significant implications for both the delivery of developments within urban locations but also the much needed housing development within the Borough. There is both a clear drive at national, regional and local level to ensure development is delivered in sustainable locations on previously developed land including Opportunity Areas, Town Centres and Site allocations and the current approach to CIL provides no incentive for developers and landowners to do this. .

Given the importance of the CIL Charging Schedule for developers in the Borough, we look forward to further engagement with the Council as this is progressed to adoption.

We trust these comments are useful however should you require any clarification of the issues raised in this letter, please do not hesitate to contact Chloe Saunter or myself at this office.

Yours sincerely,

WILL EDMONDS

PARTNER

<Data Redacted>

MONTAGU EVANS LLP

Renwick, James

From: Oliver Owen <Data Redacted>
Sent: 18 December 2020 16:03
To: L_CIL (Local Community Infrastructure Levy)
Subject: London Borough of Bromley Community Infrastructure Levy Draft Charging Schedule Consultation

OFFICIAL

Dear Bromley CIL Team

Thank you for consulting Network Rail on the CIL Draft Charging Schedule.

We have reviewed the Infrastructure Delivery Plan and Schedule table 2020 and confirm that all railway/station enhancement projects within LB Bromley have been included and no further projects have been identified for inclusion at this stage.

Please let me know if you have any questions.

Regards

Olly



Oliver Owen
Senior Town Planner | Group Property
One Eversholt Street, London, NW1 2DN
[<Data Redacted>](#)

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18 December 2020

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Dear Sir/Madam,

CONSULTATION ON LONDON BOROUGH OF BROMLEY COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE (SEPTEMBER 2020)

Lambert Smith Hampton (LSH) has been instructed by the Metropolitan Police Service (MPS) to make representations to the above consultation. This representation relates to S106/CIL contributions to mitigate impact on crime and the emerging MPS infrastructure requirement for neighbourhood police facilities.

This representation also includes the MPS infrastructure requirement for a car pound. We note that this is not applicable to the above consultation; however we are keen to engage with LB Bromley on this matter.

Background

Representations were previously made to the LB Bromley CIL preliminary draft charging schedule (PDCS) (March 2018) consultation, on behalf of the MPS, in a letter dated 9 March 2018.

We are pleased to see that the comments submitted to the Council have been incorporated as part of the Infrastructure Delivery Plan (IDP) Update Report 2020 (September 2020).

Section 106 / CIL contributions to mitigate impact on crime

Policy 1 (Housing Supply) of the London Borough of Bromley's Local Plan (January 2019) states that, *"The Council will make provision for a minimum average of 641 additional homes per annum over the ten year plan period and where possible over the fifteen year plan period"*. The sub text to this Policy, at paragraph 2.1.4, states that, *"The Borough has a housing provision figure of 641 units per annum (6413 for the 10 years 2015/16 - 2014/25) as set out in Table 3.1 of the London Plan to assist in meeting requirements across London."* In terms of employment in the Borough, paragraph 6.1.2 of the Local Plan states that, *"Employment in the Borough is forecast to increase by 22% from 116,000 jobs in 2011 to 141,000 jobs in 2031 (GLA 2016 Labour Market Projections). The Local Plan evidence base identifies a significant requirement for office space, driven by business services and financial services, as well as growth in employment in utilities, wholesale, retail and transport/storage. Bromley has one of the largest economies of London boroughs outside the Central Activities Zone."* Growth in other land uses such as retail and hotels is also expected.

The growth in homes, offices and other uses will significantly increase the need for policing and the cost for associated infrastructure. This therefore represents a legitimate infrastructure requirement that should be accounted for.

We are pleased to see that the LB Bromley's Local Plan makes reference to 'policing' as infrastructure. The MPS have to move towards securing S106/CIL from development due to the impacts on crime. The MPS would like to have the ability to receive financial contributions during the LB Bromley's Local Plan period, and are in the process of working up a formula linking to development impacts which should be available soon.

A breakdown of non-property related infrastructure sought by the MPS in the future is detailed below. This list has been taken from other Police and Crime Commissioners who are already receiving financial contributions;

- **Staff set up costs**
 - Uniforms.
 - Radios.
 - Workstation/Office equipment.

- Training.

- **Vehicles**

- Patrol vehicles.
- Police community support officers (PCSO) vehicles.
- Bicycles.

- **Mobile IT:** The provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office in order to maintain a visible presence.

- **CCTV technologies:** Automatic Number Plate Recognition (ANPR) cameras to detect crime related vehicle movements.

- **Police National Database (PND):** Telephony, licenses, IT, monitoring and the expansion of capacity to cater for additional calls.

We enclose an extract of the Draft Wandsworth Planning Obligations SPD (2020) at **Appendix 1**, which provides an example of what the MPS are seeking to be included within LB Bromley's Infrastructure Study. We highlight that a number of other London Boroughs are now using this text.

In addition, we enclose an extract of the adopted Mid Sussex Development Infrastructure and Contributions SPD (July 2018) at **Appendix 2**, which shows how contributions are charged. There are quite a few Police and Crime Commissioners across the Country who are charging in this way.

Acceptance of Policing Infrastructure as a Legitimate S106 and CIL Charging Item

It is widely accepted and documented that policing infrastructure represents a legitimate item for inclusion within the CIL Charging Schedule. A number of policing authorities have sought legal advice on this issue and received confirmation of this. The advice also confirms that S106 and CIL infrastructure is not limited to buildings and could include equipment such as surveillance infrastructure and CCTV.

For example, in the case of *The Queen (on the application of The Police and Crime Commissioner for Leicestershire) v Blaby District Council* [2014] EWHC 1719 (Admin), Judge Foskett stated:

61...*"I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble about a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would plainly be the "consumer view" of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that in itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.*

62. *I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide the police with a sufficient contribution to its funding requirements to meet the demands of policing the new area."*

The above conclusions echo those reached in an earlier appeal case of *Land off Melton Road, Barrow-upon-Soar* (APP/X2410/A/12/2173673), in which the Secretary of State endorsed the following findings of the Inspector:

291...*"the twelfth core planning principle of the Framework... can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, "safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.*

292. *Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106*

financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me, why police equipment and other items of capital expenditure necessitated by additional development should not be so funded alongside, for example, additional classrooms and stock and equipment for libraries.” (emphasis added)”

There is an extensive array of Secretary of State and Planning Inspectorate decisions that compellingly support the above conclusions, including two in July 2017. Please refer to **Appendix 3** which details a number of appeals and court cases where the charges were found legitimate.

Neighbourhood police facility infrastructure requirement

The MPS have an emerging infrastructure requirement for neighbourhood police facilities that can provide a base of operation for officers of the MPS and can be secured through S106 agreements. Further information on the neighbourhood police facility will be disclosed soon.

Requirement for a car pound

The MPS have an urgent infrastructure requirement for a car pound facility within the London Borough of Bromley or any other London Borough. The requirement is for 6 - 12 acres (2.5 - 5 hectares) of open industrial land (leased from private landlords or purchased freehold).

A car pound facility is where the MPS deal with vehicles that have been stolen, seized for motoring offences or for forensic examination. The MPS are finding that the owners of their existing car pound sites are seeking to pursue development opportunities and cease the current use when the lease permits. Both of the current car pound sites are subject to pressure for industrial and/or residential development and intensification of use.

The MPS are concerned that if their existing car pounds have to be vacated, this may have significant difficulties in operating their vehicle recovery and car pound service. The difficulties that exist in finding land for car pounds also extend to other aspects of policing, including the following:

- Driver training;

- Firearms training; and
- Dog Training.

We acknowledged that it may be difficult to deliver this car pound requirement within the London Borough of Bromley, but suggest that the Council work with the MPS to identify suitable plots for the delivery of a car pound facility within the borough, if possible.

Further to the above, the MPS request that the LB Bromley's Infrastructure Delivery Plan (IDP) includes a section highlighting the importance of the MPS car pound requirement in the borough.

Summary

As indicated above, it is widely accepted and documented that policing infrastructure represents a legitimate infrastructure requirement that should be accounted for. It is therefore important that policing is referred to as social infrastructure and as such, we are pleased to see that the LB Bromley's Infrastructure Delivery Plan (IDP) Update Report 2020 makes reference to emergency services. We do however, request that a section is also included in the LB Bromley's IDP confirming that policing infrastructure can be included within CIL/S106.

The MPS also have an emerging infrastructure requirement for neighbourhood police facilities that can be secured through S106 Agreements.

In addition to the above, the MPS have an infrastructure requirement for a car pound facility, which we acknowledge may be difficult to deliver within the Borough. We note that this requirement is not relevant to this consultation; however we are keen to engage with the Council to discuss how the MPS car pound requirement can be accounted for in the borough and the potential for a site allocation in the future, if possible.

We look forward to hearing from you once you have had a chance to review the contents of this representation.

Yours sincerely

Nicola Miller

Senior Planner

<Data Redacted>

Appendix 1 - Extract of the Draft Wandsworth Planning Obligations SPD (2020)

Wandsworth Local Plan **DCS-012**

Supplementary Planning Document

Planning Obligations



January 2020

Draft Consultation Version

8.8 There are revenue consequences of capital investment in new or improved premises, in terms of rent and service charges. This can make an on-site health facility offered by a developer at a market rent unaffordable, and options should be pursued to reduce or capitalise the rent.

8.9 Provision on-site for public facilities will be secured where a proposal directly increases the need for local access to such facilities or services, and where no spare capacity exists in the near vicinity and is not reasonably expected to be provided in the near future. On-site provision, as it is site specific in nature, will not forgo the need for developments to pay CIL.

8.10 The provision and improvement of health facilities enables services to be delivered in accordance with the Council's 'Joint Health and Wellbeing Strategy 2015-2020', meeting healthcare needs as identified in the [Joint Strategic Needs Assessment](#). Health and care organisations in Wandsworth are working together more closely to make services better connected and more joined up. The NHS, Council, voluntary sector and Healthwatch are developing a Local Health and Care Plan for how this might be achieved.

8.11 The South West London Sustainability and Transformation Plan (STP) places a strong emphasis on making best use of the current health estate. Therefore, the first priority will be to invest in increasing the capacity of existing premises, rather than investing in new buildings. This could involve extending or reconfiguring buildings, which will incur capital investment. Where new facilities are required, it is expected that they are capable of delivering services at scale, including primary and community services which serve a wider area. NHS England's General Practice Forward View (2016) supports the provision of primary care at greater scale, with larger practices and more joined up networks of GPs offering a wider range of services to patients, including extended opening hours. Recent NHS plans include proposals for primary care networks serving communities of around 30,000 to 50,000 patients.

8.12 Local public facilities could be needed to cater for developments or collections of neighbouring developments (where delivery is secured from no more than five separate s106 agreements) to address an uplift in residents and particular needs or requirements that might be identified given the nature of development. This is to ensure that mitigation can be addressed locally where development will have a significant stand alone impact on facilities.

8.13 The impact of large-scale development on the Metropolitan Police has funding implications, and it is widely accepted that policing infrastructure can be included within CIL and s106 obligations. S106 infrastructure is not limited to buildings and could include equipment such as surveillance infrastructure, CCTV, staff set up costs, vehicles, mobile IT and Police National Database. The Metropolitan Police is currently preparing a calculation formula to enable collection of financial contributions and this will be used when available by the Council.

8.14 In addition, for schemes referable to the Mayor the Metropolitan Police will liaise with developers to arrange on-site delivery of a Dedicated Ward Office (DWO). A Dedicated Ward office is a 24/7 base of operation for officers of the Metropolitan Police Service (MPS).

It is not a public facing office, but rather a location typically used by officers at the beginning and the end of their shifts. The MPS have identified the following locations in need of DWO coverage:

- Nightingale Ward
- Bedford Ward
- Graveney Ward
- Furzedown Ward
- Roehampton and Putney Heath

Indicative Thresholds

Indicative Thresholds for on site provision

The Council's population yield calculator (available on the Council's website) should be used to estimate the number of residents expected to result from proposed residential development.

For non-self contained accommodation (e.g. halls of residence), an assumption of one person per bedroom should be used.

Subject to an assessment of the existing capacity of public facilities, a requirement for on-site provision may be triggered on the following basis below:

Education

210 primary school age children = provision of 1 additional permanent form of entry (FE) in primary school (30 children per year)

150 secondary school age children = provision of 1 additional permanent FE in a local secondary school. Higher numbers may trigger a new school subject to existing capacity for expansion.

Community Use

Provision will be assessed on a case-by-case basis, should be proportional to the scale of the development, and should have regard to the existing local provision.

Health provision

The requirement for on-site health service provision should be assessed on a case-by-case basis, having regard to the current provision and capacity of services and premises, the cumulative demand for services in the wider area, and CCG service and estate strategies. Sites for new on-site provision should be assessed through the Local Plan process. Opportunities for the co-location of health services with other public services and community uses should also be explored.

1,000 residents = provision of emergency services facilities in discussion with providers.

Police Provision

Developments of 150 residential units or more and/or developments of 30 metres in height or more = Provision of District Ward Offices where applicable/required in discussion with the Metropolitan Police.

Extra care housing

Extra Care Requirements

Where Extra Care Housing and/or supported housing is proposed, including those to provide a private sector scheme and those seeking approval where part of a broader development scheme is proposed as a C2 use (as defined by the GLA topic paper on specialist older persons housing and set out below)*, these will be subject to a planning obligation.

Through a planning obligation, schemes will be required to demonstrate appropriate evidence to the Council that the development has:

- marketed locally to maximise take up to meet local needs;
- shown how the proposed care and support needs will be managed on-site, including where more specialist services are required;
- demonstrated what impact this will have on local needs and services and how these will be minimised; and
- demonstrated to the satisfaction of the Council the differentiation between certain elements of an Extra Care Housing/supported housing scheme so the Council is clear about the target client group and their needs with respect to access to health, care and support services. This is required in order to understand impacts which may need to be accounted for either as a factor in use of CIL payments or through obligations set out in a s106 agreement.

*All purpose built housing for older people which provides self-contained accommodation and their own lockable front door (whether within a block of flats or a group of houses) should be classed as C3 units. A C2 classification would only be considered where there is a clear and demonstrable exemplification as to why a C2 use should be considered (e.g. a portion of the scheme has specifically been designed to cater for individuals with

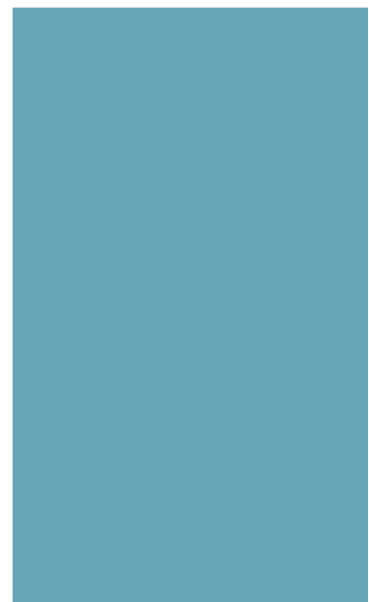
Appendix 2 - Extract of the adopted Mid Sussex Development Infrastructure and Contributions SPD (July 2018)

DCS-012



**Adopted
July 2018**

**Mid Sussex
Development
Infrastructure
and
Contributions
Supplementary
Planning
Document**



Emergency Services**Police**

3.94. The additional population generated by development will place an increased demand on the level of policing for the area. To maintain current levels of policing, developer contributions towards the provision of capital infrastructure are required as Sussex Police do not have capacity and funding ability to respond to growth caused by additional housing.

3.95. Details of provision are set out in Appendix 4.

Fire and Rescue

3.96. Adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. Works may also be needed to fulfil the Fire Authority's duty to ensure the provision of an adequate supply of water for firefighting. Requirements for the provision of fire hydrants affixed to water mains and to carry out other works necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be sought either as planning conditions or possibly through a planning obligation.

3.97. In addition, contributions may be sought via a planning obligation towards the provision of a new fire station or the extension of an existing station so as to enable the fire authority to meet the nationally prescribed standards of fire cover for the area.

3.98. Guidelines to assist landowners and developers are set out in Appendix 4.

Flood mitigation and Water Infrastructure**Sustainable Drainage Systems**

3.99. Early consideration of drainage is important so that developments can be constructed around natural water features such as watercourses and ponds and make use of natural land levels. The provision of on-site Sustainable Drainage Systems (SuDS) and on-site flood-mitigation measures is secured through a planning condition and/ or planning obligation. Where Sustainable Drainage Systems are provided, arrangements must be put in place for their management and maintenance. West Sussex County Council may charge a fee for lifetime monitoring of SuDS for major developments, where the maintenance of drainage falls to a commercial management company. The arrangements for this will be set out in the planning obligation.

3.100. The County Council as Lead Local Flood Authority (LLFA) is the risk management authority responsible for local flood risk defined as flooding from surface water, groundwater and ordinary watercourses. All major development³³ proposals must take account of the policy statement for surface water management, the West Sussex LLFA Policy for the Management of Surface Water. The LLFA is required to provide consultation responses on the surface water drainage provisions associated with major development. The policy statement sets out the requirements that the LLFA, has for drainage strategies and surface water management provisions associated with applications for development.

³³ As set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010. This includes development that involves the provision of 10 or more dwelling houses; where the provision of dwelling houses is carried out on a site having an area of 0.5ha or more; the provision of a building or buildings where the floor space (measured as gross internal floorspace) is 1,000 sqm or more; development carried out on a site having an areas of 1ha or more

Appendix 4 – Emergency Services

Police

A4.1 Calculations towards policing new development are based upon the following. All figures below are as at 2018. Please see the Mid Sussex District Council website for the current figures. Contributions are generally sought from all development of 50 units or more.

There are four parts to the Police contribution:

- Staff
- Premises
- Vehicles
- Other infrastructure (ANPR)

Predicted impact of proposed development in Mid Sussex:

This is calculated by calculating the number of incidents that are likely to occur as a result of development and calculating the number of officers and support staff required to serve the new development to maintain existing policing levels in Mid Sussex.

Predicted development incidents:

- Current policing requirements:

Number of recorded incidents per person in Mid Sussex district:

$\frac{\text{Total incidents per year for Mid Sussex}}{\text{Mid Sussex population}} = \text{Incidents per person}$

$\frac{35,326 \text{ incidents}}{139,860 \text{ total population}} = 0.25 \text{ incidents per person}$

- Predicted incidents as result of population increase:

Proposed development population x 0.26 incidents per person = Predicted number of development incidents

Proposed development population is based upon the following occupation rates:

Unit size	Occupancy
1 bed	1.3 persons
2 bed	1.9 persons
3 bed	2.5 persons
4 bed	2.9 persons
5+ bed	3.3 persons

Where the details of unit types are known, the assumed occupancy will reflect the above and the contribution will be calculated accordingly

If the proposal is in outline form and only the total number of units is known, the contribution will be calculated on the basis of an average occupancy of 2.5.

If the proposal is in outline form and the total number of units is not known (for example, in the case of 'up to' applications), a formula approach will usually be appropriate.

Number of required uniformed officers and staff as a result of development:

- Uniformed officers:

$$\frac{\text{Predicted number of incidents from development}}{\text{Total incidents per year for Mid Sussex / total number of officers}} = \text{Required uniformed officers}$$

- Support staff:

Ratio of support staff to officers (total support staff/ total officers) x number of required officers from development

Calculating contributions

Calculations are based upon total current levels of staffing provision in Mid Sussex and cost of the provision of infrastructure.

- **Staffing provision**

Mid Sussex is currently served by:

- Dedicated uniformed officers, i.e. Investigations, Local Support Teams, Neighbourhood Policing Team (NPT), Response and SIU (Special Investigations Unit).
- Dedicated support staff (Safer in the City – ASB Team, Performance, Licensing, Divisional Command).
- West Sussex Divisional officers, i.e. Forensics/ Major Crimes Unit (as Mid Sussex 'proportion' of West Sussex Division staff)
- West Sussex Divisional support staff (Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroner's Office)
- Force wide officers (Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles)
- Sussex Central support staff (Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service (as Mid Sussex 'proportion' of Force wide staff)

The breakdown of total staffing for Mid Sussex is calculated on current staffing levels and as a proportion of Mid Sussex 'use' of West Sussex Division Staff and Force wide Staff. The Mid Sussex 'proportion' is calculated by the proportion of the total number of incidents in Mid Sussex as a percentage of the total number of incidents in West Sussex and Sussex (East and West Sussex). The current rates as at 2018 are 13.8% and 6.4% respectively.

The following table sets out current staffing levels:

	Total staff	Mid Sussex proportion	Breakdown
Dedicated uniformed officers	88	88	
Divisional officers	105	14.5	(105 x 13.8%)
Force wide officers	821	52.5	(821 x 6.4%)
Total		155	
Dedicated support staff	6	6	
Division support staff	99	14	(99 x 13.8%)
Force wide support staff	1,202	77	(1,202 x 6.4%)
Total		97	
Ratio support staff to officers		0.63	

- Infrastructure costs

Costs are calculated on infrastructure required to serve proposed development. Contributions would be pooled towards provision⁵⁰.

- Staff set up cost

The basic capital set up costs of equipping new police officers and support staff is as follows:

OFFICER	Capital cost
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33
Start-up recruitment and training cost	£5,460
TOTAL COST	£9, 767.33

SUPPORT STAFF	Capital cost
Start-up equipment (workstation, IT equipment)	£2,086
Start-up recruitment cost	£1,060
TOTAL COST	£3,146

The cost is calculated by total cost per officer or support staff x number of required staff as a result of development.

- **Premises**

Contributions towards premises are based upon existing capacity to accommodate additional required officers and will only be sought where floorspace is required to accommodate additional officers as a result of a proposed development.

⁵⁰ In accordance with Regulation 123 of the Community Infrastructure Regulation 2010 (as amended)

Following the start of the 2018/19 tax year, Sussex Police will use the up to date BCIS costings index multiplier for all Section 106 planning obligation requests. The 17/03/18 issue of the RICS BCIS costs lists the median cost for new police stations at £2,631 and the median costs for adaption/ conversion of police stations at £1,561.

Taking an average floor space provision across Sussex Police's sites which deliver neighbourhood policing, Sussex Police have determined that each new officer/member of staff should be allocated 8.93 sqm of floorspace (workstation / locker room / storage) and

Premises calculation:

BCIS cost multiplier cost per sqm x 8.93 sqm/employee x no. of required employees

- **Vehicles**

The average capital cost of a standard patrol vehicle is £17,000 (not including fuel and maintenance). Guideline is to replace vehicles every 4 years or 125,000 miles. The development requires fleet investment for a minimum of 8 year life of provision to serve the proposed development. Sussex Police estimate that the 4-year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

Total vehicle provision for Mid Sussex serving a total of 60,705 households is 63.3 vehicles.

This is based upon a total dedicated vehicle provision for Mid Sussex of 25 vehicles plus a proportion of the 598 force wide vehicles serving the county (based on 6.4% of total countywide incidents occurring in Mid Sussex, the proportion totals 38.3).

The development cost is calculated by cost per household x total number of development households. Cost per household = £35.45

$\frac{£17,000 \text{ cost per vehicle} \times 63.3 \text{ total vehicles} \times 2}{60,705 \text{ Mid Sussex households}}$ x number of development households

A4.2 An on-line calculator is available at www.midsussex.gov.uk/spd

Fire and Rescue

A4.3 Guidelines to assist landowners and developers are set out below:

- The costs of providing a fire hydrant, ranges from £700-£850 (excluding VAT).
- Hydrants are to be fitted to water mains at least 100mm in diameter in residential areas and 150mm diameter in commercial/ industrial areas. Where water undertakers are not proposing to lay mains of those sizes, the cost of a supply from the nearest main of adequate size would be in the range £800-£1,000 (excluding VAT) per linear metre.
- In residential areas fire hydrants should be positioned approximately 350 metres apart, and in industrial areas approximately 180 metres apart. Fire hydrants covering large public buildings and areas such as hospitals, hotels, schools and town centre developments should be spaced at 180 metre intervals unless relevant codes of practice state otherwise. In planning the provision of fire hydrants in rural areas, particular attention should be paid to specific risks and therefore no definitive distances can be provided.

Appendix 3 – Examples of Appeal Decisions Supporting Police Contributions

Appeal Ref: APP/C3810/V/16/3143095

Secretary of State Decision - 13 July 2017

Land east of Fontwell Avenue, Fontwell, West Sussex, BN18 0SB

The development proposed is up to 400 new dwellings, up to 500sq.m of non-residential floor space (A1, A2, A3, D1 and/or D2), 5,000sq.m of light industrial floorspace (B1 (b)/(c) and associated works including access, an internal road network, highway works, landscaping, selected tree removal, informal and formal open space and play areas, pedestrian and cyclist infrastructure, utilities, drainage infrastructure, car and cycle parking and waste storage.

Application: WA/22/15/OUT – Arun District Council

42. *Having had regard to the Inspector's analysis at IR10.8-10.15 and IR11.61, the planning obligation dated 2 December 2016, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR11.61 that all the obligations, bar the NHS contribution which has not been substantiated and fails the CIL tests, comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.*
43. *The Secretary of State has taken into account the number of planning obligations which have been entered into on or after 6 April 2010 which provide for the funding or provision of a project or type of infrastructure for which an obligation has been proposed in relation to the application (IR10.8-10.15 and IR11.61). The Secretary of State concludes that the obligations are compliant with Regulations 123(3), as amended.*
- 1.4 *The local planning authority (lpa) considered the application on the 25 November 2015 and resolved to grant planning permission subject to conditions and a S106 Agreement (CD 24). The applicants submit an engrossed S106 Agreement dealing with the provision of financial contributions relating to education; libraries; the fire service; highways and transport; police infrastructure; primary healthcare facilities; leisure facilities and the provision of affordable housing and public open space (CD 37). The applicants, the lpa and West Sussex County Council (WSCC) submitted notes on CIL R122 compliance (CDs 49, 55 & 52).*
- 9.23 *...Other responses included... Sussex Police – sought financial contribution towards the provision, maintenance and operation of Police infrastructure.*
- 10.15 *The payment of:*
- *£70,000 towards the provision of mobile IT kit, speed awareness kits and towards the re-provision of Littlehampton Police Station. CD 55 Appendix A1.7 provides a detailed justification by Sussex Police for the principal of the contribution. Whilst the Sussex Police request was originally for £109,714 the sum subsequently agreed is £70,000 (LPA 3);*

11.61 All the obligations, bar the NHS contribution which has not been substantiated and fails the CIL tests, are necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. Accordingly, the S106 Agreement is consistent with the guidance at Framework paragraph 204 and Regulations 122/123 of the CIL Regulations and where appropriate, I have attached weight to it in coming to my conclusion.

Appeal Ref: APP/E3715/W/16/3147448

Secretary of State Decision - 10 July 2017

Land at Ashlawn Road West, Rugby, Warwickshire, CV22 5RZ

The development proposed is the demolition of existing buildings, erection of up to 860 dwellings, land for potential primary school, two vehicular accesses from Ashlawn Road and the provision of a bus link control feature to Norton Leys, open space, green infrastructure, landscaping and associated infrastructure, including sustainable urban drainage works.

Application: R13/2102 - Rugby Borough Council

30. *Having had regard to the Inspector's analysis at IR158-166, the planning obligation dated 17 February 2017, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR166 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.*
156. *Warwickshire Police (WP) requested a sum of £185,278 towards police infrastructure that would mitigate the impact of the proposed development. This contribution has not been disputed and should be secured in a S106 planning obligation. It reflects the precise need that would arise from the development of up to 860 new homes on the appeal site based on WP's experience policing development in the area. The contribution would be used to mitigate the impact on infrastructure where there is no spare capacity and would accord with Core Strategy Policy CS10. Appendix 3 of the Core Strategy includes police as one of the critical infrastructure requirements to ensure delivery and mitigation, which are expected to be included in a S106 Agreement.*
157. *WP objects to the development proceeding without the necessary contributions as the resulting development could not be adequately policed, contrary to Core Strategy Policy CS13 and policies within the Framework. There is extensive evidence in WP's written representations which cover how the contribution request was calculated and compliance with Community Infrastructure Levy Regulations (CIL) Regulation 122 and 123(3). Each element of the contribution would be spent on an individual 'project' to meet the needs of the development alone, without the need for any pooling of contributions.*
160. *The Council, WCC and WP have provided documents to demonstrate CIL compliance. I have not received any evidence to demonstrate that the planning obligations would contravene any of the above Regulations.*
165. *...The obligations to secure a Police contribution would ensure that the money would be spent on police equipment, premises and vehicles that would be necessary to police the new development.*
166. *Based on the above, I have found that the planning obligations in the S106 Agreement meet the tests in CIL Regulation 122 and 123(3) and paragraph 204 of the Framework. I have therefore taken them into account in my conclusions and recommendations.*

Appeal Ref: APP/C3240/W/16/3144445

Appeal Decision - 21 March 2017

Land east of Kestrel Close/Beechfields Way, Newport, Shropshire, TF10 8QE

The development proposed is an outline application to include access for residential development for up to 170 dwellings with open space following demolition of 14 and 15 Kestrel Close, Newport, Shropshire, TF10 8QE

Application: TWC/2015/1003 - Telford & Wrekin Council

157. *The planning obligation concluded after the close of the inquiry provides for... a contribution towards police premises, recruiting and equipping new officers and staff to serve the development and vehicles.*
163. *The current development plan is silent on police contributions although it is matter addressed in the emerging Telford and Wrekin Local Plan and the related Infrastructure Delivery Plan. The premises contribution is not controversial.*
164. *The legitimacy of contributions towards training new officers and the provision of equipment and vehicles is less clear cut in so far as it would, in effect, amount to a tariff payment with no exclusivity for the proposed development. Nonetheless, the sums sought are fully quantified against the policing requirement, which existing resources cannot meet, for the proposed development.*
165. *There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decisions supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.*

Appeal Ref: APP/K2420/W/15/3004910

Appeal Decision - 04 May 2016

Land off Sherborne Road, Burbage, Leicestershire, LE10 2BE

The development proposed is residential development and associated infrastructure (73 dwellings).

Application: 14/00475/OUT - Hinckley and Bosworth Borough Council

44. *Leicestershire Police (LP) has demonstrated adequately that the sums requested would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, therefore, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities and services to meet local needs.*
45. *In respect of compliance with CIL Regulation 123(3) the proposed spending has been apportioned to individual projects and procurement, such as property adaptation and a contribution towards a vehicle, in order to ensure no need for the pooling of contributions. In addition a clause of the undertaking which, in requiring written confirmation prior to payment that it would only be spent where there were no more than four other contributions, would provide a legal mechanism for ensuring full compliance with Reg. 123(3).*
46. *Evidence was submitted in the form of two maps with types of criminal incidents plotted on them. The first of these shows that there were several burglaries and thefts in the housing area adjacent to the appeal site during the year up to July 2014. The second map covers a larger area, this time in Blaby, and indicates a steady rate of incidents, mainly forms of stealing, in all types of residential area. I have no reason to believe that levels of crime differ significantly between Hinckley/Burbage and Blaby.*
47. *I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP.*
51. *My overall conclusion on planning contributions is that those requested by LP and by LCC for the civic amenity site would be necessary to make the development acceptable in planning terms and would meet the other tests set out in the Framework. In those respects the submitted planning obligation carries significant weight. The contribution sought for Burbage library would not.*

Appeal Ref: APP/G2435/A/14/2228806

Secretary of State Decision - 15 February 2016

Money Hill, Land North of Wood Street, Ashby-de-la-Zouch, Leicestershire

The development proposed is 605 residential dwellings including a 60 unit extra care centre (C2), a new primary school (D1), a new health centre (D1), a new nursery school (D1), a new community hall (D1), new neighbourhood retail use (A1), new public open space and vehicular access from the A511 and Woodcock Way.

Application: 13/00335/OUTM - North West Leicestershire District Council

17. *The Secretary of State has also considered the executed and signed Unilateral Undertaking; the Inspector's comments on this at IR61-63; paragraphs 203 and 205 of the Framework, and the Guidance. He considers that the provisions offered by the Unilateral Undertaking would accord with the tests set out at paragraph 204 of the Framework and agrees with the Inspector that they would also comply with Regulations 122 and 123 of the CIL Regulations.*

63. *The contribution of £219,029 towards Police infrastructure is not related to requirements of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those aspects where there is no additional capacity. The contribution is thus fairly and reasonably related in scale and kind to the development and is directly related to that development. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contribution to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure Levy Regulations 2010.*

Appeal Ref: APP/X2410/W/15/3007980

Appeal Decision - 08 February 2016

Land rear of 62 Iveshead Road, Shepshed, LE12 9ER

The development proposed is the erection of up to 77 dwellings following demolition of 62 Iveshead Road (access only to be determined)

Application: P/14/0777/2 - Charnwood Borough Council

19. *Planning obligation. The necessity for contributions towards affordable housing, on site open space, policing, healthcare, travel plan, transport, education and civic amenity have been justified by comprehensive evidence from the local and County Council, and the Police Authority. There is no dispute that the provisions of the legal agreement would meet the Council's policy requirements, the tests set out in paragraph 204 of the National Planning Policy Framework (NPPF) and the CIL Regulations 122 and 123 relating to pooled contributions. I am satisfied that this is the case and am taking them into account.*

Appeal Ref: APP/T3725/A/14/2221613

Secretary of State Decision - 14 January 2016

Land at The Asps, bound by Europa Way (A452) to the east and Banbury Road (A425) to the west

The development proposed is described on the application form as residential development (use class C3) for up to 900 dwellings, a primary school (use class D1), a local centre (use classes A1 to A5) and D1) and a Park and Ride facility for up to 500 spaces (sui generis) with access from Europa Way and Banbury Road, areas of public open space, landscaping enhancements and archaeological mitigation.

Application: W/14/0300 - Warwick District Council

32. *The Secretary of State has had regard to the matters raised by the Inspector at IR13.1 – 13.5 and agrees with the Inspector’s reasoning and conclusions on the two Unilateral Undertakings at IR14.137-14.161. In making his decision on this case, the Secretary of State has taken into account the provisions in the Unilateral Undertakings that do accord with Paragraph 204 of the Framework and do meet the tests in the CIL Regulations 2010 as amended.*

Condition 7 - An area of land measuring no less than 0.5 hectare shall be reserved for a local centre. This area of land should broadly be in the location identified on drawing No EDP 1871/116C. Any reserved matters proposal for development on this land must provide a mix of A1 and A2 and A3 and A4 and D1 floorspace, and a police post and associated off-street servicing and parking facilities, all of which shall be delivered in accordance with the phasing plan.

- 11.5 *Warwickshire Police and West Mercia Police: They requested a S106 contribution to provide police infrastructure necessary to enable the direct delivery of policing services to the site. No objections were received from either the Council or the appellant and so it was assumed that HE request met the relevant statutory tests. It was a surprise, therefore, to see on the Statement of CIL compliance, that the request was considered not to be compliant, notwithstanding that the Obligation did include the requested provision. The correspondence sets out why, in their view, the contribution is CIL compliant and is supported by four Appendices.*

- 13.18 *Police: the obligation secures the provision of a building for use as a police office, of at least 200 square metres gross internal floor area (together with service connections and external parking) to be located within the local centre that forms part of the development scheme. In addition, a contribution of £187,991 is secured, payable to the Council to fund the provision, fitting out and equipping of the police office.*

- 14.154 *Police: As set out in the CIL Compliance Schedule, the appellant is not satisfied that the arrangement is CIL compliant, with the Council being of the view that insufficient evidence was available to come to an informed view on the matter. However, no evidence was before the Inquiry to support those concerns.*

14.155 *Having had sight of the Schedule, Warwickshire Police and West Mercia Police submitted further correspondence on the matter, dated 10 April 2015. They demonstrate that the arrangement has been arrived at after careful analysis of the current and planned levels of policing in the area. With reference to existing local deployment reflecting actual policing demands and local crime patterns, it is confirmed that five additional staff would be required to serve the development proposed. Policing of the area is delivered currently from three separate premises (in Warwick, Leamington and Leek Wooton) all of which are already maintained to capacity. I am in no doubt therefore, that a new police office would need to be provided on the site, and fitted out, in order to accommodate the additional staff. I consider the arrangement to be necessary to make the development acceptable, it is directly related to the development proposed and to mitigating the impacts that it would generate, and it is fairly and reasonably related in scale and kind to the development. The arrangement therefore meets the relevant tests. Moreover, as a discrete project to which no more than five developments would contribute, I have no reason to suppose, on the basis of the information before me, that there would be any conflict with CIL Regulation 123.*

Appeal Ref: APP/T3725/A/14/2229398

Secretary of State Decision - 14 January 2016

Land South of Gallows Hill / West of Europa Way, Heathcote, Warwick

The development proposed is a residential development up to a maximum of 450 dwellings; provision of two points of access (one from Europa Way and one from Gallows Hill); comprehensive green infrastructure and open spaces including potential children's play space; potential footpaths and cycleways; foul and surface water drainage infrastructure and ground modelling.

Application: W/14/0681 - Warwick District Council

33. *Having examined the completed and signed S106 Planning Agreement and considered the commentary and views at IR349 - 356 and the Inspector's assessment at IR462 - 467, the Secretary of State concludes that the obligations in the Agreement accord with Paragraph 204 of the Framework and meet the tests in the CIL Regulations 2010 as amended.*
353. *The Council has submitted a summary table of S106 contributions (Document AD13) to demonstrate that the Regulation 123 limit of a maximum of 5 contributions to infrastructure would not be exceeded. The Council has also submitted a CIL Regulations Compliance Statement (Document AD14) which sets out the justification for each obligation, matters of agreement and matters of dispute. Appendix D explains that the monitoring fee is necessary as the large scale housing site with multiple contributions requires additional monitoring work. It sets out how the sum has been calculated including the activities to be carried out and the hourly rate of the officer.*
354. *Mr T Jones represents Warks and West Mercia Police Authority. He appeared at the Inquiry in a round table session to further provide evidence in support of the need for the financial contribution for police services that is included in the submitted S106 planning obligation agreement. There is supporting written evidence at OIP7, OIP22, and OIP23. The contribution is sought to support police services for the local area to accommodate the rising need generated by this new development. Appeal decisions by the Secretary of State have been submitted in support of such contributions APP/X2410/A/12/2173673 (Document OIP22) and APP/X2410/A/13/2196928/APP/X2410/A/13/ 2196929 (Document OIP23). In each case the Secretary of State agreed with the Inspector that the contributions were compliant with Regulation 122 of the CIL Regulations. The Inspector's Report for the first case noted that contributions had previously been supported in some appeals and not in others.*
462. *The S106 planning obligation agreement between the LPA and the Appellant and landowners covers all the matters referred to as reasons for refusal [349-352]]. However the Appellant has queried whether all of the obligations satisfy the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) and the Obligation Agreement itself provides that if the 'Planning Inspector or Secretary of State in the Decision Letter' concludes that any of the planning obligations or the monitoring fee or any part of the obligation are incompatible with Regulations 122 or 123 of the Community Infrastructure Levy Regulations 2010 (as amended) then that shall cease to have effect. In particular the Appellant queries the legality of the monitoring fee and*

the contributions to police and health services. The LPA has provided a CIL compliance statement [353].

464. *The contributions for police services are similar to those which the Secretary of State has previously endorsed as compliant with Regulation 122 [354]. I consider that the CIL compliance statement shows that they are also compliant with Regulation 123 [353].*

Appeal Ref: APP/G2435/W/15/3005052

Appeal Decision - 05 January 2016

Land South of Greenhill Road, Coalville, Leicestershire

The development proposed is described as development of up to 180 dwellings, including a retail unit, access and associated infrastructure (outline-all matters reserved apart from part access).

Application: 14/00614/OUTM - North West Leicestershire District Council

69. *The contribution to Leicestershire Police (LP) has been justified following a close and careful analysis of the current levels of policing demand and deployment in the beat area. The financial contribution would be spent on start-up equipment, vehicles, additional radio call capacity, PND additions, additional call handling, ANPR, Mobile CCTV, additional premises and hub equipment. No part of the LP contribution provides for funding towards any infrastructure project that would offend the restriction on pooling. In my view, the LP contribution is fully compliant with Regulations 122 and 123 of the CIL Regulations.*

Appeal Ref: APP/Q3115/A/14/2222595

Appeal Decision - 02 June 2015

Land North of Littleworth Road, Benson

The development proposed is described as (1) the erection of 125 dwellings with associated access, open space and landscaping and (2) 41 retirement flats and 11 retirement bungalows with associated parking and car share facilities.

Application: P14/S0673/FUL - South Oxfordshire District Council

51. *The necessity, relevance and proportionality of these and the other elements of the planning agreement are set out in three documents submitted to the Inquiry. They (include)... a letter from Simon Dackombe Strategic Planner, Thames Valley Police. With one exception they provide convincing (and undisputed) evidence that the obligations comply with regulation 122 of the CIL Regulations.*

52. *The exception is that part of the contribution sought for policing which relates to the training of officers and staff. Whereas all the other specified items of expenditure relate to capital items which would ensure for the benefit of the development, staff training would provide qualifications to the staff concerned and would benefit them but these would be lost if they were to leave the employ of the police and so are not an item related to the development. I therefore take no account of this particular item in coming to a decision on the appeal. This does not, however, invalidate the signed agreement.*

Appeal Ref: APP/A2470/A/14/2222210

Appeal Decision - 26 May 2015

Greetham Garden Centre, Oakham Road, Greetham, Oakham LE15 7NN

The development proposed is the redevelopment of the former Greetham Garden Centre for residential development for up to 35 dwellings, and provision of access.

Application: 2013/0956/OUT - Rutland County Council

2. *Refusal Reason 2 related to the failure in the appeal application to make any commitment to developer contributions. As part of the appeal submissions two unilateral undertakings have been submitted. I consider that these two undertakings are compliant with paragraph 204 of the National Planning Policy Framework (the Framework) and Regulation 122 of the CIL Regulations 2010. In arriving at this view I have taken account of the replies from the Council and the Police Authority to the Planning Inspectorate's letter of 5 May 2015 relating to 'pooled' contributions. The first unilateral undertaking, dated 22 January 2015, makes provision for various contributions towards health services, indoor activity services, libraries, museums, outdoor sports, open space, children's services and policing. As the contribution to policing is in line with the amount per dwelling specified in the adopted Developer Contributions Calculation increasing this amount would not be justified. The second unilateral undertaking, dated 12 March 2015, will ensure that at reserved matters stage a Section 106 agreement is drawn up to secure 35% affordable housing. Consequently I believe that Refusal Reason 2 has now been addressed.*

Appeal Ref: APP/A2470/A/14/2227672

Appeal Decision - 19 May 2015

Land to the rear of North Brook Close, Greetham, Rutland LE15 7SD

The development proposed is construction of 19 residential dwellings, including garages and associated infrastructure.

Application: 2013/1042/FUL - Rutland County Council

16. *The proposed development would increase demands on the Market Overton Doctor's Practice. The building is not large enough to cater for the additional patients that it has been calculated would live in the area as a result of planned new housing development including the appeal site. Similarly, the police service delivers its service locally from premises at Oakham. This facility is at capacity and the new development would generate a need for additional space, equipment, information handling and communications. A financial contribution is therefore necessary to mitigate the effect of the development by expanding the Doctor's Surgery and police service provision.*

Appeal Ref: APP/L2440/A/14/2216085

Appeal Decision - 10 February 2015

Land at Cottage Farm, Glen Road, Oadby, Leicestershire LE2 4RL

The development proposed is development of land for up to 150 dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping.

Application: 13/00478/OUT - Oadby & Wigston Borough Council

82. *A completed planning obligation, in the form of an agreement made under Section 106 of the Town and Country, was submitted at the inquiry (Document OW15). I have considered the submitted planning obligation against the tests set out at paragraph 204 of NPPF.*
83. *In general terms, the agreement establishes a commitment to provide 30% affordable dwellings, support for sustainable transport, the provision of open space for public use, and financial contributions for education, the county council library service and police infrastructure. The terms of the offered agreement were discussed, and whether the contributions put forward were directly related to the development being proposed. Nothing was said at the inquiry to indicate that what is being offered is unreasonable, disproportionate, or likely to be covered by other sources of financial support or revenue.*
84. *I am satisfied that, in the light of the matters discussed at the inquiry, and taking into account the written submissions relating particularly to the police contribution (document LP1), all the offered contributions and undertakings are necessary to make the development acceptable in planning terms, are directly related to the development and reasonably related in scale and kind to the development.*

Appeal Ref: APP/Y2430/A/14/2224790

Appeal Decision - 06 January 2015

Land to the east of Nottingham Road, Melton Mowbray, Leicestershire

The development proposed is residential development for up to 85 dwellings with associated infrastructure, access and areas of open space.

Application: 14/00078 - Melton Borough Council

28. *In the completed Agreement there are covenants relating to affordable housing, police service requirements, open space and maintenance, bus stop and bus shelter provision, bus travel, a travel plan co-ordinator and travel packs, off-site traffic signal works, civic amenity, leisure facilities, library facilities, Melton Country Park facilities, and training opportunities. Support for infrastructure requirements is provided in saved LP Policy OS3 and within the County Council's SPG11. In addition, at the Hearing Mr Tyrer, the County Council's Developer Contributions Officer, and Mr Lambert, the Growth and Design Officer for Leicestershire Police, provided detailed information and justification of the infrastructure requirements and how financial contributions would be spent.*
30. *I am satisfied that the proposed planning obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.*

Appeal Ref: APP/M2460/A/14/2213689

Appeal Decision - 04 December 2014

Land rear of 44-78 Ashby Road, Hinckley, Leicestershire, LE10 1SL

The development proposed is described as 'residential development'.

Application: 2013/0862/04 - Leicestershire County Council

39. *A police contribution of £13,756 is included in the planning obligation. Detailed evidence in support of this level of contribution has been submitted by the Police and Crime Commissioner. It is clear that the increase in the local population from up to 60 dwellings on the appeal site would place additional demands on the police. Contributions are not sought across the board. The representations identify those areas where there is spare capacity and they have not been taken into account in calculating the overall level of contribution. A need has been identified in the following areas: start-up equipment, vehicles, radio call capacity, database capacity, call-handling, automatic number plate recognition cameras, mobile CCTV, premises, and hub equipment. Details are provided of the purpose to which the funding would be put, and, in the case of each area where a need has been identified, the level of contribution has been calculated in relation to the size of the appeal proposal, even if this means that some expenditure is required from the police budget. The policing contribution is necessary to make the development acceptable in planning terms, and it also complies with the other statutory tests.*

Appeal Ref: APP/K2420/A/13/2208318

Secretary of State Decision - 18 November 2014

Land surrounding Sketchley House, Watling Street, Burbage, Leicestershire

The development proposed is described as an outline application for the 'demolition of Nos.11 and 13 Welbeck Avenue to create vehicular and pedestrian access and redevelopment of the site to provide up to 135 dwellings, public and private open space together with landscaping and associated infrastructure (all matters reserved except for the point of access).'

Application: 13/00529/OUT - Hinckley and Bosworth Borough Council

- 22 *The Secretary of State has considered the terms of the planning obligation submitted at the inquiry and considered by the Inspector at IR11.54-11.57; and he agrees with him at IR11.57 that these contributions meet the Framework test and comply with CIL regulations.*
- 8.1 *Policing is a service that is always available and responds to demand on an 'equal access' basis; the level and efficiency of that response depends on the facilities available. Calls and deployments are monitored and give an indication of the level of services delivered to the 45,400 households in the Borough or the 6393 houses in Burbage. In 2011 there were 83,315 calls from the Borough, 9,386 of which required emergency attendance and 5,314 entailing some 'follow up'. In Burbage there were 11,664 calls, 314 emergencies and 744 attendances; last year there were 419 recorded incidents. Those incidents largely entail burglary, car related crime and theft and there are geographical concentrations at the commercial units around Hinckley Island and the town centre. Some 372 incidents of anti-social behaviour are recorded in Burbage and regular patrolling and local community contact maintained by the Neighbourhood Policing team, located at Hinckley Local Policing Unit.*
- 8.2 *The integrated nature of policing means that many different operational units are involved in responding to recorded incidents. Staff at the Local Police Unit, the hub at Braunston, the Basic Command Unit at Loughborough, the Force HQ at Enderby, tactical support, road safety, communications and regional crime can all be involved. Some 270 staff are employed to deliver policing in the Borough and about 80% of their time is devoted to such activities. The minimum number of staff is deployed to meet existing levels of demand, which means that there is little additional capacity to extend staffing to cover additional development. The aim is to deploy additional staffing and additional infrastructure to cover the demand from new development at the same level as the policing delivered to existing households. Hence, additional development would generate a requirement for additional staff and additional personal equipment (workstations, radios, protective clothing, uniforms and bespoke training), police vehicles of varying types and functions, radio cover (additional base stations and investment in hardware, signal strengthening and re direction), national database availability and interrogation, control room telephony, CCTV technologies, mobile units, 'beat drop in hubs', premises and the like. Yet, the prognosis is that 'It is sensible to assume that most of the capital requirements incurred by growth will not be covered by existing mainstream central and local funding'. Hence, the necessity to seek developer contributions to ensure that existing levels of service can be maintained as growth continues.*

- 8.3 *The proposed development is expected to increase the overnight population of this settlement by at least 307 people and a net addition of 133 new houses must bring additional policing demands. Extrapolating from existing empirical data indicates that the scheme would generate annual additions of some 239 calls and responses, 28 emergency events, 16 non-emergency events, 9 additional recorded crimes and 8 recorded anti-social behaviour incidents. In turn those events would require additional vehicle use, more radio calls, greater use of the PND systems to process and store crime records and intelligence, further deployment of mobile CCTV technologies and additional access for beat staff in a local Hub, not to mention consequences for support and HQ staff.*
- 8.4 *The Framework supports the provision of the facilities and services needed in a community. This is one of the 'core principles' and SPDs are indicated to be an appropriate means to assist applicants in understanding the obligations that proposals might generate. The Framework advocates the creation of healthy and inclusive environments where crime and disorder and the fear of crime do not undermine the quality of life. Policy IMP1 of the Local Plan reflects that advice and provides an over-arching justification for the contributions sought. And, the Leicestershire County Council Statement of Requirements sets out the provisions that should be made towards the need for additional policing that might be due to new development.*
- 8.5 *The contribution requested amounts to £44,711 to mitigate the additional impacts estimated to accrue directly from the proposed development. These contributions are required to upgrade the capacity of existing infrastructure, which would not otherwise be sufficient to meet the likely demand from the scheme. It is anticipated that staff salaries and day to day routine additional costs would be met by rate revenues. A programme to procure the additional facilities required would be agreed as a clause in a legal agreement. The contributions sought would be directly related in scale and kind to the development, so that the completion of some infrastructures would require funding from elsewhere. But, the contribution would be used wholly to meet the direct impacts of this development and wholly in delivering the policing to it. On the basis of advice, the level of contributions sought are not based on a formula but derived solely from the direct impact of the scheme on policing. This has elicited support at appeal. A detailed explanation of the methods used to calculate each element of the total contribution is offered together with the justification for it derived from the advice in the Framework. It is shown that the contributions sought are directly related to the development, fairly and reasonably related in scale and kind to the scheme and necessary to make the development acceptable in planning terms. There would thus be CIL compliant.*
- 11.57 *The Contributions towards... additional policing... are directly related to the development, proportionate to the scheme and necessary to make the proposal acceptable in planning terms. Hence, I consider that the contributions sought can be considered to be CIL compliant.*

Appeal Ref: APP/F2415/A/14/2217536

Appeal Decision - 21 August 2014

Land off Fairway Meadows, Ullesthorpe, Leicestershire

The development proposed is new housing development (61 dwellings).

Application: 13/01228/OUT - Harborough District Council

31. *Returning to the unilateral undertaking, I have already mentioned obligations relating to measures to promote more sustainable modes of transport, which are necessary to make the development acceptable. The undertaking also includes provision for contributions towards library facilities and police services and, given the justifications provided, I find that these are also necessary to make the development acceptable.*

32. *Taking account also of the information provided to explain how the various contributions are calculated and how they would be used, I find that all the obligations would be directly related to the development and fairly and reasonably related to it in scale and kind. The tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and in the Framework are therefore satisfied and thus I have had regard to all the obligations.*

Appeal Refs: APP/K2420/A/13/2202658 and APP/K2420/A/13/2210904

Appeal Decision - 18 August 2014

Land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire

Appeal A - The development proposed is the erection of 49 new dwellings, landscaped public open space and creation of a formal wetland habitat with boardwalk access.

Application: 12/01029/FUL – Hinckley and Bosworth Borough Council

Appeal B – The development proposed is erection of 49 dwellings with landscaped open space.

Application: 13/00735/FUL - Hinckley and Bosworth Borough Council

34. *The contribution to Leicestershire Police has been justified based on crime statistics within the area and demands that would arise from the development. It would fund equipment and infrastructure to support additional personnel within the beat area, not the staffing itself. In terms of civic amenity contributions, the nearest household waste and recycling disposal site is at Barwell. Figures were provided indicating that the site is at or above capacity at peak periods such as Bank Holiday weekends. The contributions would assist in the acquisition of an additional storage container to cater for the waste from this and other new housing developments in the area.*
35. *The Council considers that the police and civic amenity contributions do not meet the tests within Regulation 122 of the Community Infrastructure Regulations (CIL) but does not provide much evidence to support its position. In contrast Leicestershire Police and the County Council have provided significant justification for the contributions, including reference to a number of recent appeal decisions where such contributions have been supported by Inspectors and the Secretary of State.*
36. *The contributions would accord with Policies IMP1, REC2 and REC3 of the LP and the Council's Play and Open Space Guide SPD. In addition the contributions to the County Council are supported by the Statement of Requirements for Developer Contributions in Leicestershire.*
37. *The obligations within the S106 agreements are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they meet the tests within CIL Regulation 122 and should be taken into account in the decision. I consider that the conditions set out in Paragraph 2.9 of the agreement are satisfied and that the obligations should become effective.*

Appeal Refs: APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426

Secretary of State Decision - 02 July 2014

Site at Land at Pulley Lane, Newland Road and Primslan Way, Droitwich Spa

Appeal A - The development proposed is an outline planning application for the development of land for up to 500 dwellings (Class C3); up to 200 unit care facility (Class C2); provision of mixed use local centre to include shop (Class A1); financial & professional services (Class A2); restaurants & café (Class A3); drinking establishment (Class A4); hot food takeaway (Class A5); offices (Class B1a) and police post; indoor bowls facility; means of access and estate roads; public open space; landscaping and infrastructure.

Application: W/11/01073/OU – Wychavon District Council

Appeal B - The development proposed is an outline application for the construction of a maximum of 265 dwellings with associated car parking, access, infrastructure provision and open space.

Application: W/12/02336/OU - Wychavon District Council

- 19 *The Secretary of State has also considered the S106 Planning Agreement in respect of Appeal A submitted by the main parties at the inquiry (IR8.88) and, like the Inspector, he is satisfied that the provisions can be considered to be compliant with CIL Regulation 122 and paragraph 204 of the Framework and that full weight in support of the appeal proposal can therefore be given to the obligations.*
- 1.15 *With regard to **Appeal A** the planning application was submitted in outline form with all matters reserved except for access. A schedule of the application documents and plans on which the SoS is requested to determine the proposal is at BDL 13. The reader should note that the most helpful plan in this schedule is the Indicative Masterplan. The proposed development is described as including the following components...*
- *A police post*
- 6.25 *...With other development already underway there is over a 12% increase in the town's population which amounts to a massive effect on local services such as doctors, dentists, schools and the police...*
- 8.88 *A S106 obligation (BDL5) was submitted at the inquiry and is agreed by the main parties... From all the evidence that is before me I consider that the provisions of the S106 Agreement complies with paragraph 204 of the NPPF and meets the 3 tests of Regulation 122 of the CIL Regulations 2010. I accord the S106 Agreement significant weight and I have had regard to it as a material consideration in my conclusions...*

Appeal Ref: APP/F2415/A/12/2183653

Secretary of State Decision - 17 April 2014

Land South Of Hallbrook Primary School, Crowfoot Way, Broughton Astley, Leicestershire

The proposal is a development of 111 dwellings including a new community hall, sports pitches and associated parking, open space, access and landscaping.

Application: 12/00494/OUT - Harborough District Council

22. *The Secretary of State agrees with the Inspector's assessment of the Section 106 agreement dated 23 May 2013 at IR62-76. He agrees that all of the contributions would be necessary to make the proposal acceptable in planning terms and would accord with the CIL Regulations 2010 and the tests in paragraph 204 of the Framework (IR77).*
70. *The contribution towards policing has been requested by the Police and Crime Commissioner for Leicestershire [PCCL/ML/1]. The proposal would increase the workload of the Leicestershire Constabulary in terms of additional calls, non-emergency follow ups and additional vehicle miles amongst other things. The contribution would enable the force to respond to this increased workload. It would therefore accord with CS Policy CS12 and the Local Infrastructure Schedule in the CS [HDC13].*
77. *All of the above contributions would therefore be necessary to make the proposal acceptable in planning terms and be directly and reasonably related to it in scale and kind. They would therefore also accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended.*

Appeal Refs: APP/X2410/A/13/2196928 and APP/X2410/A/13/2196929

Secretary of State Decision - 08 April 2014

Land off Mountsorrel Lane, Rothley, Leicestershire

Appeal A: construction of a maximum of 250 dwellings, replacement primary school, change of use from dwelling to medical facility, change of use from agricultural land to domestic curtilages, green infrastructure, potential garden extensions, construction of a relief road, and demolition of barns in accordance with application ref: P/12/2005/2, dated 20 September 2012; and

Application: P/12/2005/2 – Charnwood Borough Council

Appeal B: an area of public open space including water balancing ponds and green infrastructure in accordance with application ref: P/12/2456/2 dated 21 November 2012.

Application: P/12/2456/2 - Charnwood Borough Council

- 16 *The Secretary of State has also considered the Planning Obligations as described by the Inspector at IR8.42-8.47. He agrees with the Inspector (IR8.42) that all the provisions included in the executed Section 106 Agreement dated 13 December 2013 are necessary and comply with the Framework and Regulation 122 of the CIL Regulations. He also agrees with the Inspector (IR8.43-8.46) that the completed s106 Unilateral Undertaking, dated 13 December 2013, between the Appellant, the Council and the Police and Crime Commissioner for Leicestershire (APP10) meets the tests of Regulation 122 and the Framework and should be regarded as a material consideration.*
- 5.1 *The sum of £106,978 is sought by The Police and Crime Commissioner for Leicestershire (LP) towards Police infrastructure that would mitigate the impact of the proposed development. That figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Charnwood, so that the impact of the development could be properly assessed and a contribution sought that accurately reflects the precise need that would arise from the development of 250 new homes on the appeal site. LP3 page 17 contains an itemised breakdown of the anticipated expenditure on Police services/items dedicated towards the appeal development.*
- 5.2 *It is noted that the Landowner in this matter does not accept that any part of the Police Contribution meets the CIL tests as recited in the Unilateral Undertaking at clause 1.2.10. However, there appears to be no criticism by the Appellant of the approach taken by LP to the contribution requested, and no evidence has been produced to undermine the conclusions LP arrive at as to the nature and level of contribution required to mitigate the impact of the proposed development on LP resources.*
- 5.3 *The sum requested equates to approximately £427.91 per dwelling. That sum can only be arrived at by working backwards - it is not a roof tax applied to all proposed residential developments in the force area because that would not reflect the individual circumstances and needs of each development. For example, in the Land south of Moira Road appeal APP/G2435/A/13/2192131, the contribution per dwelling amounted to approximately £300*

whereas in the Land at Melton Road appeal APP/X2410/A/12/2173673, the contribution worked out to be £590.85 per dwelling. In both instances, the requests were found to be CIL compliant.

- 5.4 *Mr Lambert explains through the documentation submitted in respect of the initial application and for this appeal why the Police seek contributions, including the planning policy justification at both national and district level, and the difficulties associated with funding new infrastructure items in response to growth in residential development which places additional demand on police resources. The Inspector considering the Land at Melton Road Appeal at paragraph 291 accepted that "the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services for example," and went on to conclude:*

"Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... "take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs", can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion."

- 5.5 *Those conclusions were endorsed in the SoS's decision letter at paragraph 20.*

- 5.6 *Mr Lambert also explains why current revenue sources e.g. Council tax receipts, are insufficient to respond to growth in residential development, and are unable to fund much needed infrastructure to mitigate the additional demand placed on police resources by that growth. That position was examined and verified by external consultants employed by Local Councils in the Leicestershire Growth Impact Assessment of 2009; the Executive Summary is reproduced at Mr Lambert's Appendix 4.*

- 5.7 *There is no spare capacity in the existing infrastructure to accommodate new growth and any additional demand, in circumstances where additional infrastructure is not provided, would impact on the ability of police to provide a safe and appropriate level of service and to respond to the needs of the local community in an effective way. That outcome would be contrary to policy and without the contribution the development would be unacceptable in planning terms. It is right, as the Inspector accepted in the Melton Road decision (paragraph 292), that adequate policing is fundamental to the concept of sustainable communities. It is therefore necessary for the developer to provide a contribution so that adequate infrastructure and effective policing can be delivered; that is provided for through the Unilateral Undertaking APP10.*

- 5.8 *Mr Lambert has addressed each and every item of infrastructure required in his evidence and has sought to justify each request by reference to the 3 tests of Regulation 122 of the 2010 Regulations and also paragraph 204 of the NPPF. Those tests provide the framework in which LP work to assess the appropriate level of contribution necessary to mitigate the impact of residential development - a process which is under constant review to keep requests up-to-date and accurate as demonstrated by the recent letter dated 14 November 2013 amending*

the total sum sought in respect of Police vehicles downwards to reflect the fact that an average of 10% of the original value of a vehicle will be redeemed upon disposal.

- 5.9 *Furthermore, LP confirms that the contribution can be, and would be spent on infrastructure to serve the appeal development because the sum requested is not required to meet with a funding deficit elsewhere or to service existing development. The contribution sought is therefore directly related to the development.*
- 5.10 *In conclusion, the request for a contribution towards additional Police infrastructure to mitigate the impact of the appeal proposal is a necessary, carefully considered and lawful request. The request is directly related to the development and to mitigating the impacts it would generate based on an examination of present demand levels and existing deployment in the District.*
- 5.11 *The request is wholly related to the scale and kind to the appeal development and the Inspector, and SoS are respectfully asked to conclude the same.*
- 5.12 *The Appellant does not accept that any part of the LP requested contribution meets the tests of Regulation 122 of the CIL Regulations 2010. The LPA has indicated that it is neutral in relation to the request.*
- 8.42 *APP9 is a signed and completed s106 Planning Obligation Agreement, dated 13 December 2013, between the Appellant, the LPA and LCC. The Agreement covers the following matters...*
- 8.43 *The Appellant has also submitted two s106 Unilateral Undertakings in respect of financial contributions requested by the Police and Crime Commissioner for Leicestershire Police... The Appellant is not satisfied that these contributions are CIL compliant. The LPA has indicated that it is a neutral in relation to both requests.*
- 8.44 *APP10 is a signed and completed s106 Unilateral Undertaking, dated 13 December 2013, between the Appellant, the LPA and the LP. The sum of £106,978 is sought by LP towards Police infrastructure to mitigate the impact of the development. Schedule 1 of the Undertaking provides details of the contribution and how it would be used to deliver adequate infrastructure and effective policing. Document LP2, prepared by LP, provides a statement of compliance with the CIL Regulations 2010.*
- 8.45 *In my view the sum of £106,978 has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Charnwood, so that the impact of the development could be properly assessed and a contribution sought that accurately reflects the precise need that would arise from the development of 250 new homes on the appeal site. The LP has confirmed that the contribution would be spent on infrastructure to serve the appeal development and is not required to meet a funding deficit elsewhere or to service existing development.*
- 8.46 *I consider that the contribution is necessary to make the development acceptable, it is directly related to the development and to mitigating the impacts that it would generate and it is fairly and reasonably related in scale and kind to the development. The Undertaking therefore meets the 3 tests of Regulation 122 of the CIL Regulation 2010 and the criteria in paragraph 204 of the NPPF. I accord the Undertaking significant weight and I have had regard to it as a material consideration in my conclusions.*

Appeal Ref: APP/T2405/A/13/2200867

Appeal Decision - 02 January 2014

Land at Seine Lane/Forest Road, Enderby, Leicestershire

The development proposed is the erection of up to 244 dwellings, public open space, landscaping and vehicular access.

Application: 12/0823/1/OX - Blaby District Council

41. *At the inquiry, the appellants submitted an engrossed Section 106 Agreement. The planning obligations would secure 30% affordable housing, contributions towards a bus service, bus passes, travel packs, highway improvements, healthcare, libraries, police and the maintenance of the proposed footbridge and public open space that would form part of the scheme. I have considered the evidence provided in writing and at the inquiry, including that from Leicestershire County Council regarding contributions towards libraries and from Leicestershire Police regarding contributions towards policing services and facilities, to demonstrate that the obligations meet the tests in Community Infrastructure Levy Regulation 122.*

Appeal Refs: APP/T2405/A/13/2193758 and APP/T2405/A/13/2193761

Appeal Decision - 01 August 2013

Land east of Springwell Lane, Whetstone, Leicestershire LE8 6LT

Appeal A: The development proposed is residential development of up to 150 dwellings and parkland with associated access, infrastructure and landscaping.

Application: 12/0952/1/OX – Blaby District Council

Land off Countesthorpe Road and Springwell Lane, Whetstone, Leicestershire

Appeal B: The development proposed is formation of access for use by construction traffic in conjunction with proposed residential development.

Application: 12/0951/1/PY - Blaby District Council

28. *The appellant has submitted an engrossed Section 106 Agreement for Appeal A after the close of the hearing. The planning obligations would secure 25% affordable housing, contributions towards public transport, cycling, a travel pack, highway improvements, healthcare, libraries, police and the maintenance of the public open space that would form part of the scheme. I have considered the evidence provided in writing and at the hearing in support of the contributions to satisfy myself that the obligations meet the tests in Community Infrastructure Levy (CIL) Regulation 122. These tests are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonable related in scale and kind to the development.*
33. *Leicestershire Police (LP) has supported the need for contributions towards policing services and facilities in its statement and at the hearing. The required contributions are significantly less than those considered by the previous Inspector, and LP have suggested that it has used a different method of calculation, based on the impact of the development itself. Therefore, I am satisfied that the sum provided for in the obligation is necessary to make the development acceptable in planning terms, having regard to the requirements in paragraph 58 of the Framework to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*
35. *Having regard to the above, I conclude on the Section 106 Agreement that all the planning obligations meet the tests in CIL Regulation 122 and paragraph 204 of the Framework. Without the obligations, the proposal would fail to accord with the relevant development plan policies and would have unacceptable impacts on local facilities and services and affordable housing in the District.*

Appeal Ref: APP/G2435/A/13/2192131

Appeal Decision - 30 May 2013

Land south of Moira Road, Ashby-de-la-Zouch LE65 2NJ

The development proposed in 2009 was described as the erection of 83 no. dwellings with associated garaging and formation of new access road to Moira Road.

Application: 09/00620/FUL - North West Leicestershire District Council

36. *...The additional population would also bring additional policing requirements, which would need to be addressed.*
37. *The s106 Agreement would effectively bind the appellant to providing 18 affordable dwellings as part of the development. It would also require the appellant to make, and the District Council and County Council to disburse, contributions of...*
- *£24,903 towards the capital costs of policing the development*
39. *Evidence submitted to the inquiry showed that, without these contributions, the development would not be acceptable in planning terms because of its harmful impact on local infrastructure. These measures are therefore necessary to mitigate that impact. The need for additional facilities arises directly from the development of the site so the contributions are directly related to it. The extent of additional provision in each case has been carefully considered and is proportionate, appropriate and no more than is necessary to meet the additional demands, so the provisions of the Agreement are fairly and reasonably related in scale and kind to the development. The provisions of the Agreement therefore comply with 203 of the Framework and meet the tests of Regulation 122 of the CIL Regulations 2010. I therefore consider that the harmful impact of the proposal on local infrastructure would be satisfactorily overcome by the binding planning obligations.*

Appeal Ref: APP/X2410/A/12/2173673

Secretary of State Decision - 14 May 2013

Land at Melton Road, Barrow Upon Soar, Leicestershire, LE12 8NN

The development proposed is residential development (300 dwellings).

Application: P/10/1518/2 - Charnwood Borough Council

20. *With regard to the Planning Obligation (IR4, IR216-218, and IR283-301), the Secretary of State is satisfied that the provisions set out in the signed and sealed Planning Agreement dated 14 October 2012, as varied by the Deed of Variation dated 15 January 2013 (to make its provisions conditional upon their items being determined by the Secretary of State to meet the statutory tests) can be considered to be compliant with CIL Regulation 122...*
288. *The 'Police Authority Contribution' is for £177,255. The manner in which the authority would seek to spend it is set out in the Third Schedule to the Planning Obligation. By letter to the Planning Inspectorate of 6 August 2012, the Leicestershire Constabulary explained in some detail its approach to the use of S106 monies for police infrastructure throughout the county, supported by a number of appeal decisions in which it was concluded that the contributions in each case passed the relevant tests and could therefore be accorded weight. The letter appends (Appendix 2) a useful note from the Association of Chief Police Officers which draws the distinction between capital expenditure on equipment and premises, the basic infrastructure of policing, and revenue expenditure which might reasonably be expected to be supported by the increased number of households. A January 2012 policy statement from the Leicestershire Police Authority 'Policing Contributions from Development Schemes' is also included. This sets out its approach to the increased pressure on policing from additional housing development. The document includes at Section 7 the principles whereby financial contributions will be deployed, including provision for repayment if the police authority fails to spend the contributions, linkage to the development in question and use for additional needs arising from it and a "clear audit trail demonstrating that financial contributions have been used in a manner that meets the tests" (in the subsequently cancelled Circular 05/2005 Planning Obligations.)*
289. *Those tests are essentially the same as those of the extant CIL Regulations and hence there is a clear recognition by the Leicestershire Police Authority that development is not simply a source of additional finance to be spent in an unspecified or unrelated way. Moreover, the appellant in this case has "signed up" to the Policing Contribution, albeit under, it seems, protest. The evidence of Mr Thorley addresses this matter at Section 12 and his Appendix 10 is a paper on the topic that refers to a number of appeal decisions where a contribution to policing has not been supported, for example the appeal in Sapcote (Ref APP/T2405/A/11/2164413) in which the Inspector comments, in paragraph 41 of his decision, that... "it has not been shown, in the light of the statutory tests, that the contribution would be directly linked to the impacts arising from the appeal proposal."*
290. *Equally, the material submitted by the Police Authority under cover of its letter of 6 August 2012 includes a number of appeal decisions pointing in the opposite direction, for example the appeal in Bottesford (Ref APP/Y2430/A/11/2161786) where the Inspector comments, in paragraph 68, that "there was also specific justification of the individual elements within this global sum directly*

related to the circumstances of the appeal proposal. Therefore the contribution does meet all three tests for CIL compliance.”

291. *The Inspectors will have reached their own conclusions on the particular evidence and submissions put to them at appeal and I shall approach the evidence in this case in the same way, i.e. on its merits. It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example. Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable. Section 8 of the Framework concerns the promotion of healthy communities and planning decisions, according to paragraph 69, should aim to achieve places which promote, inter alia, “safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”*
292. *Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.*
293. *In this case, the planning obligation clearly sets out in its third schedule the items anticipated to be needed as a consequence of policing the proposed development alongside the existing settlement and apportioned accordingly. It seems to me to be sufficiently transparent to be auditable and at a cost equivalent to, perhaps (if 300 dwellings are constructed) £590.85 per dwelling, it does not equate to an arbitrary “roof tax” of the type complained of, whatever previous practice may have been.*
294. *For these reasons I am of the view that the ‘Police Authority Contribution’ is compliant with the CIL Regulations and that weight should therefore be accorded to it as a means of mitigating the predicted impact of the development.*

Appeal Ref: APP/X2410/A/12/2187470

Appeal Decision - 15 April 2013

Land at (the former) Rearsby Roses Ltd, Melton Road, East Goscote LE7 4YP

The development proposed is “erection of 60 dwellings following demolition of nursery buildings and formation of site access (revised scheme)”.

Application: P/12/1709/2 - Charnwood Borough Council

3. *Likewise, the main parties agree that the provision of some 18 dwellings as affordable housing (30% of 60, in accordance with the Council’s policy), together with various financial contributions towards local infrastructure - including payments to the Council, Leicestershire County Council and Leicestershire Police - would be met by the terms of a unilateral planning obligation [Doc 4], submitted at the hearing.*

35. *At the hearing the appellants tabled a signed and executed S106 unilateral planning obligation containing various clauses including: (in schedule 1) those relating to the provision of 18 units of affordable housing; (in schedule 2) the payment of monies to the Council comprising a health facilities contribution (approx. £14,000), a police contribution (approx. £25,000), and an open space contribution (approx. £42,000); and (in schedule 3) payments to Leicestershire County Council towards education (approx. £110,000) and transport (approx. £17,000); together with miscellaneous matters.*

36. *There was some discussion at the hearing as to the justification for some of the financial contributions sought. However, having regard to all the evidence to the hearing, and the criteria in para. 204 of the Framework, I am satisfied that all these provisions for infrastructure payments are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. They also meet the 3 statutory tests set out in regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).*

Appeal Ref: APP/F2415/A/12/2179844

Appeal Decision - 14 February 2013

Land north of Bill Crane Way, Lutterworth, Leicestershire.

The application sought outline planning permission for residential development with associated infrastructure, public open space and provision of vehicular and pedestrian access without complying with a condition attached to planning permission Ref 11/00117/OUT, dated 23 January 2012.

Application: P/12/00613/VAC - Harborough District Council

26. *The UU covenants in favour of the Council contributions in respect of the provision and maintenance of open space as part of the development and towards allotments, cemetery provision, policing services, medical facilities, recycling, community facilities and the provision of 30% of the units of affordable housing. The UU also covenants in favour of the Leicestershire County Council financial contributions towards education, public transport measures including bus stops, travel packs and bus passes, and library provision.*
27. *Whilst the Council and the County Council confirmed that the terms of the submitted UU were acceptable, the appellant questioned whether the contribution in respect of policing was compliant with the tests set out in the CIL Regulations. The appellant suggests that there is no evidence that the proposed development would result in a need for increased police resources. It is also argued that there should be no automatic assumption that the development should bear the cost of the provision of additional policing since the anticipated growth of such costs in this area could have been budgeted for and the new residents will generate Council Tax revenue.*
28. *However, it is recognised by both the County Council and the Council's guidance that a contribution towards policing could be triggered if there is a need arising from the development. The guidance therefore establishes the principle of a contribution although there needs to be clear evidence that the level of contribution would be justified having regard to the tests set out in the CIL Regulations.*
29. *The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.*
30. *Whilst the additional staff, accommodation, vehicles and equipment detailed by the Police could not be regarded as being for the exclusive use of the development, they would be necessary to provide for the effective policing of and to attend incidents on the site. In addition the number of staff and level of resources required to police the development has been based on the number of incidents estimated to be generated by the site. In respect of policing services the UU makes provision for the payment of £426 per dwelling and this is the figure sought by Leicestershire*

Police. The level and range of the mitigation would therefore appear to be directly related to the development and also to be fairly and reasonably related in scale and kind to it.

- 31. I have had regard to the fact that the s106 Agreement, dated 18 January 2012, in respect of the existing outline planning permission makes provision for a contribution of £606 per dwelling for policing. The appellant has indicated that this agreement was concluded under time pressure and the police have had a change in policy since, under which only major developments would be targeted for contributions. However, the report also states that contributions would be pursued where a significant impact on policing is foreseen and can be quantified. It would appear that the most relevant implication of the change in policy is that the contribution required by the police in respect of this appeal was reduced following quantification of the anticipated effect of the development. This affirms my view that the UU before me meets the CIL tests.*
- 32. Reference has been made to a number of appeal decisions where it has been concluded that the police contributions failed to meet the tests and others where a contrary conclusion has been reached. However, I am not aware of the scope of the evidence provided in these cases and a comparison with the appeal cannot therefore be made.*
- 33. On the basis of the evidence before me, therefore, I am satisfied that the contribution towards policing set out in the UU is necessary, directly related to the development and fairly and reasonably related to it in scale and kind – as required by the tests set out in the CIL Regulations. I conclude the same with regard to the elements of the UU which are not in dispute and I have taken the UU into consideration in reaching my decision.*

DCS-013 to DCS-018

DCS ID	Date of submission	Group/ Organisation/ Client (if you are responding on their behalf) (optional)	Name (optional)	Email address (postal address if you do not have one) (optional)	Do you agree or disagree with the following proposed charging rates set out in the Bromley Community Infrastructure Levy Draft Charging Schedule?					Are there any comments you would like to make about the Bromley Community Infrastructure Levy Draft Charging Schedule?	Are there any comments you would like to make about the Bromley Community Infrastructure Levy Draft Charging Schedule evidence base?	Do you have any other comments related to the Bromley Community Infrastructure Levy Draft Charging Schedule?
					£100 per sqm for residential development excluding residential development which delivers additional care and support	£150 per sqm for large-scale purpose built shared living and purpose built student accommodation.	£100 per sqm for retail Warehousing over 1000sqm.	£100 per sqm for supermarkets foodstore over 280sqm (3,000 sq ft).	£0 per sqm for other forms of development.			
DCS-013	19/12/2020	Cray Forum	Harry Stranger	<Data Redacted>	Agree	Agree	Neither agree or disagree	Agree	Neither agree or disagree			That this levy can be used to support Heritage and open space and encourage residents to use and appreciate the benefit of these facilities.
DCS-014	17/12/2020	Orpington and District Archaeological Society	Mr Michael Meekums	<Data Redacted>	Neither agree or disagree	Neither agree or disagree	Neither agree or disagree	Neither agree or disagree	Neither agree or disagree	No comment	Support the collection of the levy and agree that it should not be collected when work on improving Schedule Monuments and Archaeological Sites takes place.	Regarding the Infrastructure Delivery Plan (IDP). Glad to see that the levy can be spent on Open Spaces and Heritage Assets. The paper states as part of the local plan evidence base that provision to the east of the Borough is in greater need of improvement. The Orpington and District archaeological Society would welcome money to be spent on improving Scadbury Park and in particular the Moated Manor Site. Perhaps some of the levy could be spent on Scadbury as part of the work to be carried out under Regeneration and Open Space Strategies.
DCS-015	14/12/2020					Disagree	Disagree			Yes. I feel that Shared Living should not be charged at a higher rate, and that Retail Warehousing should be charged at a higher rate		
DCS-016	13/12/2020	Friends of Scadbury	Vivien Smith	<Data Redacted>	Agree	Agree	Agree	Agree	Agree	I agree to the levy if the funds are used to improve the borough for all it residents with particular emphasis on green spaces which have proved so essential in lockdown	The document notes the eastern side of the borough needs improving and Scadbury is mentioned. This has suffered from a lack of investment for many years.	Any heritage sites, monuments and green spaces should be exempt from the levy
DCS-017	17/11/2020				Disagree	Agree	Agree	Agree	Agree	The amount for residential developments is too low. It is the same figure that has been discussed at Bromley for the last 5 or so years.	No	No
DCS-018	06/11/2020		Keith Grey	<Data Redacted>	Disagree	Disagree	Agree	Agree	Neither agree or disagree	Rates being set to high. Feel they should be roughly halved £8000 on an 80sqm residence is to much and will slow housing projects or increase price they are offered for post development sales.	What evidence? This is a subjective stealth tax levy. It hinders enterprise.	Ill timed In view of depression of economy and slowing of business generally across the country. Also poor proposal in view of the excessive time planning applications and appeals are taking.