

Preliminary Draft Charging Schedule Consultation Statement

Community Infrastructure Levy for South Lakeland outside the National Parks



August 2014

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1. Introduction

- 1.1 On 12 February 2014, the cabinet of South Lakeland District Council (SLDC) approved a Preliminary Draft Charging Schedule (PDCS) for a 6 week consultation as a first step in introducing a Community Infrastructure Levy (CIL) in South Lakeland district outside the Lake District and Yorkshire Dales National Parks. The Council's commitment in principle to introducing a CIL is set out in the [Local Development Scheme](#), as approved in March 2013.
- 1.2 This document summarises the main issues raised in this consultation and the proposed response by the Council. It also sets out how the Council undertook consultation, in accordance with Regulation 15 of the Community Infrastructure Levy 2010 Regulations.

2. Who and how we consulted

Who we consulted

- 2.1 In accordance with Regulation 15 of the CIL Regulations 2010 (as amended) , the Council;
- sent a copy of the PDCS and supporting evidence to, and invited comments from, each of the consultation bodies listed in Reg. 15 (2). The consultation bodies Reg. 15 (3) comprise:
 - local planning authorities and county councils within or adjoining the charging authority's area;
 - parish councils within the proposed charging area.
 - invited representations from residents, businesses and voluntary bodies in the proposed charging area [Reg. 15 (5)].
- 2.2 This included writing by letter or email to the three statutory bodies, all organisations and businesses registered on the Local Plan consultation database and all residents registered on the database that had requested, when asked, to be consulted on CIL matters.

How we consulted

- 2.3 The Council consulted widely from 6 March to 17 April 2014 on the following documents:-
- [Preliminary Draft Charging Schedule](#), February 2014;
 - [Infrastructure Delivery Plan \(IDP\)](#), Updated January 2014;
 - [CIL Viability Study](#), January 2014, which formed an appendix to the following earlier study;
 - [Land Allocations DPD Viability Study](#) and [Appendix](#), March 2013.
- 2.4 The consultation included:
- making all of the above documents and a consultation response form available for inspection on the Council's website and at Council offices and libraries;

- sending consultation letters or emails to the consultation bodies listed at Reg 15 (c) and those other statutory bodies, duty to co-operate bodies and other interested parties listed in the Council's consultation database, including those residents who indicated they wished to be consulted on CIL;
- Placing a public notice in the Westmorland Gazette and North West Evening Mail newspapers;
- Issuing a press release
- Including an article about the proposed CIL and the PDCS consultation in the February 2014 issue of the free Council newspaper to all households - *South Lakeland News*;
- Using Facebook, Twitter and the Council's web homepage to promote awareness and provide reminders of the consultation;
- Attending the Local Area Partnership conference on 4th March 2014 to answer any questions and raise awareness about CIL;
- Including an item about CIL in the January 2014 edition of the Local Plan Newsletter, which was also placed on the Council's website.

Other Meetings

- 2.5 Prior to issuing the CIL Viability Study in January 2014, the Council also held an informal meeting with principle developers and agents on 1 October 2013 and later held a wider consultation meeting with the development industry (landowners, developers and agents on 18 December 2013. The main issues discussed were whether it would be appropriate to have a lower rate of CIL in the west of the district – in particular for the large housing site at Croftlands in south Ulverston – and also the issue of a competitive return for the land owners. Subsequent to the close of the PDCS consultation, a meeting was held on 12 May with representatives of Kendal Town Council, at its request, to consider the points raised in the Town Council's consultation response. A further meeting also took place with a number of developers and their representatives to consider their responses to the consultation.

3. Responses to Consultation

<http://applications.southlakeland.gov.uk/ldfconsultation/>

- 3.1 A total of 76 responses were received to the consultation which are available to view on the Council's [website](#) . These comprised:
- **Residents** - 31
 - **Land Owners and Businesses:**
 - Marjorie Thompson, T Taylforth, Lea Hough and Co on behalf of a land owner, Rawdon Property, Bourne Leisure, Holker Estates, Country Land and Businesses Association, GSK, Friesland Construction, Lake District Estates Company.
 - **Government Agencies:**
 - English Heritage, Natural England, Network Rail, NHS Property Services,
 - **House Building Industry and Planning Consultancies**
 - Cumbria House Builders Group - CHG (Russell Armer, Storey Homes, Applethwaite, Oakmere Homes, Holbeck Homes, and Leck Construction), Rowland Homes, Holker Estates, Planning Branch, McCarthy and Stone, Churchill Retirement Living, Three Dragons.
 - **Retailers**

- Aldi Stores Ltd, Sainsbury's Supermarkets.
- **Local Authorities – and Town & Parish Councils:**
 - Cumbria County Council, Barrow Borough Council, Burneside Parish Council, Cumbria Constabulary, Grange over Sands Town Council, Holme Parish Council, Kendal Town Council, Lower Allithwaite Parish Council, Natland Parish Council, North Yorkshire County Council, Preston Patrick Parish Council, Preston Richard Parish Council, (former) SLDC Cllr Rob Boden.
- **Other Organisations and Agencies:**
 - United Utilities, Friends of the Lake District (FLD), Marine Management Organisation, the Canals and Rivers Trust, South Lakeland Action on Climate Change (SLACC), the Theatres Trust.

4. Summary of Main Issues and Proposed Response

4.1 This Consultation Statement summarises the main issues raised in consultation under Reg 15 and sets out the Council's proposed response. The CIL Regulations do not formally require the preparation of a Consultation Statement at this stage of consultation - although it is required following the formal publication and inviting of representation on the Draft Charging Schedule in accordance with Reg 19 (1,b).

4.2 The main issues are summarised in **Table 1** below together with the proposed response from the District Council, set out under the following topic headings:

A - Preliminary Draft Charging Schedule and Proposed CIL Rates

B - CIL Viability Study, January 2014

C - Infrastructure Delivery Plan (IDP) updated January 2014 & Reg 123 List

D – Other Main Issues

Appendix 1 – Summary of Infrastructure Proposed to be added to the IDP & Reg. 123 List by Town and Parish Councils and local organisations.

A summary of the main issues raised by each Representor are also set out in **Table 2** below.

TABLE 1 – PDCS Consultation: Summary of Main Issues & Proposed Council Response

A	PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS) AND PROPOSED CIL RATES	PROPOSED SLDC RESPONSE
A1	Concern that if CIL is set too high, it could undermine delivery of affordable homes	The requirement for 35% affordable homes under policy CS6.3 is key Local Plan policy requirement and is taken fully into account in the appraisals in the CIL Viability Study. The potential impact of CIL on the delivery of affordable housing is an important consideration in the recommendation of a cautious approach in setting CIL rates on residential development.
A2	Concerns by the development industry that rates of CIL for residential development are too high and would threaten delivery of the plan .	The assumptions in the Viability Study in relation to the viability of residential development have been reviewed and updated in Update report (July 2014) – (see also B1 below). As a result, the viability of housing development has reduced, mainly as a result of increases in build costs and other assumptions, which are not offset by an estimated 5% increase in house prices. As a result the Viability Study Updater report recommends charging a lower rate of CIL on residential development. (£50m ²)
A3	That the large Croftlands housing site allocation in South Ulverston should be regarded as a strategic site, with particular, abnormal viability considerations, which should be taken into account in considering a low or zero rate.	The assumptions in the Viability Study have also been updated (see also B3 below) and as a result the recommended CIL rates for the Croftlands strategic housing site in Ulverston has reduced from £60m ² to £20m ² .
A4	Town and Parish Councils and other local organisations consider that the evidence in the CIL Viability Study suggests that a higher or differential CIL rate for residential development could be levied and raise additional revenue to help infrastructure needs arising from proposed development. Suggestions for differential rates based on the residential viability evidence	The assumptions in the Viability Study have been updated for residential development as summarised at B1, B2 and B3 below and recommended CIL rates revised accordingly. The updated appraisals indicate that the viability of residential development has reduced, in response to revised assumptions relating to the cost of development. As a result the CIL Viability Update report recommends a reduced rather than an increased rate of CIL.

A	PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS) AND PROPOSED CIL RATES	PROPOSED SLDC RESPONSE
	<p>included:</p> <ul style="list-style-type: none"> • Setting a higher CIL rate in areas where there is evidence of higher market values such as the Lune Valley or Cartmel peninsula. • Setting a lower or nil rate for brownfield sites with higher development costs 	<p>Overall it is considered that the evidence in the CIL Study Update supports a fixed rate across the district, rather than setting more fine- grained differential rates. Like most areas of the Country there are variations in viability at various scales within the District. The evidence shows variation between site types within the same town (e.g. Kendal – site types 1, 2 and 4) or market areas (e.g. Cartmel Peninsula – site types 6 and 9). Differential rates which fully reflected all variations would create a highly complex structure, raising questions about what variable rates should be applied and where lines should be drawn between different rates. The introduction of differential rates would result in rates going up in some areas and down in others. Analysis of the net impact of a variable CIL regime suggest that it would not significantly increase in the total CIL take and may result in a decrease. Variable rates would therefore result in a much more complex, but no more effective, CIL regime</p> <p>For these reasons it is recommended that:</p> <ul style="list-style-type: none"> • a fixed rate is set across the district, with the exception of the Croftlands strategic site in south Ulverston • that a cautious approach is taken to setting the level of the fixed rate, in view of the potential risk to securing 35% affordable housing and the importance of encouraging significant growth in housing delivery in accordance with the Local Plan. • the viability evidence is reviewed at least every two years to inform Council as to when changes in market conditions, development costs and experience gained in implementing CIL may justify a change in CIL rates.
A5	<p>Concern that the rate of CIL has been set too high and could threaten delivery of extra care and sheltered housing</p>	<p>As noted under B5 below, the Viability Study Update (July 2014) has revised the viability appraisal of housing for older people and proposes reduced rates which are considered</p>

A	PRELIMINARY DRAFT CHARGING SCHEDULE (PDCS) AND PROPOSED CIL RATES	PROPOSED SLDC RESPONSE
		would not threaten the delivery of this type of housing. The Study proposes £50m ² for sheltered/retirement housing and a zero rate for extra care housing.
A6	That CIL should not be charged on agricultural or rural workers dwellings (CLAB)	The updated CIL Viability Study (July 2014) has reviewed the assumptions for agricultural workers dwellings, including an assumed 30% reduction in value. As the residual value is negative, the study does not propose to levy CIL on agricultural workers dwellings.
A7	That Lightburn Road, Ulverston is removed from CIL (in relation to retail use). [For a review of the main issues raised in relation to retailing see B4 below]	The Lightburn Road site in Ulverston is allocated for employment use (B1 and B2 uses) on which it is not proposed to levy CIL. SLDC has refused a supermarket application on this site.
A8	Uncertainty over the rate to be applied to larger sites	It accordance with CIL guidance, consideration of charging different CIL rates on individual sites relates only to strategic sites. The only site considered sufficiently large to be regarded as a strategic site is the Croftlands housing site allocation for c 750 dwellings in south Ulverston, where the revised viability evidence suggests a lower rate of CIL is levied.(see also A3 and B3). It is proposed that all other residential sites are levied at the same rate of CIL.
A9	That a mechanism for indexing CIL is needed	In calculating individual charges for the levy, Regulation 40 (as amended by the 2014 Regulations) requires collecting authorities to apply an index of inflation to keep the levy responsive to market conditions. The index is the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors.

B	CIL VIABILITY STUDY	PROPOSED SLDC RESPONSE
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B	CIL VIABILITY STUDY	PROPOSED SLDC RESPONSE
B1	<p>Concerns by representatives of the house building industry relating to residential development cost assumptions in the CIL Viability Study including:</p> <ul style="list-style-type: none"> • build costs - which are considered to have increased significantly • that build costs assumptions do not reflect the high cost of materials and design required by SLDC • that upper quartile BCIS cost be used rather than median quartile • median house prices include areas in the National Parks – which distorts prices upwards. • That zero S106 contributions are assumed post CIL • The cost of ‘abnormals’ and overheads • Finance costs 	<p>The CIL Viability Study Update (June 2014) has revisited a range of assumptions including:</p> <ul style="list-style-type: none"> • build costs – increased by 13% and a further 1.5% added to reflect increases in environmental standards • S.106 increased to £2,500 • house price increases of 5% • the size and mix of tenure of affordable housing <p>These are set out in the Viability Study Update, July 2014 together with revised recommended CIL rates.</p> <p>It was not considered necessary to change the assumptions in relation to the cost of ‘abnormals’, overheads or finance costs.</p>
B2	<p>Concerns by representatives of the house building industry and land owners that the assumed residential land values are at such a low level that some landowners would be unwilling to release land for development. Some respondents indicated the view that land values in excess (or well in excess) of £1m per hectare were expected and more realistic. It was also highlighted that the assumed land value was considerably below the residential land value agreed by the Council and the Inspector at the Oxenholme Road, Kendal appeal case. (In this case a land value of £400,000 per net acre was agreed, as an acceptable value at which 35% affordable homes could be delivered and still provide a reasonable return to the land owner).</p>	<p>The CIL Viability Study Update, July 2014 sets out at Table 4.2 the impact of the revised residential development assumptions on the residual values of the site types for a series of viability thresholds ranging from £300,000 per net hectare to £1,000,000 per net hectare. The study no longer compares residual site values to a single assumed residential land value of existing use value, plus 25% plus a £400,000 per net hectare uplift. This demonstrates that viability and the ability to levy CIL declines as higher land values are assumed. At values in excess of £1m per net hectare, the assessment indicates that it would not be viable to levy any CIL or require affordable housing in almost the entire district.</p> <p>The basis assumption in the Government’s approach to CIL and affordable housing is that both are funded essentially through a reduction in housing land values. The introduction of CIL in South Lakeland must therefore imply a</p>

B	CIL VIABILITY STUDY	PROPOSED SLDC RESPONSE
		<p>reduction in land values below levels achieved prior to the introduction of CIL. At a recent CIL examination in Norwich, the examiner referred to a potential reduction land value reduction of 25% as a result of CIL. Of course in practice the level of reduction in land values will vary from area to area, in accordance with differing CIL rates and differing pre-CIL land values. Table 4.4 of the Viability Study Update report indicates that taking a cautious approach in setting CIL rates would mean that the CIL levy as a proportion of Gross Development Value (GDV) would range only from 1.9% to 2.42% of GDV; and as a proportion of residual value from 7.40% to 22.2% (with the exception of the Croftlands housing site in south Ulverston).</p> <p>In summary, it is considered that the CIL Viability Study Update (July 2014) has responded appropriately and adequately to concerns expressed over housing land values by:</p> <ul style="list-style-type: none"> • comparing residual values to a range of viability thresholds rather than a single assumed land value • taking a cautious approach in recommending a CIL levy for housing development, which is shown to comprise a modest proportion of gross development value and a reasonable proportion of residual land value.
B3	<p>Croftlands Housing Site Allocation in South Ulverston is considered to have low or marginal viability compared to the majority of sites across the district. A low or zero rate should be considered for this strategic site, which will deliver significant housing and economic benefits. Viability factors include:</p> <ul style="list-style-type: none"> • assumed sales rates too high - 	<p>The CIL Viability Study Update (July 2014) reviews the assumptions for the Croftlands strategic housing allocation and adjusted assumptions; including the rates of development (from 60 to 48 units per year) and the contingency allowance which is increased by 10%.</p> <p>These have further reduced the residual value of this strategic site and the study</p>

B	CIL VIABILITY STUDY	PROPOSED SLDC RESPONSE
	<ul style="list-style-type: none"> abnormal costs too low e.g. given the policy requirement for a comprehensive approach to matters including drainage; possible need to remove rock and provide abnormal foundations the likely time required to fully develop the site 	therefore proposes a site specific CIL rate of £20m ² .
B4	<p>Retailing:</p> <p>Responses on retailing include those from ALDI, Sainsburys and those promoting the development of the Lightburn Road employment allocation in Ulverston for a supermarket development. Issues raised include:</p> <ul style="list-style-type: none"> proposing a differentiation in the definition of 'supermarket' and 'discount supermarket' (or 'deep discounter') concerns relating to the viability of discount supermarkets. Previously, S106 contributions (which nationally were on average £40,000 nationally) were much less than the sum which would be levied from CIL (estimated at £228,750 on typical discount store with a gross floor space of 1,525m) the need to for the definition of a supermarket to distinguish between supermarkets and small convenience stores that the definitions of a supermarket and retail warehouse are not fit for purpose, following publication of CIL 2014 Regs - no definition of when a convenience retail development becomes a supermarket that in the viability assessment, for both green and brownfield sites, the costs of infrastructure and abnormals are significantly below actual costs that would apply if the Lightburn Road site in Ulverston was brought forward as a supermarket development. Including CIL at the proposed rates would threaten associated development on the site, including industrial units (whilst recognising that SLDC does not support retailing on the site). 	<p>These issues are reviewed in the CIL Viability Study Update (July 2014), including a review of data from a viability appraisal for a supermarket submitted to the Council. The Study Update also adds an appraisal of the viability of a typical small supermarket; but retains the definition of supermarkets (with no size threshold) as set out by the examiner at the Wycombe CIL Examination – <i>'supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which also include non-food floor space as part of the overall mix of the unit'</i></p> <p>While the evidence in table 6.2 of the CIL Viability Study Update suggests that larger supermarkets may be marginally unviable on brownfield sites, the study considers overall that the evidence continues to support a proposed CIL rate of £150m² across the district for supermarkets (including discount supermarkets) and retail warehouses.</p>

B	CIL VIABILITY STUDY	PROPOSED SLDC RESPONSE
	<ul style="list-style-type: none"> Concerns included that no data sources are quoted; that no existing developments are referred to; and that no evidence is referred to to support differential CIL rate between supermarkets and other convenience retailing. Each of these is considered necessary to meet CIL Regulations. 	
B5	<p>Older Persons Housing:</p> <p>Representatives of developers of housing for older people raised several concerns regarding the viability appraisal of housing for older people, including:</p> <ul style="list-style-type: none"> That the higher costs associated with providing housing for older people had not been taken into account – for example empty property costs and the provision of communal areas The need to take account of affordable housing requirements, which also apply to housing for older people; That the density assumptions are too low; That land value assumptions are too low – some sites for elderly accommodation are small, brownfield sites, with higher development costs and high existing use value. 	<p>The CIL Viability Study Update (July 2014) has amended the viability assessment of older people housing to:</p> <ul style="list-style-type: none"> include the 35% affordable housing requirement – assuming that these are provided either as affordable rental properties or as discounted for sale (Low Cost Home Ownership) The assumed common area in sheltered schemes has been increased from 20% to 25%. <p>The resulting appraisals indicate that Extra Care schemes are relatively unviable (whether affordable housing is delivered for affordable rent or as low cost home ownership) but that sheltered schemes remain viable. The Study proposes £50m² for sheltered/retirement housing and a zero rate for extra care housing.</p>
B6	<p>Hotels:</p> <ul style="list-style-type: none"> Rates based on inappropriate and unsound viability assessments e.g. only a budget hotel has been modelled and therefore the assumptions (and conclusions) do not relate, for example, to a high quality hotel or a hotel in a listed building The assumed room rent is high in relation to typical hotels 	<p>The assumptions in the Viability Study Update (July 2014) have been revised for hotel development. Factoring in the additional build cost assumptions reduces the residual value to a negative amount and therefore the Viability Study does not recommend that CIL is levied on hotels.</p>

C	INFRASTRUCTURE DELIVERY PLAN UPDATED JANUARY 2014 AND REG 123 LIST	PROPOSED RESPONSE BY SLDC
C1	<p>Cumbria County Council has updated its assessment of the cost of infrastructure relating to highways/transport and education. The revised assessment also includes a revision of the junction improvements needed on the A590 in Ulverston, to address needs arising from residential and employment development set out in the Local Plan and also proposed developments by GSK and other major local businesses. These improvements have been the subject of a funding bid from the Local Growth Fund.</p> <p>In addition Barrow Borough Council requested strategic highway improvements on the A590 – Barrow Borough Council</p> <p>GSK also requested the addition of improvements to junction of north Lonsdale Terrace and A590.</p>	<p>The IDP has been update to take account of the revised cost estimate relating to critical highways and education infrastructure/services - and also the welcome news of c £7m funding from the Local Growth Fund for the Kendal Transport package and also junction improvements to the A590 in Ulverston - including a contribution to improvements to the junction north of Lonsdale Terrace.</p>
C2	<p>A range of other infrastructure or service requests have been made for addition to the IDP and consideration for CIL funding</p> <ul style="list-style-type: none"> • Rural broadband • Community safety (Cumbria Police) • Healthcare provision in Kendal – new medical and dental services needed (NHS Property Services) • Aspects of historic built heritage (English Heritage) • Restoration of Lancaster Canal (Canal and Rivers Trust) 	<p>The following are listed in Appendix 2 of the IDP for further consideration:</p> <ul style="list-style-type: none"> • Rural Broadband • Community safety <p>The following are included in the draft Infrastructure Project List for CIL funding:</p> <ul style="list-style-type: none"> • Health care facilities in Kendal • Lancaster Canal multi-functional trail (as an example of a potential project under Green Infrastructure) • Projects related to Regeneration/ Public Realm/ Historic Environment

C	INFRASTRUCTURE DELIVERY PLAN UPDATED JANUARY 2014 AND REG 123 LIST	PROPOSED RESPONSE BY SLDC
C3	<p>Additional infrastructure needs proposed by local communities CIL funding :</p> <ul style="list-style-type: none"> • Several Town and Parish Councils, a former SLDC member, Friends of the Lake District (FLD) and South Lakeland Action on Climate Change (SLACC) suggest a range of infrastructure needs which they consider are important to address the needs of new development and should be funded (or part funded) from CIL – a summary list is attached at Appendix 1 to this Table 1. • About 30 residents request use of CIL to introduce highway and traffic calming measures on Windermere Road, Kendal 	<p>A wide range of additional infrastructure proposals – mainly highways and transport related - have been made by several Town and Parish Councils (local councils) and local organisations. These are summarised in Appendix 3 of the Infrastructure Delivery Plan (IDP, July 2014). In considering these it is important to note:</p> <ul style="list-style-type: none"> • 15% of CIL receipts will be passed (<i>as of right</i>) to Town and Parish Councils. This rises to 25% where an adopted Neighbourhood Plan is in place. CIL guidance urges local councils to discuss priorities with the charging authority. • CIL is not expected to fund all infrastructure needs. Existing mainstream service and infrastructure funding sources will continue and S.106 conditions will also continue to meet infrastructure needs related directly to development. • CIL receipts are expected to build slowly in the early stages – in part because CIL payments are only made when work begins on schemes approved after the adoption of CIL. • In identifying the total cost of infrastructure to be funded wholly or in part from CIL, CIL guidance (Feb 2014) notes : <ul style="list-style-type: none"> ➤ The need to consider what extra infrastructure is required to support development ➤ That information should be drawn from the infrastructure assessment undertaken as part of preparing the Local Plan ➤ That the CIL examination should not re-open infrastructure planning issues that have already been

C	INFRASTRUCTURE DELIVERY PLAN UPDATED JANUARY 2014 AND REG 123 LIST	PROPOSED RESPONSE BY SLDC
		<p>considered in putting in place a sound relevant Plan.</p> <p>It is therefore proposed to :</p> <ul style="list-style-type: none"> • record the local infrastructure proposals in the IDP (Appendix 3 of the IDP), as a basis for on-going dialogue with Town and Parish Councils and relevant service and infrastructure providers through the regular updating of the IDP and review of the Reg. 123 list . • This regular dialogue will include: <ul style="list-style-type: none"> ➤ Consideration of areas of shared priorities between the three tiers of council administration, including the potential for match-funding from other sources ➤ A process of assessment by the County Highway Authority: ➤ Consideration of the scope for SLDC and other bodies to assist in delivering locally important projects ➤ The co-ordination of annual reporting on CIL and expenditure by Town and Parish Councils
C4	That all housing outside Kendal and Ulverston will be expected to contribute to education through CIL and also again through S.106 agreements, where there is a local shortfall in education capacity	The S106 contribution would be site specific to meet a recognised local shortfall in educational capacity arising from the development where there is no risk of going over the '5' contributions for a piece of infrastructure. This is consistent with the County Council's Planning Obligations Policy and the thresholds for when S106 contributions would be required to provide additional school places to mitigate the effects of a development. The risk of going over the '5' contributions is considered to be a particular risk at Kendal schools, Ulverston schools and Cartmel Priory school. For this reason it is proposed that CIL contribute to meeting needs in Kendal, Ulverston and Cartmel Priory Schools only.

C	INFRASTRUCTURE DELIVERY PLAN UPDATED JANUARY 2014 AND REG 123 LIST	PROPOSED RESPONSE BY SLDC
C5	<p>In relation to the Reg. 123 list, issues raised include:</p> <ul style="list-style-type: none"> • A request for clarity on what is covered by CIL and what is covered by Section 106 Agreements • a request for consultation on Regulation 123 • A request that stakeholders are given the opportunity to comment on how relevant S106 policies will be amended upon adoption of a CIL Charging Schedule 	<p>The Reg. 123 list seeks to make clear what is to be funded from CIL and what is to be funded from S106 and S278 (highways) planning obligations. The revised list will form part of public consultation when the CIL Draft Charging Schedule is published. Any changes to the Reg. 123 list after the adoption of CIL is also required to be the subject of consultation.</p> <p>In the majority of cases changes to S106 requirements will be made through the preparation of Development Plan Documents or Supplementary Planning Documents, which are subject to statutory and regulatory requirements for public consultation.</p>

D	Other Main Issues	PROPOSED RESPONSE BY SLDC
D1	<p>Public Consultation (PDCS and IDP):</p> <ul style="list-style-type: none"> • That consultation was biased towards land owners and developers (Local Councils and FLD) • Friends of the Lake District would like to be included in key bodies which the Council engages with in preparing the IDP 	<p>The consultation on the PDCS and IDP is summarised above at section 2 above and is considered appropriate, including taking account of CIL Guidance (para 2:6:2) that charging authorities work proactively with developers to ensure they are clear about infrastructure needs and what developers are expected to pay.</p> <p>SLDC undertook public consultation first on the IDP in March 2013, prior to the resumed Land Allocations examination and then again on an updated IDP (Jan 2104) when consulting on the PDCS.</p> <p>Importantly, Town and Parish Councils and local organisations will continue to be consulted in future updates of the IDP (as set out under issue C3 above), both when</p>

D	Other Main Issues	PROPOSED RESPONSE BY SLDC
		<p>the Draft Charging Schedule is published (expected in September 2014) and at future annual updates to the IDP. The Council will continue to ensure on-going dialogue with Town and Parish Councils on infrastructure priorities and what CIL receipts are spent on.</p>
D2	<p>Exceptional CIL Relief:</p> <ul style="list-style-type: none"> • SLDC should set out an approach to exceptional circumstances (CHBG, Sainsburys) 	<p>As a cautious view has been taken in the setting of the recommended CIL rates, it is therefore not proposed to adopt Exceptional CIL relief. However this will be kept under review.</p>
D3	<p>Instalments policy:</p> <ul style="list-style-type: none"> • General support • payments should rise in line with inflation (Grange TC) • policy too weighted to early payments as sales rates likely to be relatively slow. Date for payment should be linked to actual phases. How will phased development be assessed in longer term? Will later phases be liable to pay more CIL if rates go up? (house building industry) • Propose increasing number of instalments where chargeable amount is £ 40,000 or more. Construction extending beyond 270 days likely to trigger full liability; policy unlikely to assist cash for larger schemes (retailers) • Sainsbury's suggests an alternative instalments policy 	<p>The draft instalments policy does not comprise a formal part of the Draft Charging Schedule.</p> <p>It is considered the instalments policy as set out in the PDCS and DCS provides sufficient staging of CIL payments for larger schemes so that a disproportionate amount of CIL is not payable in the early stages of development. However the draft instalments policy has been altered to add reference to the size of non-residential development, which has the effect of extending the period for paying CIL on schemes between 2,000m² and 5,000m² from 270 days to 365 days.</p> <p>In addition, CIL Regulations now allow that where planning permission is granted in phases, then each phase will be a different chargeable amount. It is understood that if CIL rates change between phases, the CIL rate levied will be the rate applying at the time the liability notice is issued in relation to that phase of development.</p>
D4	<p>Parish/Town Request for analysis of actual CIL returns by site, comparing 15% and 25% payment to Parish Councils if a Neighbourhood Plan is in place.</p>	<p>CIL receipts within a Parish over the plan period to 2025 can be estimated by:</p> <ul style="list-style-type: none"> • Estimating the number of dwellings likely to be permitted and built on

D	Other Main Issues	PROPOSED RESPONSE BY SLDC
		<p>allocated sites, excluding any sites which have (or are likely to have) permission before CIL is adopted (see Land Allocations DPD.</p> <ul style="list-style-type: none"> • Reducing this number of dwellings by 35% to take account of affordable dwellings, which are exempt from CIL • Multiply the resulting number of dwellings by an average dwelling size of say 100m² and then by the CIL rate to work out the total CIL payable. • calculate 15% of this total amount of CIL to work out the amount to be paid to the Parish Council. (or 25% if a Neighbourhood Plan is in place). • In addition to allocated sites, an amount of 'windfall' (or unplanned) dwellings may be estimated over the plan period, either with reference to windfall estimates in the Land Allocations DPD, or by assuming that windfall dwellings comprise say an additional 20% of those on allocated sites. The CIL yield can then be calculated in the same way as for allocated sites – but for windfalls, the 35% reduction covers both an estimate of the number of affordable dwellings and likely numbers of self-build dwellings, which are now also exempt from CIL. <p>SLDC can provide estimates for Parish Councils based on these assumptions on request.</p>
D5	<p>Review of CIL:</p> <ul style="list-style-type: none"> • Propose that SLDC set out its position on the review of CIL e.g. in relation to impact of CIL on housing delivery • That there is no indication of how CIL rates might be reviewed or varied over time, to reflect changing market conditions or costs. 	<p>It is proposed that SLDC set out its overall position on the types of circumstances when it will consider a review of CIL rates, including when there is a change in house prices by more than 10%.</p> <p>As set under issue A5 above, the Council must keep its viability evidence under</p>

D	Other Main Issues	PROPOSED RESPONSE BY SLDC
		<p>review order to inform the Council as to when changes in market conditions, development costs or experience gained in implementing CIL may justify a change in CIL rates. The next opportunity to revisit the Viability evidence will be when Development Management Policies are brought forward in 2015-16 as any changes to development requirements will require viability testing.</p>
D6	<p>Payments in Kind</p> <p>SLDC should set out an approach to payments in kind</p>	<p>The 2014 amendments to the CIL Regulations now allow for CIL payments in kind to be made as infrastructure as well as land.</p> <p>It is proposed that SLDC set out an approach to payments in kind in the DCS, and indicate its willingness to consider accepting payments in kind, on a case by case basis, both in relation to land and/or infrastructure. The proportion payable to Town and Parish Councils must always be paid in money so that this amount can be paid to the local councils.</p>

Appendix to Table 1 SUMMARY OF PROPOSED INFRASTRUCTURE ADDITIONS TO THE IDP AND REG 123 LIST BY TOWN/PARISH COUNCILS & OTHER LOCAL ORGANISATIONS.	
	<p>NB: This appendix provides a summary only. Full details of the infrastructure and other proposals and comments by Town and Parish Councils and other local organisations can be viewed on the Council's website</p>
1	<p>Kendal Town Council</p> <p><u>Traffic Model:</u></p> <ul style="list-style-type: none"> Request an up to date Highways SATURN model.

Appendix to Table 1

SUMMARY OF PROPOSED INFRASTRUCTURE ADDITIONS TO THE IDP AND REG 123 LIST BY TOWN/PARISH COUNCILS & OTHER LOCAL ORGANISATIONS.

- Re-run traffic model to identify roads where traffic volume increases by more than a given factor verses the base case (20%), or where increased volume (say 300-400 vehicles/hour) is likely to lead to calls for other measures such as new 20 mph calmed zones, pedestrian crossings etc.

Sustainable Transport Improvements - Identify the following measures in IDP: :

- Would like a **master plan produced for walking and cycling** through the town, from existing and new residential and business areas, this should include:
 - Clearly identified safe walking / buggy pushing /cycling routes to school, nurseries.
 - Comprehensive cycling network
 - Pedestrian /cycle friendly routes through town centre
 - Public transport plan for wider catchment of Kendal College
 - Recognition of Lakes Line serving Kendal schools

The use of the master plan should identify gaps and then draw up a list of additional sustainable transport improvements.

Public Transport:

- Identify additional improvements
- Re-work costings so they include a comprehensive full day town bus service, bus shelters and real time displays.

Attractive cycling and walking movement:

- Weather-proofing- improved road surfaces, investment in snow clearings, improved lighting, secure weather proof cycle racks and e-bike recharging positions.

Air Quality:

- Make town centre free of all but essential motorised vehicles, may require new river crossing.

Car Parking:

- New town centre parking for cars and coaches

Improved access to green spaces:

- Footpaths, cycle tracks, benches, miles without stiles and interpretative panels.

Appendix to Table 1 SUMMARY OF PROPOSED INFRASTRUCTURE ADDITIONS TO THE IDP AND REG 123 LIST BY TOWN/PARISH COUNCILS & OTHER LOCAL ORGANISATIONS.	
2	<p>Residents of Windermere Road, Kendal</p> <p>Extending 40 mph limit at north end of Windermere Road to begin at Plumgarths roundabout</p> <ul style="list-style-type: none"> • Extending 30 mph speed limit towards Plumgarth roundabout • Use painted lines (not speed bumps) along Windermere Road to visually narrow the lanes to encourage reduced speeding • Consider use of chicanes to create parking bays and narrow lanes. <p>One resident objected to these.</p>
3	<p>Kirkby Lonsdale Town Council</p> <ul style="list-style-type: none"> • A safe crossing system between McCarthy Stone development and Booths (across Dodgson Croft road). • Road management system outside the schools • New access road off Kendal Road for new housing development (<i>i.e. the site allocation North of Kendal Road, Kirkby Lonsdale</i>).
4	<p>Holme Parish Council:</p> <ul style="list-style-type: none"> • Improved parking facilities in the centre of the village (The Square) to be considered as part of wider improvements.
5	<p>Lower Holker Parish Council:</p> <ul style="list-style-type: none"> • Pedestrian Bridge over railway at Allithwaite Road.
6	<p>Grange Town Council:</p> <p>The Town Council does not believe the <u>Cartmel Peninsula Traffic Study</u> contains appropriate evidence and considers that a <u>Sustainable Transport Strategy</u> is needed for the Peninsula.</p> <p>More specifically, the IDP should identify the following:</p> <ul style="list-style-type: none"> • Traffic mitigation measures on through routes in the Cartmel Peninsula • Restrict parking in the town centre and improve car parks • Traffic mitigation to relieve congestion in the town centre • Mitigation measures on the B5277 in relation to effect of unrestricted parking

Appendix to Table 1 SUMMARY OF PROPOSED INFRASTRUCTURE ADDITIONS TO THE IDP AND REG 123 LIST BY TOWN/PARISH COUNCILS & OTHER LOCAL ORGANISATIONS.	
	<p>proposals</p> <ul style="list-style-type: none"> • Mitigation measures to control parking on narrow highways • Protection of main bus routes through narrow highways by adding double yellow lines • Introduction of urban 20mph speed restriction in all residential areas. • Redevelopment of Promenade to provide safe and accessible access. • Safe pedestrian routes into town with pedestrian controlled lights to at least access bus services, including bus routes. • Cycle routes • Park and ride site near Meathop • A continuous walking and cycling route from Blawith Point to Grange Promenade through to Kents Bank Station, upgrading existing pathways including coastal path at Kents Bank. • General sustainable travel improvements
7	<p>Burneside Parish Council:</p> <ul style="list-style-type: none"> • Improvements to Hollins Lane – safety measures • Lower speed limits
8	<p>Natland Parish Council:</p> <ul style="list-style-type: none"> • A footway/cycleway on Natland Road between Natland and Kendal • Funding for 20mph speed limit through village • A pedestrian crossing on the A65 somewhere such as the railway bridge near end of Helmside Road.
9	<p>Friends of the Lake District (FLD)</p> <ul style="list-style-type: none"> • Would like to see greater emphasis placed on the benefits of green infrastructure in terms of its role for flood alleviation, climate change mitigation and adaptation/ecosystem services. • Greater amount of monies should go to cycling infrastructure improvements – additional schemes need to be identified through preparation of a Master plan.

Appendix to Table 1	
SUMMARY OF PROPOSED INFRASTRUCTURE ADDITIONS TO THE IDP AND REG 123 LIST BY TOWN/PARISH COUNCILS & OTHER LOCAL ORGANISATIONS.	
	<ul style="list-style-type: none"> • Need to recognise the need for financial provision for informal and smaller areas of green space.
10	<p>South Lakeland Action on Climate Change (SLAAC)</p> <ul style="list-style-type: none"> • Measures identified fall short of those required to establish a comprehensive sustainable transport network – Kendal. • Need a comprehensive cycling network is needed for Kendal. Completion of riverside route with link along New Road is urgently required. A cycling network that would contribute to the required modal shift would cost considerably more. Funding from CIL essential • Use of CIL to fund improvements for Public Transport in Kendal is essential – look to shorten distance threshold to bus stops. • Need to identify new open space and allotments and use CIL to provide land for such purposes.

Table 2: PDCS Consultation: Summary of Main Issues, listed by Represor

	Representor	Comments
1	31 Residents of Windermere Road, Kendal	<ul style="list-style-type: none"> • Infrastructure Delivery Plan should include traffic calming measures on Windermere Road including changes to the speed limits, using white lines to narrow lanes and possibly creation of parking bays. Some residents suggest that the indicative cost of £55,000 to £60,000 should be included in the evidence base.
2	Mr & Mrs Robinson	<ul style="list-style-type: none"> • Disapprove of traffic calming proposals on Windermere Road.
3	Cllr Rob Boden	<ul style="list-style-type: none"> • Infrastructure Delivery Plan should include traffic calming measures on Windermere Road. • Infrastructure Delivery Plan should include expansion of St Thomas's Primary School, Kendal.

	Representor	Comments
		<ul style="list-style-type: none"> Infrastructure Delivery Plan should consider proposals to expand Hallgarth Community Centre. It may not always be possible for a Parish Council to provide facilities to serve a development site which is close to a Parish Boundary e.g. At Lane Foot.
4	Mrs Valerie Kennedy	<ul style="list-style-type: none"> Infrastructure Delivery Plan omits infrastructure needs in Grange-over Sands and the Cartmel Peninsula including traffic management, hydrological and drainage issues, tourism facilities and improved pedestrian and cycling infrastructure.
5	Arthur Robinson	<ul style="list-style-type: none"> Would CIL be levied on windfarms? Superfast Broadband is essential infrastructure.
6	Alan Dewar	<ul style="list-style-type: none"> The plan is too wide ranging to be manageable. Utilities costs appear to be coming back to SLDC. Burden of payment may put off developers. Who will carry responsibility for land drainage and sewage outfall in the future?
7	Three Dragons – Mrs Kathleen Dunmore	<ul style="list-style-type: none"> The use of Three Dragons for Retirement Housing Group's guide appears to assume nil affordable housing. The proposed rates for retirement housing are too high.
8	Lake District Estates Co. Ltd – Peter Hensman	<ul style="list-style-type: none"> Need absolute clarity on what is covered by CIL and what is covered by Section 106 Agreements. £3750 per room is on the high side for cheaper hotels.
9	Holbeck Homes & Holker Estates Group – Duncan Peake	<ul style="list-style-type: none"> If CIL is set too high it will undermine delivery of affordable housing. Land values used in the Viability Study are too low. Payment by instalments will help to deliver more community benefits. A mechanism for indexing CIL levels is required. Request consultation on Regulation 123. The Council should consider applying lower CIL rates in the Furness area.
10	The Holker Group – Garner Planning Associates (Christopher Garner)	<ul style="list-style-type: none"> The viability information is not transparent and needs to be made more robust. Viability should recognise 35% affordable housing requirement. Viability should address high costs associated with development especially in relation to delivering strategic sites. Land values should be accepted by landowners on mixed tenure sites. CIL rate for accommodation for older people needs further analysis and justification. Serious risk of jeopardising delivery if the CIL rates are too high.
11	Mr & Mrs T Taylforth	<ul style="list-style-type: none"> CIL rates are too high for supermarkets, warehousing etc. as much of the infrastructure is linked to housing.
12	Ms Marjorie Thompson	<ul style="list-style-type: none"> CIL rates will seriously affect the viability of sites as the land values will be suppressed making owners

	Representor	Comments
		reluctant to sell land.
13	South Lakes Action on Climate Change – Chris Rowley and Liz Ashburn	<ul style="list-style-type: none"> • Lack of engagement with community groups. • Proposed CIL rate is too low. • Delivery Plan should include a comprehensive cycling network and the costs to deliver more cycling facilities are too low. • CIL should be used to create bus stops at a higher level than proposed. • Infrastructure Delivery Plan should include a wider definition of Green Infrastructure and should mention the provision of new areas of public open space within development sites.
14	Stephen Abbott Associates LLP – Brian Barden	<ul style="list-style-type: none"> • Need clarity on what is covered by CIL and what is covered by Section 106 Agreements, especially when preparing Planning Briefs. • It needs to be made clear which table applies to retail stores and retail warehouses. Also the definitions of convenience stores and supermarkets needs to be clarified. • There should be some indication of what is meant by “large” in terms of retail floor space.
15	Aldi Stores Ltd – Signet Planning (Karen Read)	<ul style="list-style-type: none"> • Strongly suggest that that the Council differentiates between “supermarkets” and “deep discounters”. • Deep discounters, such as Aldi, cannot support a CIL rate of £150 per sq. m. as it makes their stores unviable.
16	Sainsbury’s Supermarkets Ltd – Turley Associates (Matthew Spilsbury)	<ul style="list-style-type: none"> • The Viability Study should include evidence to underpin the appraisal assumptions; include evidence from existing developments or sites; and evidenced justification of the proposed differential CIL rate and threshold for supermarkets and all other convenience retail. • Concerned that there is no threshold to define a “supermarket”. • Request evidence to demonstrate the appropriate balance has been set in establishing the point at which a convenience retail development becomes a “supermarket” and incurs a charge of £150 per sq. m. • Strongly suggest a policy to permit discretionary relief from CIL liability in exceptional circumstances. • An instalments policy and the introduction of several further instalments where the chargeable amount is £40,000 or more is essential for development cash flow. A recommended Instalment Policy is included in the full submission. • Request that stakeholders are given the opportunity to comment on how relevant S106 policies will be amended upon adoption of a CIL Charging Schedule.
17	Landowners at Gascow Farm, South Ulverston - Lea Hough Chartered	<ul style="list-style-type: none"> • A lower CIL rate for strategic sites is supported. • It is unclear how projects in the Infrastructure Delivery Plan have been prioritised.

	Representor	Comments
	Surveyors (David Bailey)	<ul style="list-style-type: none"> • Very concerned about the land value used in the Viability Study being too low. • The proposed rate of £60 per sq. m could not be accommodated by developers. Lower rates and deferred payments are needed to encourage development. • An instalments policy is essential and, particularly for larger sites the proposed payment profile remains too weighted to early payments. It should be linked to occupation of housing to accommodate the developer's cash flow. • CIL funds should be used for necessary infrastructure that is deliverable. • The South Ulverston strategic site is extremely complex and will take a long time to deliver. A nil rate of CIL is recommended to ensure that it is brought forward and remains viable.
18	GSK – Quod (Tom Dobson)	<ul style="list-style-type: none"> • Suggest clarifying the tables in the Preliminary Draft Charging Schedule and making it clear that employment uses are not subject to a charge. • Improvements to the junction of North Lonsdale Terrace/A590 should be in the Infrastructure Schedule of the Delivery Plan.
19	Friesland Construction Ltd – WYG (Angela Scarr)	<ul style="list-style-type: none"> • The date for payment should be linked to actual construction on the ground especially on large sites.
20	Rawdon Property – Lambert Smith Hampton (Adam Mirley)	<ul style="list-style-type: none"> • A blanket £150 per sq. m charge on all supermarkets would impact on the viability of a supermarket led development on Lightburn Road, Ulverston. The Lightburn Road site should be removed from CIL altogether due to the acknowledged abnormal costs.
21	Natural England - Kate Wheeler	<ul style="list-style-type: none"> • Suggests that the CIL should play a role in planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. • Welcomes the inclusion of Green Infrastructure.
22	Canal and River Trust - Alison Truman	<ul style="list-style-type: none"> • The Draft Regulation 123 List should more precisely define infrastructure projects to ensure that specific types of infrastructure such as the canal network benefit from either CIL or S106 contributions. • Requests clarification about whether it is envisaged that developer contributions will provide a potential source of funding for the restoration of the Lancaster Canal for navigation.
23	McCarthy & Stone Retirement Lifestyles Ltd. & Churchill Retirement Living Ltd. – The Planning Bureau Ltd.	<ul style="list-style-type: none"> • Concerned that the CIL will constrain the delivery of retirement developments particularly on brownfield sites close to town and local centres. • Have significant reservations about the level of “surplus” cited in the viability appraisal for sheltered/retirement and extra care accommodation

	Representor	Comments
	(Ziyad Thomas)	<p>when determining CIL.</p> <ul style="list-style-type: none"> • Consider that the Retirement Housing Group (RHG) methodology has been incorrectly applied and makes a number of detailed comments about assumptions regarding density, communal floor space, build costs, empty property costs and land values. • Recommend new viability appraisal inputs for typical retirement apartment developments. • Recommend that the viability assessment should include a consideration of the relative viability of retirement housing when set against existing values and a range of alternative values. • Recommend the draft Charging Schedule should pay heed to the effect of CIL on the supply of housing for the elderly.
24	Network Rail – Diane Clarke	<ul style="list-style-type: none"> • Welcome the inclusion of paragraph 3.49 concerning developer contributions to rail infrastructure where they are directly required as a result of proposed development. In relation to development that is likely to result in a material increase in the volume or character of traffic using a level crossing over a railway a footbridge will normally be required.
25	Bourne Leisure Ltd. – Nathaniel Lichfield & Partners Ltd. (Nathan Matta)	<ul style="list-style-type: none"> • Recommend that a zero CIL rate should be applied to C1 Use Class including hotel use. • Concerned that budget hotels have been used as a basis for the viability study.
26	United Utilities – David Sherratt	<ul style="list-style-type: none"> • Would like to be involved in further consultations to ensure United Utilities can facilitate infrastructure.
27	Rowland Homes Ltd. – Stephen Abbott Associates LLP (Stephen Lancaster)	<ul style="list-style-type: none"> • Concerned that the proposed rate applied to the South Ulverston development would undermine the viability of the proposed development. • The land values used in the viability study are too low. • Questions the assumed rate of sales for the South Ulverston strategic site. • Suggests a higher unit build and infrastructure cost. • Abnormal costs for the South Ulverston site have been underestimated. • The cost of some aspects of green infrastructure which will be secured by S106 agreements is not reflected in the viability modelling
28	CLAB – Jane Harrison	<ul style="list-style-type: none"> • CIL should not be applied to accommodation that is restricted to those employed in agriculture, horticulture and other rural businesses.
29	The Theatres Trust – Rose Freeman	<ul style="list-style-type: none"> • Support the decision that the provision of community facilities, D1, D2 and some sui generis uses will not be levied a charge.
30	English Heritage – Emily Hrycan	<ul style="list-style-type: none"> • Recommend that the evidence base should include historic environment and heritage assets, in particular the Heritage at Risk Register and any local information

	Representor	Comments
		<p>such as Conservation Area Appraisals.</p> <ul style="list-style-type: none"> • Suggests a number of ways in which investment in the historic assets can have social, economic and environmental benefits. • Encourages the inclusion of conservation of heritage assets to be taken into account in considering the level of CIL. • CIL should not undermine the viability of schemes that will secure the long-term viability of the historic environment. • Draft Charging Schedule should offer CIL relief in exceptional circumstances if it would threaten the viability of schemes designed to ensure the reuse of heritage assets identified on English Heritage's Register of Heritage at Risk.
31	Marine Management Organisation – Angela Atkinson	<ul style="list-style-type: none"> • No comments.
32	Friends of the Lake District – Dr Kate Willshaw	<ul style="list-style-type: none"> • Concerned that the CIL rate is much too low and will not deliver sufficient funds to adequately mitigate the impact of development or implement the Infrastructure Delivery Plan. • Suggest that there may be a case for differentiated CIL rates for different parts of South Lakeland and it may be right to have lower rates where the attractiveness for developers is lower. • Supports instalment payments. • Suggests a number of additions and changes to the Infrastructure Delivery Plan and asks to be included in any further engagement undertaken by SLDC and to be included in the list of Key Delivery Partners. • In particular wish to see landscape, flood alleviation and storage, climate change mitigation and adaption and ecosystem services included as green infrastructure. • Make a number of points about the need to raise the profile and delivery of cycling infrastructure.
33	NHS Property Services	<ul style="list-style-type: none"> • Cumbria Clinical Commissioning Group (formerly NHS Cumbria) has confirmed that the population impact on healthcare associated with the additional housing would be absorbed by existing NHS infrastructure apart from Kendal. • Additional medical and dental provision is likely to be required in Kendal. Whilst this is covered by existing funding mechanisms it would be beneficial if CIL resources were available to help pump prime new medical and dental infrastructure. • Health care should be listed as a key priority in the Regulation 123 List.
34	Planning Branch – Mrs	<ul style="list-style-type: none"> • What happens for renewals of permissions granted

	Representor	Comments
	Kate Bellwood	<p>before CIL introduced?</p> <ul style="list-style-type: none"> • Allow exemption from CIL where a scheme can be proved to be unviable due to the CIL charge. • Should allow “in kind” contributions such as provision of a community venue rather than money. • Will development of a community facility on the R123 list still attract a levy?
35	The Cumbria House Builders Group – Garner Planning Associates (Christopher Garner)	<ul style="list-style-type: none"> • The assumed Viability Threshold is much too low it should be increased from £430,000 - £480,000 per ha to £1,235,500 per net developable ha in the Kendal area and £1,000,000 per net developable ha in the west. • Sets out a number of concerns about the viability evidence. • Suggests further assessments of edge of urban sites to inform a revision of the density assumptions. • Viabilities are not based upon 35% affordable housing requirements. • The limited number of housing sites that have come forward as mixed tenure prior to CIL should be of concern. • Build cost assumptions are too low. They should include allowances for roads and sewers, materials and Building Regulations Part L. • Greenfield developments can have abnormal costs. • The omission of builder’s overhead costs in the viability evidence is significant. • Interest costs appear to be based on high sales rates. A rate of 30 dwellings per annum is more realistic but still optimistic given the close proximity of some sites. • The finance costs are too low and need to be reappraised. • A clear statement on Section 106 financial contributions and the County Council’s Planning Obligations Policy is required. • Surprised that the CIL rate for sheltered/retirement and extra care housing is higher than the residential rate. Sets out a number of problems with the assumptions made to arrive at the rate. • Concerned that landowners will not release their land because the viability threshold assumption sets the competitive return for them too low and the cost assumptions are too low. This may result in lower affordable housing provision. • The fact that neighbouring authorities do not intend to introduce a CIL may divert development away from South Lakeland. • The median house price rank includes areas of the National Park which distorts the figure for the area covered by the CIL. • Agree that there should be an instalments policy for

	Representor	Comments
		<p>residential development but this should be extended to other uses such as sheltered or extra care housing.</p> <ul style="list-style-type: none"> • Should set out the Council's approach to payments in kind. • Should set out the Council's approach to exceptional circumstances. • The Regulation 123 List should set out proposed highway improvements. • CIL should fund all additional school places for the whole of the Borough. • Amend Regulation 123 List so that off-site open space improvements will be funded by CIL and on-site open space by S106. • Monitoring should take place and there may need to be a review of CIL if no housing is brought forward within 12 months of adoption.
36	Retirement Housing Group – John Montgomery	<ul style="list-style-type: none"> • It appears that the requirement for affordable housing has been omitted from the calculation of the CIL rate for sheltered housing and this needs to be addressed.
37	Cumbria Constabulary – Mr Andrew Hunton	<ul style="list-style-type: none"> • Welcomes the references to Community Safety in the Draft Delivery Plan. • May be beneficial to reinforce the importance of Public Services Infrastructure in the Charging Schedule. • Concerned that the Core Strategy does not make specific reference to Community Safety which could undermine claims for CIL to support local projects. • Promotes Secured by Design. • CIL should be used to support local community safety projects such as a countywide CCTV system.
38	Cumbria County Council – Michael Barry	<ul style="list-style-type: none"> • Welcome the CIL and consider that it will acknowledge important County Council priorities. • The evidence base should be frequently updated. • Should recognise the potential of other funding streams such as the Strategic Economic Plan for Cumbria and its priority for improvements to the A590 through Ulverston comprising <ul style="list-style-type: none"> • A590 / North Lonsdale Road • A590 / Quebec Street • A590 / The Ellers Roundabout • A590 / Prince's Street / Queen Street • A package of sustainable travel improvements. • The high level of Levy proposed for sheltered/extra care housing should be reviewed. • Charging Schedule should make it clear that affordable housing, including Extra Care and Sheltered Housing would not be charged.

	Representor	Comments
		<ul style="list-style-type: none"> • Charging schedule should be revised to reduce the risk that it could prejudice the ability to deliver improvements by other means such as S106 and S278 Agreements. • Recommends that part of the Regulation 123 List be rewritten to state: “The following highway and transport infrastructure and schemes with strategic benefits: <ul style="list-style-type: none"> · Arnside Viaduct Cycle / Pedestrian Link · North Kendal Cycle Route · Burton Road / South Kendal Cycle Link · Grange to Lindale footway link · Car sharing lay-bys at various locations including the A6 and A65” • Recommend that the 22 highways and transport improvements for Kendal are specified in an appendix to the Draft Charging Schedule. • A number of minor changes to wording of the documents are suggested. • Revisions to highways and education elements of the Preliminary Draft Infrastructure Project List are recommended. This includes additional schemes and revised costs. • In particular the cost estimates have risen for the Ulverston, Mainline Milnthorpe and Scroggs Wood, Kendal transport schemes and new schemes along the A590 at Eilers Roundabout, Prince’s Street junction and Quebec Street have been added. • Cost estimates for education improvements have risen for Kendal primary and secondary schools and Cartmel Priory. A new scheme for improvements to Kirkby Lonsdale secondary provision has been added. • It is recommended that the IDP refers to flood and coastal risk funding sources. • County Members of the South Lakeland Local Committee made a number of comments. Some of these were incorporated into the County Council’s formal response. In addition to some general comments requesting greater clarity and more comprehensive evidence Members felt that in locations with higher land values it may be possible to charge a higher rate of CIL.
39	North Yorkshire County Council – Carl Bunnage & Rachael Wiggington	<ul style="list-style-type: none"> • No comments.
40	Barrow Borough Council	<ul style="list-style-type: none"> • Welcome inclusion of strategic infrastructure that will benefit both South Lakeland and Barrow. In particular

	Representor	Comments
	– Mr Jason Hipkiss	<p>maintaining and improving journey time reliability on the A590 and the Furness line and improving safety on the A590 are crucial in supporting sustainable economic growth in Barrow and the towns and villages along their route.</p> <ul style="list-style-type: none"> • Requests that when strategic improvement measures are proposed they are considered for inclusion in the CIL.
41	Kendal Town Council – Ms Elizabeth Richardson	<ul style="list-style-type: none"> • Concerned that the projected CIL yield will not fully fund the Draft IDP and makes suggestions to address this including setting a higher rate and introducing differential rates. • Particularly concerned about the percentage of CIL for sites on the edge of Kendal going to Parish Councils. • Recommends identifying sites for public infrastructure within Development Briefs. • Request an up to date Highways SATURN model for Kendal. • Re-run traffic model to identify roads where traffic volume increases by more than a given factor verses the base case (20%), or where increased volume (say 300-400 vehicles/hour) is likely to lead to calls for other measures such as new 20 mph calmed zones, pedestrian crossings etc. • Would like a masterplan produced for walking and cycling through Kendal, from existing and new residential and business areas, this should include identification of: <ul style="list-style-type: none"> - Clearly identified safe walking / buggy pushing /cycling routes to school, nurseries. - Comprehensive cycling network - Pedestrian /cycle friendly routes through town centre - Public transport plan for wider catchment of Kendal College - Recognition of Lakes Line serving Kendal schools • Re-work public transport costs so they include a comprehensive full day town bus service, bus shelters and real time displays. • Cycling and walking to be made more attractive by, for example: improved road surfaces, investment in snow clearings, improved lighting, secure weather proof cycle racks and e-bike recharging positions. • Make town centre free of all but essential motorised vehicles to improve air quality, may require new river crossing. • The analysis of education provision should be more rigorous and land should be earmarked for additional primary school provision. • New town centre parking for cars and coaches. • The pressure on green spaces should be managed through improvements such as footpaths, cycle tracks,

	Representor	Comments
		benches, 'miles without stiles' projects and interpretative panels.
42	Grange over Sands Town Council – Ms Claire Benbow	<p>The Delivery Plan should identify the following:</p> <ul style="list-style-type: none"> • Traffic mitigation measures on through routes in the Cartmel Peninsula. • Restrict parking in the town centre and improve car parks. • Traffic mitigation to relieve congestion in the town centre. • Mitigation measures on the B5277 in relation to effect of unrestricted parking proposals. • Mitigation measures to control parking on narrow highways. • Protection of main bus routes through narrow highways by adding double yellow lines. • Introduction of urban 20mph speed restriction in all residential areas. • Redevelopment of Promenade to provide safe and accessible access. • Safe pedestrian routes into town with pedestrian controlled lights to at least access bus services, including bus routes. • Cycle routes • Park and ride site near Meathop. • A continuous walking and cycling route from Blawith Point to Grange Promenade through to Kents Bank Station, upgrading existing pathways including coastal path at Kents Bank. • General sustainable travel improvements. • The proposed CIL rates do not recognise the potential to obtain more from the more profitable greenfield sites in the Cartmel Peninsula Housing Area. • Concerned that none of the infrastructure needs of the Cartmel Peninsula Housing Area are designated as critical and this may result in them not getting sufficient funding. • Would like to see a parish/town based analysis of indicative CIL returns of 10% and 25%, based on actual sites plus clarification of how much the Town Council can expect to receive. • Question the national evidence base from which the charging benchmarks have been derived and suggest that a charge should be introduced for holiday lodges and static caravans as they impact on infrastructure. • Request removal of the uncertainty of allowing negotiation of CIL for larger sites. • Concerned about smaller sites being ineligible for S106 or S278 infrastructure money. • The regeneration of the Lido site, the maintenance of the Promenade, traffic management in Grange town

	Representor	Comments
		<p>centre and on the B5277 and a Sustainable Transport Strategy for Grange and the Cartmel Peninsula are key critical infrastructure requirements.</p> <ul style="list-style-type: none"> • 100% Broadband and mobile phone coverage should be included in the Infrastructure Table.
43	Kirkby Lonsdale Town Council – Kevin Price	<ul style="list-style-type: none"> • Requests a safe crossing system in the town, road management outside the schools and a new access road off Kendal Road for a proposed housing site.
44	Natland Parish Council – Kevin Price	<ul style="list-style-type: none"> • Suggest including a more effective drainage system for Natland; a footway/cycleway on the C5071 Natland to Kendal road; funding for the requested 20mph speed limit through the village; and a pedestrian crossing on the A65 near the railway bridge and Helmside Road.
45	Burneside Parish Council – Kevin Price	<ul style="list-style-type: none"> • Suggest including improvements to the Bryce Institute; improvements to the play area; safety measures on Hollins Lane; and lower speed limits.
46	Preston Patrick Parish Council – Lesley Winter	<ul style="list-style-type: none"> • Supports provision of a new A590/B6395 junction to serve the proposed expansion of Mainline Business Park at Milnthorpe and requests implementation prior to the expansion. • Opposes the alternative of a bridge over the canal at Crooklands.
47	Lower Allithwaite Parish Council – Phil Turner	<ul style="list-style-type: none"> • Support the Preliminary Draft Charging Schedule.
48	Lower Holker Parish Council – Mrs Lyn Prescott	<ul style="list-style-type: none"> • CIL rate for Sheltered/Retirement Housing should be reduced to £35/m2. • Support instalment payments. • Pedestrian Bridge over railway at Allithwaite Road, Flookburgh is required.
49	Holme Parish Council – Mr Medwin John Sherriff	<ul style="list-style-type: none"> • Infrastructure requirements should include: • Maintaining the Parish Hall, • Redesigning the village centre to principally improve parking, • Provide a youth club • Retain facilities in the village.
50	Preston Richard Parish Council – Mrs Ann Park	<ul style="list-style-type: none"> • Evidence is unclear in some areas. • CIL rates are acceptable. • Support instalment payments.

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