

ID	Organisation	Respondent	Issue ref	Issue	Respondent comment	Council Response
1	The Theatres Trust	Anthony Ross	1.1	Charging schedule	Re Table 7.1 'Preliminary Draft Charging Schedule', while implied by its absence, for clarity it would be useful to add an additional row to the table noting 'All other uses - 'A nil charge'. We support the nil rate for 'all other uses'.	The Council will include a category of all other uses for the sake of clarity.
2		Chris Sale	2.1	General support	I have looked into it briefly and while I don't feel qualified to give an opinion on the detail my overall view is that it is good for RBWM and its residents and I therefore support it.	The Council welcomes the support.
3	Amberleigh Homes	Jeff Parton	3.1	Rate too high	The proposed charge of £240 per square metre across the borough outside of the defined urban area of Maidenhead is excessive in our view and will mean that the prospect of securing residential land at realistic values is very significantly reduced. Market values for land with planning permission are at a rate of circa 40% of the achievable sale price of the completed unit.	In light of representations from yourself and other respondents the recommended CIL charge of £240 per square metre will be revisited. This means that the appraisal assumptions which were used will be checked and if required the appraisals re-run. The draft charging schedule (DCS) will include a report which provides the results of this additional work. No evidence has been provided to support the assertion that land values equate to 40% of GDV.
3	Amberleigh Homes	Jeff Parton	3.2	CIL will cause landowners to reduce expectations	The introduction of CIL at the proposed levels would mean in real terms persuading land owners to accept a large reduction in the sale price of the land as it cannot come out of the sale proceeds or construction costs and the net result would be that landowners would not be prepared to sell at anything other than what they perceive to be the market rate.	CIL guidance and examiners reports have stated that land values will inevitably reflect the cost of CIL charges. This means that landowners should expect a level of reduction in the sales prices of land. As a result it should be expected that landowners won't achieve values at "market rate" as understood by Amberleigh Homes. As an example, in the Inspector's Report to the Greater Norwich Development Partnership - for Broadland District Council, Norwich City Council and South Norfolk Council for their CIL, the inspector wrote that "it is reasonable to see a 25% reduction in benchmark values as the maximum that should be used in calculating a threshold land value".
3	Amberleigh Homes	Jeff Parton	3.3	Impact on supply of housing	There is an urgent requirement for new house building that has been widely debated in the media and which the new conservative government is anxious to encourage. We can only provide comment as a small local housebuilder, and much as the community aims of CIL are laudable, this will in our view, if introduced, have a significant detrimental impact on the supply of sites for housing for the foreseeable future	The Council welcomes comments from small housebuilders. The preliminary draft charging schedule (PDCS) has been tested to ensure that the proposed charges do not cause development to be unviable. The Council does not believe that CIL will have a detrimental impact on new housing supply.
4	The Woodland Trust	Ellie Henderson	4.1	Infrastructure list amendment	We are pleased to see Green Infrastructure listed in the draft Regulation 123 list. However we would like to see tree planting and woodland creation listed specifically as a separate bullet point under Green Infrastructure. This is because of the unique ability of woodland to deliver across a wide range of benefits. Woodland is also relatively inexpensive to manage when compared to other forms of urban greenspace, such as short mown grass. Woodlands have value across many sectors of the economy and society. English woodlands already play an important part in the growth of the UK forest carbon market and in groundbreaking projects that use land management to improve water quality, reduce flood risk, enhance biodiversity and adapt to impacts of climate change.	The Council wishes to support a range of projects within the Green Infrastructure category and currently prefers to have sufficient flexibility to allocate funds to Green Infrastructure and the most pressing needs arise. The Council acknowledges the importance of tree planting and woodland creation as an important element of Green Infrastructure and is reflected by the Councils Manifesto commitment 4.14 Continue planting trees which is being actioned by a Launch of free Trees for Residents scheme in Autumn 2015, Tree planting season on highways and parks commence in November 2015. Planning new open spaces in Eton Wick & Sherlock Row
5	Royal Berkshire Fire and Rescue Service	Peter Gray	5.1	Relationship between S106 and CIL	Currently RBFRS ask for Fire Hydrants on new developments or areas that are being re-developed and we do ask that these are paid for through the S106 scheme although this is rare. With the new CIL being introduced into your area I would like to adopt the same procedure that West Berkshire have in place for us with regards the installation of F/H's for new developments/sites. Where we ask for F/H's on such developments the builders will pay the Water Co to install at the points we request. RBFRS have no dealings with the monies as the builders and Water Co's deal with each other directly but work to our requirements.	The Council acknowledges the need to secure fire hydrants through the planning process and specifically through Section 106 agreements. The Council maintains that this is the most effective means for securing fire hydrants instead of by funding it through CIL.
6		Jeremy Greenhalgh	6.1	Regulation 123 list	Appendix B - Draft Regulations 123 List: Please explain what the exceptions at Maidenhead Golf Course relating to Education (New Primary School) and Social & Community Facilities (New Community Facilities) mean as there are currently no such developments proposed.	It is anticipated that the golf course will be safeguarded in the emerging local plan and therefore will not come forward in this plan period. Therefore reference to the golf course is not included in the draft Regulation 123 list.
7		J Powell	7.1		Agreed a) Used appropriate available evidence and b) struck an appropriate balance between i) the funding of infrastructure and ii) the potential effects on the economic viability of development?	The council appreciates the support.

8	Windsor Link Railway Ltd	George Bathurst	8.1	Regulation 123 list	There is no reference to Windsor Link Railway (WLR) in the CIL charging schedule. This will make it more difficult for the council to contribute to the scheme if there is a shortfall from the site specific development. WLR suggests that the "integrated scheme" is added to the schedule to give the council the flexibility to support the scheme in this way should it choose to do so. It may be necessary for development in the WLR area to contribute to the rail and other proposed infrastructure in that same area. The CIL viability testing (Appendix C) appears to assume that the infrastructure is off-site and paid to the council. Whilst this is a good assumption normally, it may interfere in the delivery of the Windsor Link Railway as a privately-led integrated scheme. The charging rate for the property in the WLR area should therefore be identified separately and flexibility be added to accept infrastructure enabled or contributed to as part of a scheme in lieu of payment.	This project is not a Council-led initiative and it is not anticipated that the Council will elect to support it with CIL revenue. If this position changes the Council would seek to amend the 123 list following a consultation exercise.
9	Runnymede Borough Council	Cheryl Brunton	9.1	PDCS text	The way paragraph 3.3 as worded implies that CIL funds will cover the funding gap in its entirety. Perhaps it could say '...help reduce the funding gap'. It may be useful to confirm in the PDCS table at paragraph 7.2 that other uses are proposed to be £0 rated.	The Council appreciates the advice and will make the document clearer.
10	Country Land and Business Association	Megan Cameron	10.1	Commercial development in rural areas	The CLA advises not to impose a CIL rating on agricultural or forestry, employment and commercial development, as these are important areas for rural landowners and farmers to diversify into in order to support their farming and forestry enterprise. CIL charges would make these developments unviable; regeneration would be stifled and sustainability of the rural areas would be adversely affected, by making them less economically viable; particularly in the current climate where rural workshops and offices are difficult to let especially where broadband connection is poor.	The viability evidence will be reviewed prior to the DCS and an update report will be published.
10	Country Land and Business Association	Megan Cameron	10.2	Upgrading rural buildings	Farmers and landowners are often forced to upgrade their buildings and infrastructure due to legislation with no commercial gain to the enterprise. If CIL is imposed on these types of enterprise it would have had a major impact on the farming and rural business community, who would have been unable to afford the increased cost of the development due to the CIL.	CIL is only imposed on floor area that is a net increase to existing qualifying development. CIL is not charged on upgraded buildings or on new or upgraded infrastructure. There is no proposal to include agricultural buildings in the CIL charging schedule.
10	Country Land and Business Association	Megan Cameron	10.3	Retail development in rural areas	The CLA advises RBWM not to impose a CIL rating on retail developments in the rural areas, as farm shops would have to pay CIL charges as they would fall under the Food Retail use type. Farm shops are a diversification from agricultural and should not be treated the same as large supermarkets as a charge of £100 m2 would make these diversification potentially unviable.	The Council intends to re-visit the assumptions for retail development and also look again at a variety of retail formats it modelled. However, CIL would be charged on <u>newly</u> built retail buildings in rural areas. As the Viability Study states, the Council did not explicitly test new-build farm shops in RBWM because it was appropriate to maintain a high level approach to retail development. The viability evidence will be reviewed prior to the DCS and an update report published.
10	Country Land and Business Association	Megan Cameron	10.4	Leisure uses	The CLA would like clarification that the CIL charges for farm diversification for example Clay Pigeon Shooting grounds and sui generis uses are exempt from CIL as they fall under Leisure.	The Council is not proposing to impose CIL for the uses mentioned. In particular, for leisure or sui generis uses. CIL only applies to new buildings.
10	Country Land and Business Association	Megan Cameron	10.5	Level of residential CIL charges	It is our view that charges from £100 m2 to £240 m2 contributions will act as a significant disincentive for development in rural areas.	The viability evidence will be reviewed prior to the DCS and an update report published.
10	Country Land and Business Association	Megan Cameron	10.6	Level of residential CIL charges	The CLA feels strongly that all developments being requested to contribute to infrastructure should have the opportunity to negotiate the level of payment depending on what a community/area needs.	CIL was introduced to reduce the uncertainty around negotiations on infrastructure contribution that were historically been done on a case-by-case basis. CIL was introduced to meet the needs of the community and the area where development happens.
11	Highways England	Patrick Blake	11.1	Impacts of CIL on Strategic Road Network	The Strategic Road Network (SRN) is a critical national asset and as such works to ensure that it operates and is managed in the public interest. We will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN, which in this case relates to the M4, A308(M), A404(M) and A404. We would be keen to have early discussions with the Royal Borough regarding any transport interventions identified in the Infrastructure Delivery Plan that CIL might contribute towards that could impact on the SRN.	The Council notes the comments and will seek to engage with Highways England at the earliest instances in which the Strategic Road Network is impacted.
12	Surrey County Council	Maureen Prescott	12.1	Support	We have no comments on this document.	Noted by Council. No response required.
13	Redrow Homes Ltd.	Anna Gillings, Turley	13.1	CIL boundary change	The boundary is incorrectly drawn for the "Maidenhead Urban Area". The boundary should recognise that the recent grant of planning permission at the Former Park and Ride Car Park Land at Stafferton Way lies within the Urban Area (ref 14/03765). There is no justifiable reason to consider that this site lies within the "Rest of the Borough". The committee report for this application recognises that the development will provide residential development in close proximity to the town centre and that the site has a strong visual link to the town centre. Further the report confirms the site's location so close to the town centre with "high sustainability credential" on "previously developed land". On this basis, the site clearly lies within the Urban Area. In viability terms, this site should clearly be considered part of the built up area. On this basis, the boundary of the Urban Area should be amended to reflect the boundary of the planning permission, as shown on the attached plan.	The Council has considered this in light of the extant planning permission on the site and agrees that the boundary should be moved to incorporate the site at the Former Park and Ride Care Park Land at Stafferton Way into the Maidenhead Urban Area. As part of this change, the Council will consider whether moving the boundary would have implications for the CIL charges within the two zones which are affected. If there needs to be changes resulting from the boundary change then this will be clearly explained and reflected in the Draft Charging Schedule (DCS).

14	Historic England	Martin Small	14.1	Historic assets	Historic England advises tht CIL charging authorities identify the ways in which CIL, planning obligations and other funding streams can be used to implement the policies with the Local Plan aimed at and achieving the conservation and enhancement of the historic environment, heritage asses and their setting. RBWM should consider whether any heritage related projects within the Royal Borough would be appropriate for CIL funding. RBWM should be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage asses in development proposals. The rates proposed in areas where there are groups of heritage assets at risk are not such as would be likely to discourage schemes for their re use or associated heritage led regeneration Encouraging local authorities to offer exceptional circumstances relief where development which benefits heritage assests and their settings may become unviable if it was subject to CIL. Encourage that conservation staff be involved in process.	The comments are noted by Council. The Council puts a high value on the historic environment and heritage assets in the Borough. The Council has not included projects for enhancing the historic environment or heritage assets in the draft Regulation 123 list because oftentimes it is more effective for them to be safeguarded through the development management process and Section 106 obligations. The Council would welcome and consider any specific recommendation by Historic England that could potentially be funded through CIL.
15		Kate Sheehan	15.1	Meaningful contribution	3.5 meaningful contribution to town and parish not acceptable	The meaningful contribution is set out in the Regulation 59A of the CIL Regulations 2010 (as amended). These amounts will be passed directly to the Parish Councils to determine how it should be spent. Other funds collected will be spent by the Council in support of the needs that increased development in the borough creates either locally or strategically as priority dictates.
15		Kate Sheehan	15.2	Stakeholder consultation	6.1 which stakeholders will be consulted?	All statutory consultees including adjoining local authorities and parish councils, local and significant developers, and those who are listed on the Planning Policy database who have responded to any of our previous planning consultations.
		Kate Sheehan	15.3		7.1 Why is central maidenhead exempt, lots of development going on here in the near future which would bring in considerable funding for schools and other projects B2 Education - need to include improvements as well as this will benefit education as well	The CIL charged for the Maidenhead Town Centre is based on the current viability of development in the area. Based on evidence of the <u>current</u> values and costs of development in the Town Centre, the Viability Study concluded that a CIL charge would put development in the Town Centre at risk. Despite the expectation of development in the future, CIL is based on an assessment of current values and costs. Nonetheless the Council will re-visit all the viability appraisals to re-confirm whether the recommended CIL rates are still supported by up-to-date evidence. The results of this additional work will be in a report that accompanies the draft charging schedule (DCS). It is also worth noting that the Council intends to re-visit the CIL charging schedule once it adopts a new Local Plan.
16		Roger Panton	16.1	Car parks	Maidenhead is a prosperous area where the number of cars per household listed by ONS often exceeds the numbers ALLOCATED to each dwelling. To encourage developers to both include ALLOCATED car parking space and even possibly included underground parking in their development plans. The CIL should reflect this, where parking is NOT provided and ALLOCATED the CIL contribution should increase by the same amount as the cost of an underground parking space	The comments are noted by Council. CIL cannot be used as a means to incentivise or disincentivise development based on the provision of parking. In other words, CIL can not be used as a policy tool. The Council believes that the best way to secure adequate parking provision is through planning policy and the development management process.
17		Rachel Cook	17.1	Nil CIL rate in Maidenhead Town Centre	I'm very surprised that central maidenhead (that within the AAP) is not considered viable to support any CIL. I think that it is assumed by much of the public that Crossrail will generate investment to Maidenhead (certainly this is what the publicity has stated) If more housing is to be built in the town centre then it is imperative that the developer contributes to new school places and improvements to schools for the new children as well as the infrastructure supporting the new developments. Can there be a clearer explanation given as to why exactly a nil rate will be adopted? Please clearly list all the policy requirements which mean that developers are unable to afford CIL in the area covered by the Area Action Plan? Please reconsider this £0 rate.	The nil CIL charge for residential development in the Maidenhead Town Centre AAP area is based on current viability of development in the area. Based on robust evidence of the <u>current</u> values and costs of development in the Town Centre, the analysis concludes that a CIL charge would put development in the Town Centre at risk. One of the challenges of development in the AAP area is the higher costs associated with the development of flats. This is evidenced through the fact that the Council has not secured affordable housing in this area on grounds of viability. The viability evidence will be reviewed prior to the DCS and an update report published.
18		Gareth Ebenezer	18.1	Payment in kind	How is this determined? Will the 'payment in kind' v 'land value' tariff be openly published?	The payment in kind in the place of a monetary CIL payment is determined on a case-by-case basis based on independent assessment. There is no set formula to arrive at the value of the land for the purposes of CIL. Details of the payment in kind can be found in CIL Regulation 73.
18		Gareth Ebenezer	18.2	Nil CIL charge for development of industrial use	What exemption application process will be available only for industrial land-use projects? How will safeguards be applied?	There is no exemption application process required for the development of industrial land.
18		Gareth Ebenezer	18.3	Review of CIL charge	How often will the CIL Charging Schedule by reviewed ?	The CIL Charging Schedule will be regularly reviewed through assessments of the viability of development. The Council intends to formally review the Charging Schedule once the new Local Plan has been adopted.

18		Gareth Ebenezer	18.4	Meaningful proportion of CIL for local use	Surely a 'meaningful proportion' of CIL to be used within an impacted neighbourhood constitutes >50% rather than the proposed 15-25%, to avoid spurious investments being made in less or non-affected areas.	The meaningful contribution is set out in the Regulation 59A of the CIL Regulations 2010 (as amended). These amounts will be passed directly to the Parish Councils to determine how it should be spent. Other funds collected will be spent by the Council in support of the needs that increased development in the borough creates either locally or strategically as priority dictates.
18		Gareth Ebenezer	18.5	Timeframe for the introduction of CIL	If CIL (introduced 2010) is 'a more effective means for securing infrastructure funding than S106', why is it only being considered by RBWM in 2015? Moreover, it is incumbent on the Borough to ensure the best possible framework to achieve future infrastructural challenges, including the detailed study of existing 'best practice' boroughs where CIL superseded S106 some time ago - there appears to be limited or no evidence of this in the proposal.	The timeframe for adopting a CIL has been considered by the Council for some time but needed to ensure that there was sufficient robust evidence to support the rates as required for a successful examination. With the work on the emerging Local Plan it is now considered that the Council has the robust evidence needed. The pooling restrictions introduced by the CIL regulations which took effect in April 2015 means that the adoption of CIL is the most effective means of securing infrastructure funding than relying solely on Section 106 agreements.
18		Gareth Ebenezer	18.6	Regulation 123 list	When and how will the Regulation 123 list be published? How frequently will it be reviewed? How will minutes & notes for CIL funding decisions be published to residents? How will potential conflicts of interest and discretion be highlighted & clearly shown?	The Council will publish another version of its Regulation 123 list as it will form part of the supporting evidence for the Draft Charging Schedule (as stated in CIL Regulation 19e.) The Council continuously reviews its infrastructure requirements and will amend the Regulation 123 list when it is deemed necessary to add new infrastructure schemes and eliminate schemes which have been delivered. The process of allocating funds has not yet been agreed. Recommendations on the process will be made to Cabinet prior to implementation of CIL. An annual monitoring report will be published on the Council's website detailing how CIL receipts have been utilised.
18		Gareth Ebenezer	18.7	Regulation 123 list	Enhancements and improvements to existing schools in order to ensure appropriate flexibility of CIL utilisation in the area/neighbourhood most directly affected by the development, keeping school places local to expansion.	The Council welcomes the respondent's comments on CIL flexibility for the funding of school places.
18		Gareth Ebenezer	18.8	Nil CIL rate in Maidenhead Town Centre	Why has a £0 rating been given to central Maidenhead? Surely any residential development (including notable proposed sites) will have infrastructural effects in and around the town centre.	Please see the Council's response to Issue reference 17.1 above. The viability evidence will be reviewed prior to the DCS and an update report published.
19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.1	Need for up-to-date Local Plan	Given that the Council's Second Preferred Options Local Plan agreed at Cabinet on 26th February 2015 has not been consulted on and the evidence base to inform the new Local Plan is not fully complete and published, Berkeley considers that the Council does not have an up to date relevant plan as required by guidance. Therefore in accordance with paragraph reference ID: 25-010-20140612 of the PPG Berkeley considers that the Council should delay further consultations on the Charging Schedule until the further evidence has been published and the Local Plan has advanced. This would be consistent with the Government recommendation that Councils work up their Charging Schedules with their Local Plans (National Planning Policy Framework paragraph 175) to ensure that they do incentivise the types of development set out in the Plan. In addition Berkeley considers the Council should be seeking to meet its objectively assessed need for housing over the new plan period and as such should be allocating sufficient sites to meet this need including the release of strategic greenfield green belt sites. The preparation of the CIL should therefore consider a range of site scenarios including strategic greenfield sites.	See separate Progressing CIL Statement which explains the council's position
19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.2	Infrastructure requirements and the testing of greenfield sites/release of greenfield sites	The Council has produced a draft Infrastructure Delivery Plan which tests a range of scenarios based on the Council's housing strategy set out in the draft Second Preferred Options presented to Cabinet. As previously stated Berkeley considers the Council should be seeking to meet its objectively assessed need for housing and as a consequence should be releasing strategic greenfield sites. These types of sites generate specific infrastructure needs. Berkeley considers that to produce a sound Local Plan the Council should be identifying strategic greenfield sites for development and should assess these in its CIL preparation to identify and plan for the infrastructure required to deliver these. In addition the Council is currently producing Transport Modelling which will provide information on the amount, location and cost of infrastructure required to support planned growth in the Borough. As this evidence is not complete the CIL Charging Schedule cannot take account of it. The Council should therefore await the outcome of this work and use its findings when preparing the next stage of the CIL.	See separate Progressing CIL Statement which explains the council's position
19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.3	Golf course site	The Charging Zones Plan shows the golf course as falling within the urban area of Maidenhead.	The Council agrees that the boundary between the Maidenhead Urban Area CIL zone and the Rest of the Borough CIL zone should be moved so that the golf course site is in the Rest of the Borough. The Council notes that the golf course site is not anticipated to come forward under the existing Local Plan and its future will be explored through public consultation and the preparation of the new Local Plan. Once the new Local Plan has been adopted the Council intends to revisit the CIL charging schedule.

19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.4	CIL charge level	While each CIL Charging Schedule needs to be locally evidenced, the proposed CIL rate of £240 per sqm covers the significant majority of the District, and is higher than the highest rate charged (or proposed to be charged) in the surrounding authorities of Wycombe, South Oxfordshire, Spelthorne, Runnymede and Surrey Heath. In addition the Charging Zones Plan shows the golf course as falling within the urban area of Maidenhead and therefore any development here would be liable to a much lower CIL rate of £100 per sqm. There is no justification for this approach. As currently proposed any other strategic extensions would be liable to a charge of £240 per sqm.	The Council has tested development in the CIL zone where £240 per sqm is proposed. The Council's believes its evidence to be robust and representative of development in this zone. The viability evidence will be reviewed prior to the DCS and an update report published. You will note that the Council has moved the boundary of the CIL charging zone to that the golf course is no longer in the Maidenhead Urban Area.
19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.5	S106 assumptions	With regard to the allowances for S106 and abnormal costs Berkeley considers these are too low for greenfield strategic sites as these sites have higher costs due to on site infrastructure requirements. This points to the need for greenfield strategic sites to have a separate CIL rate or nil CIL rate.	As stated in the CIL viability study no strategic greenfield sites have been tested because it is not anticipated that they will come forward before the new Local Plan is in place. The viability evidence will be reviewed prior to the DCS and an update report published.
19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.6	Regulation 123 list	Berkeley notes that the draft list includes a number of generic headings such as "Improvements to healthcare" and "Strategic road network improvements". Berkeley advises that the Council should ensure that it identifies any site specific infrastructure required to deliver sites, through an assessment of each site, and that this is made publically available so landowners and developers can understand the likely obligations required and respond effectively to this.	The Council has prepared a draft 123 list based on the known requirements for infrastructure and in the context of CIL regulations 122 and 123. The SANG and some limited S106 contributions are expected to continue outside CIL and have been reflected in the viability study.
19	Berkeley Strategic Land Ltd.	Elizabeth Burt	19.7	Payments in kind	Paragraph 2.22 of the Council's Viability Study confirms that a local authority can accept CIL 'in kind' which includes the transfer of land and the transfer of infrastructure. Berkeley is of the view that the Council should allow for such relief and include this in the next draft of the CIL.	This is not relief but is part of the CIL Regulations 2010 (as amended). Payment in Kind is covered in CIL Regulation 73. In accordance with Reg 73A a Charging Authority are able to make this provision available in accordance with the notification requirements set out in Reg 73B. RBWM do not currently intend to make this provision available, but will review its availability periodically. Assessment of the value of any 'in kind' transfer of is assessed by independent valuers.
20	Berwick Hill Properties (Leatherhead) Ltd	Asher Ross, Boyer Planning	20.1	IDP and testing of emerging Local Plan	There seems to be a disparity between the Schedule which seeks to address the 1999 Local Plan and the Gap Analysis and Infrastructure Delivery Plan which seeks to address the forthcoming Borough Local Plan. The Infrastructure Delivery Plan seeks to set out growth scenarios for development up to 2030. However, these scenarios are based on general assumptions and have no policy basis whatsoever. It is the role of the Royal Borough, through proper planning in their Borough Local Plan to provide the details of growth in population and employment. It is not the role of consultants employed on behalf of the Royal Borough to do this instead of them. Therefore, the entire premise of the IDP is questionable	The Infrastructure Delivery Plan reflects development which is consistent with the <u>existing</u> Local Plan. The scenarios are based on development which is expected to come forward through the existing Local Plan.
20	Berwick Hill Properties (Leatherhead) Ltd	Asher Ross, Boyer Planning	20.2	CIL charge for offices	<p>The Schedule proposes a charge of £150 per sqm for office development across the entire Royal Borough. Whilst the Schedule provides differentiation between different zones for residential, this does exist for office development. We question this approach, based on the viability of schemes and the level of S106 that has been secured to date.</p> <p>In terms of the £150 per sqm office rate we are of the view this rate is far too high and will severely restrict office development coming forward. Paragraph 12.30 of the Viability Report compares the CIL Charging rate of nearby authorities. A summary of the office rates presented is included below –</p> <ul style="list-style-type: none"> • Elmbridge – nil rate for offices; • Bracknell Forest – nil rate for offices; • Reading - £30 per sqm for offices in the Central Core; nil rate elsewhere; • Runnymede – nil rate for offices; • Spelthorne – nil rate for offices; • Surrey Heath – nil rate for offices; • West Berkshire – nil rate for offices; • Wokingham – nil rate for offices; and • Wycombe – nil rate for offices. <p>The above represents compelling evidence as to the mismatch of the RBWM's approach to offices compared to other areas. In fact the proposed charge of £150 per sqm is higher than London Borough's covered by the Central Activities Zone (CAZ) / City Fringe area as defined in the London Plan which is an office area of international significance. The office rate for areas covered by this zone include –</p> <ul style="list-style-type: none"> • Hackney (adopted) - £50 per sqm for offices in the City Fringe; nil rate elsewhere; • Tower Hamlets (adopted) - £90 per sqm for offices in the City Fringe; nil rate elsewhere; • City of London (adopted) - £75 per sqm for offices; and • Southwark (adopted) - £70 per sqm of offices in Zone 1; nil rate elsewhere <p>Given these areas are some of most expensive office locations in the country with rents well in excess of £50 per sqft in some locations; it again highlights the questionable nature of RBWM's proposed CIL with respect to offices.</p>	The proposed CIL charge for offices is based on a robust assessment of the viability. However the evidence base for offices will be re-visited in light of this representation. The viability evidence will be reviewed prior to the DCS and an update report published.

20	Berwick Hill Properties (Leatherhead) Ltd	Asher Ross, Boyer Planning	20.3	Appraisal assumptions	<p>We consider many of the assumptions used in the appraisals to be unrealistic which may explain the high CIL rate for offices. The main appraisal assumptions of concern include –</p> <ul style="list-style-type: none"> • Fees: paragraph 7.28 states the 8% has been used for professional fees. We think the original 10% is more appropriate and has been accepted in Hackney's Charging Schedule and is being used by South Oxfordshire; • S106: paragraph 7.31 confirms the s106 assumptions for residential development is £2,500 per unit but is seemingly silent with respect to offices. Fifteen per cent is used for infrastructure costs but it is unclear if this meant to cover residual s106 requirements, s278 requirements or both; or alternatively is an additional cost. If it is meant to cover s106 / s278 what is the basis for 15% of costs? The NPPG states a charging authorities approach to s106 should be based on local evidence. This evidence is absent from the Viability Study. Table 7.3 appears to summarise the likely s106 obligations based on the Planning Obligations and Developer Contributions SPD. For offices this table concludes £206 per sqm for s106. This appears to be nothing more than a theoretical exercise given the final s106 sums secured must be linked to the specific impacts of a scheme and are based on negotiation. Instead we would expect to see analysis of what RBWM has actually successfully secured in terms of s106 with respect to office development. From here we would expect to see some scaling back of the s106 payment in acknowledgement that some payments will now be made under the CIL regime rather than s106. This evidenced figure, with clearly explained assumptions, should then be used in the appraisals. Calculating what was previously negotiated under s106 is also useful for comparison against the proposed CIL charge to help ascertain any additional financial impact CIL will have on development in comparison to historically achieved s106 payments; • Void and rent free periods: paragraph 7.51 states only 3 month is used in the appraisals and claim very little speculative commercial development is taking place in the area. We would like to see evidence that nearly all office development in the RBWM is pre-let before construction starts. We believe 2 years is a more appropriate assumption and has been accepted as part of the Hackney CIL Charging Schedule and within the South Oxfordshire DCS. What is the basis for the different assumptions used here? • Acquisition costs: other Charging Schedules use 5.8% to cover acquisition costs including agent fees, legal fees and stamp duty. Again assuming 4% has been used for 	The evidence base for offices will be re-visited in light of this representation. The Council proposes to do further testing to assure itself that it has tested an appropriately wide and representative sample of offices across the borough. It will also re-visit the assumptions that have gone into the development appraisals. The Council will look more closely at the distinctions between the different areas of the borough and also look at up-to-date rental data to ensure that the original assumptions are still robust.
20	Berwick Hill Properties (Leatherhead) Ltd	Asher Ross, Boyer Planning	20.4	Viability buffer	The CIL regulations state that in setting a charge, local authorities must "aim to strike what appears to the charging authority to be an appropriate balance" between revenue maximisation on the one hand and the potentially adverse impact of CIL upon the viability of development across the whole area on the other. In essence we believe this to mean that local authorities should not set their CIL rates at the limits of viability. They should leave a margin or contingency to allow for change and site specific viability issues. To address this issue many CIL Charging Schedules, such as Hackney, Tower Hamlets and South Oxfordshire to name a few, have included a buffer or discount from the maximum possible CIL Charge to ensure CIL is not at the margins of viability. Fifty per cent has typically been applied to office development in acknowledgment of it having a higher risk profile than residential development. Applying a 50% discount to the proposed charge would reduce the office rate to £75 per sqm. This is still significantly higher than surrounding areas and for office development in central London. We strongly believe after addressing our issues around the appraisal assumptions and BLV described above, and then applying a discount, the final CIL rate that can be accommodated by office development would be considerably lower than £150 per sqm and may even result in a nil charge.	The Viability Study ensures there is an adequate viability buffer by testing the impact of CIL as a % of residual value and as a % of gross development value. These two tests are common ways of ascertaining whether there is an adequate viability buffer. In addition, the Viability Study contains sensitivity analysis both on development cost and value. These various tests have been used for the proposed CIL charging schedule. Nonetheless the Council will re-visit all the viability appraisals to re-confirm whether the recommended CIL rates are still supported by up-to-date evidence. The results of this additional work will be in a report that accompanies the draft charging schedule (DCS).
20	Berwick Hill Properties (Leatherhead) Ltd	Asher Ross, Boyer Planning	20.5	Lack of modelling sites likely to come forward	Finally it appears no effort has been made to model development scenarios which are representative of the schemes which may come forward in the area. Appendix 10 only appears to run an appraisal on a typical office unit rather than a complete development. This again is at odds with many other CIL Charging Schedules which model a range of generic schemes which differ in floorspace size, floorspace type, density, site coverage, location and subsequent BLV assumption etc. By running a number of different development scenarios you are better able to sensitivity test the impact CIL is likely to have on viability.	There is limited new office development which is expected to come forward in the near term in the borough. This is why the testing of offices was limited to two typologies. However the Council believes that the typologies which have been tested are suitably high level and generic. The viability evidence will be reviewed prior to the DCS and an update report published.
21	Summerleaze	Neville Surtees, Barton Willmore	21.1	Alignment with an up-to-date local plan	RBWM has not yet commenced its latest round consultation on a new Borough Local Plan, and no up-to-date SHMA is available to provide evidence of housing need. As such, the Plan is not sufficiently advanced to determine an accurate infrastructure funding gap, which is required for a LPA to consider introducing CIL. RBWM will need to consider delaying the advancement to DCS stage until the Local Plan takes shape. This position was taken by the Inspector examining both the local plan and CIL for Maldon (see appendix 1).	
21	Summerleaze	Neville Surtees, Barton Willmore	21.2	Strike a balance between securing required investment for infrastructure and ensuring the Local Plan can be delivered viably	Notwithstanding concerns surrounding some of the assumptions made within the viability study, analysis shown in section 3 of this report shows that CIL at the proposed rates are significantly higher than the level required to meet the funding gap identified by the Infrastructure Delivery Plan, with CIL receipts being potentially double what is required. By charging such a high rate, the Council is putting development at risk when there is no need to do so to meet infrastructure funding requirements, and is likely to have a particularly significant adverse effect in Maidenhead where viability is marginal.	The Council has conducted its own analysis of CIL income which shows that there is the potential for CIL to contribute towards a significant closing of the funding gap.

21	Summerleaze	Neville Surtees, Barton Willmore	21.3	Accounting for costs of meeting regulatory requirements, including affordable housing provision and site-specific requirements	The viability appraisal makes broadly reasonable assumptions of costs. However, little local evidence is used; where such information is provided as part of the consultation exercise, the viability appraisal should be amended as appropriate. Furthermore, sensitivity testing scenarios should be provided to model the effects of lower sales values and higher construction costs, as these assumptions may not fully account for local characteristics.	The viability evidence will be reviewed prior to the DCS and an update report published.
21	Summerleaze	Neville Surtees, Barton Willmore	21.4	Variable rates where certain development types would not be viable under a flat rate of CIL	Taking the appraisal results as read, the majority of development scenarios would comfortably be able to absorb the rates of CIL proposed. However, as stated above, further refinement of the viability appraisal is required to better reflect local characteristics. In particular, care needs to be taken with regard to sales values, as the presence of large houses in very desirable parts of the Borough is likely to have skewed the data analysed by HDH.	The Council has indeed introduced differential rates based on a range of house values found in the borough. The Viability Study uses a wide range of sources to establish its assumptions on house prices based on a wide range of locations throughout the borough. The Study looks at both existing and new stock. The viability evidence will be reviewed prior to the DCS and an update report published.
21	Summerleaze	Neville Surtees, Barton Willmore	21.5	Incorporating a buffer of sufficient size to ensure that changes in the wider economy do not threaten the viability of developments	Further sensitivity testing and the incorporation of local information provided by the development industry would help to provide evidence that the rates of CIL suggested would not act as a brake on much-needed housing supply.	The Viability Study conducts ample sensitivity testing to ensure that the CIL rates would not put development at risk. It uses a range of tests to do so, including CIL as a percentage of residual values and CIL as a percentage of GDV.
21	Summerleaze	Neville Surtees, Barton Willmore	21.6	Clearly define which items of infrastructure are to be funded through CIL and which are to be funded through planning obligations	The Council needs to provide further clarity on the infrastructure to be funded through planning obligations (such as S106) and through CIL by producing a Regulation 123 list. On the basis of the evidence provided in the Infrastructure Delivery Plan, CIL receipts would far outweigh the identified infrastructure funding gap	The Council has provided a Draft Regulation 123 List in Appendix B of the PDCS which seeks to provide clarity on how strategic infrastructure will be funded. The list will be refined for the DCS. The Council has also published guidance on how it will use S106 to fund infrastructure. Commentary pertaining to this is included in the PDCS. The Council disputes that potential CIL receipts 'far outweigh' the identified funding gap. It addressed this issue in Issue reference 21.2.
22	Royal London Asset Management	Christopher Tennant, WYG	22.1	Interim CIL	We suggest the Council should not "rush-through" an interim CIL, but properly prepare a robust and transparent CIL based on the policies and proposals contained in the forthcoming Borough Local Plan.	The Council believes it has prepared a robust and transparent evidence base that reflects its current policies and proposals. As the PDCS explains in section 5, CIL is currently the most effective means for the Council to secure infrastructure funding and therefore wishes to adopt a charging schedule as soon as possible. The PDCS also states that the Council intends to revisit its CIL charging schedule once the new Local Plan is in place.
22	Royal London Asset Management	Christopher Tennant, WYG	22.2	CIL rate too high in Maidenhead Urban Area	We are supportive of the differential rates proposed concerning residential development within Maidenhead and the wider borough, however, we consider that the CIL charging rate proposed concerning the "Maidenhead Urban Area" is too high, and as a result, may compromise the delivery of the delivery of sustainable housing locally. Many of the sites within this charging zone are also brownfield, and will also be impacted by similarly high redevelopment costs. Doing so will help maximise the development potential of sites within this area, and will ultimately help ensure the effective delivery of local housing, and also, would not threaten the delivery of the emerging development plan.	The Viability Study modelled brownfield sites and previously developed land throughout RBWM and provided an allowance of 5% of base build costs for such sites. The Council considers this a reasonable allowance given that some sites will not have these costs. In addition, the Viability Study says that land values for brownfield sites (for which development costs will be higher) will often be lower to reflect the higher development costs. The viability evidence will be reviewed prior to the DCS and an update report published.
22	Royal London Asset Management	Christopher Tennant, WYG	22.3	Build costs	With regard to the Build Costs, HDH Planning has based cost assumptions on the Building Cost Information Service (BCIS) data. Generally we agree with this approach, however, not enough evidence has been provided to justify the proposed levels. Ideally we would like to see input and analysis from a list of developers to justify specific schemes in Maidenhead. The BCIS data is more general and may not reflect the actual build cost of sites in Maidenhead, and liaison with local developers may better inform this approach.	The viability evidence will be reviewed prior to the DCS and an update report published.
22	Royal London Asset Management	Christopher Tennant, WYG	22.4	CIL rate too high in Maidenhead Urban Area	Residential development within the "Maidenhead Urban Area" would already be supported by long-established, effective transport infrastructure. This further supports the assertion that a lower CIL rate would be appropriate concerning residential proposals within the "Maidenhead Urban Area" Charging Zone.	The viability evidence will be reviewed prior to the DCS and an update report published.
22	Royal London Asset Management	Christopher Tennant, WYG	22.5	CIL rate too high in Maidenhead Urban Area	We further assert that the charging rate concerning "Maidenhead Urban Area" should be lowered, as a means of incentivising residential within the town, and ultimately, to help in the delivery of quality homes within the Borough.	The CIL charge should not be used as a means of incentivising development or any other policy-related goals.
22	Royal London Asset Management	Christopher Tennant, WYG	22.6	CIL boundaries	We are supportive of the proposed boundary concerning the 'Maidenhead Urban Area' Charging Zone. This boundary mirrors the urban form of the town, and in part, follows the town's green belt boundary.	The Council welcomes the support.
22	Royal London Asset Management	Christopher Tennant, WYG	22.7	Regulation 123 list	We consider that there is a lack of transparency concerning the specific projects which developers' CIL contributions will inevitably fund and the list should be revised.	The respondent's comments are noted but the Council believe that flexibility is required at this stage to allow it to be responsive to need as development occurs.

22	Royal London Asset Management	Christopher Tennant, WYG	22.8	Inclusion of Stafferton Way Link Road on Regulation 123 list	We would like clarification concerning the Stafferton Way Link Road. Works concerning this project are currently underway (as approved via planning permission 14/00167/FUL), and works have been funded via a mixture of local S106 contributions and Government funding. However, we understand that a requirement for various 'ancillary works' associated with this project has arisen during the course of construction, and these works are not currently covered by the scope of the existing planning permission. The Stafferton Way Link Road is of a strategic importance to the local area, and enhances Maidenhead town centre's connectivity with the wider Borough. As a result, we consider that 'works associated with delivery of the Stafferton Way Link Road' would be a suitable addition to RBWM's Regulation 123 List.	The cost of delivering this link road have been budgeted for and it is anticipated the road will be complete by the time a CIL is introduced and funds start to be received.
23	National Grid	Karen Charles, DTZ	23.1	CIL rate too high outside of the Maidenhead Urban Area	The Preliminary Draft Charging Schedule sets a 'blanket' charge of £240 / sq m for residential development outside the Maidenhead urban area. This fails to take into consideration the significant abnormal costs associated with the redevelopment of some brownfield sites. To that end, the size and type of sites assessed in the CIL Viability Study (a key part of the evidence base informing the Preliminary Draft Charging Schedule consultation) do not fully reflect those which the Council are proposing to allocate and see developed for housing – as set out in the Second Preferred Options Borough Local Plan consultation. It is essential that an appropriate range of sites are tested, having regard for the Council's revised housing need assessment as necessary, in order to ensure a sound CIL Charging Schedule.	The Viability Study modelled brownfield sites and previously developed land throughout RBWM and provided an allowance of 5% of base build costs for such sites. The Council considers this a reasonable allowance given that some sites will not carry abnormal costs. In addition, the Viability Study says that land values for brownfield sites (for which development costs will be higher) will often be lower to reflect the higher development costs. The viability evidence will be reviewed prior to the DCS and an update report published.
23	National Grid	Karen Charles, DTZ	23.2	The site at Bridge Road, Sunninghill	The National Grid site at Bridge Road, Sunninghill is a substantial brownfield site in a sustainable location. The Council have supported the principle of redevelopment of this site for housing in the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014). In addition, the Preferred Options of the emerging Local Plan contains a specific commentary on the site that identifies the site as having the potential to deliver: "a mix of larger and smaller houses, reflecting the housing types on Bridge Road and on Cavendish Meads, with the possible addition of some flatted element. Safe and appropriate access to the site will need to be demonstrated to be deliverable, either through acceptable solutions to access from Bridge Road or through the two entrances onto the adjacent Cavendish Meads, or through another acceptable option." The draft Local Plan proposes a capacity of 80 dwellings, and the availability of the land between 2020 and 2024. More recently, National Grid have advised the Council that the site has potential for around 100 units which could be delivered in the next 5 years. In order for the site to be redeveloped for housing, substantial abnormal costs have been and will continue to be incurred to remove constraints to enable redevelopment of the site, such as the gas holder, remediation and other enabling costs associated with brownfield land. This financial burden is significant and much higher than would normally be expected on a typical brownfield site and other sites in the borough where the CIL will also apply. As such, in order for this important sustainable brownfield site to be delivered for housing in the short term, as supported by the Council, it is essential that the viability of the development is not threatened by the cost of CIL.	The CIL rates are based on testing the viability of a <u>sample</u> of development sites in the borough. The development viability models reflect a broad consideration of development in the area, including brownfield sites with abnormal costs. As stated in the Council's response to Issue ref. 23.1, abnormal costs will often be reflected in a lower land value. To be clear, the proposed CIL charging schedule has been drafted in a manner so as not to jeopardise the viability of development.
24	National Grid	Karen Charles, DTZ	23.3	Abnormal costs and viability testing	It is noted that the CIL Viability Study assumes an additional allowance of 5% of the BCIS costs for abnormal development costs (paragraph 7.22) and states that such costs will be reflected in land value (paragraph 7.25). When considering viability matters in plan making, the National Planning Practice Guidance provides guidance. The Guidance points to the importance of the Council in correctly identifying and taking into account abnormal costs when evidencing the CIL Charging Schedule. Failure to do so could result in unwilling developers and land owners to the detriment of the Council's housing strategy and development plan.	The Council believes that it has adequately and appropriately accounted for abnormal costs in its viability testing for CIL charges. The Council welcomes any evidence that could help develop its view of the impact of abnormal costs of development viability. As stated in Council responses above, the development viability modelling has included an allowance for abnormal costs associated with brownfield land.
25	National Grid	Karen Charles, DTZ	23.4	Timetable for CIL preparation	The Preliminary Draft Charging Schedule refers to the publication of the Draft Charging Schedule in July / August 2015 and the Examination in October 2015. This seems unrealistic and clarify is sought on the future timetable for the preparation of the CIL.	The Council will shortly be updating the timetable for its preparation of the CIL.
24	Thames Water	David Wilson, Savills	24.1	CIL exemption for infrastructure	Thames Water consider that water and wastewater infrastructure buildings should be exempt from payment of the Community Infrastructure Levy and this appears to be the case in the draft schedule where only residential, retail and office development types are charged which is supported by Thames Water.	The Council welcomes Thames Water's support of the CIL charging schedule.
24	Thames Water	David Wilson, Savills	24.2	Infrastructure list amendment	The Council may however wish to consider using CIL contributions for enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers, for example by proving greater levels of protection for surface water flooding schemes. Sewerage undertakers are currently only funded to a circa 1:30 flood event.	Water companies pay for infrastructure improvements and recover the costs from consumers. The Council is not aware of any other local authorities who have included this infrastructure category on the CIL Regulation 123 List. At this time the Council believes that the current list is satisfactory in this regard and that it does not wish to use CIL for this purpose.

25	Oakfield Homes	Paul Thomas, WYG	25.1	Prematurity of CIL	There are some serious drawbacks from introducing CIL before the Local Plan has been tested at Examination and been adopted. As the housing figure for RBWM has yet to be determined, we would argue that the CIL Preliminary Draft Charging Schedule is premature. This is because the evidence base, which includes the CIL Viability Study and the Infrastructure Delivery Plan, would not have tested the final OAN for the Borough and all of the potential site allocations.	The Council disputes that the proposed CIL is premature. The proposed CIL charging schedule reflects the existing Development Plan and development which is anticipated to come forward through this Plan. The process for the adoption of a new Local Plan is underway. This process will incorporate a range of inputs including new housing targets. Once the new Local Plan is adopted, the Council intends to revisit the CIL charging schedule.
25	Oakfield Homes	Paul Thomas, WYG	25.2	Duty to cooperate	The Duty to Co-operate issues have not been explored as yet through a Local Plan Examination. The Government has recently announced as part of the 'Fixing the Foundations' budgetary document (July 2015) that stronger guidance would be published on the Duty to Co-operate to "improve the operation of the duty to cooperate on key housing and planning issues, to ensure that housing and infrastructure needs are identified and planned for." Therefore, hypothetically RBWM may be in a position to take housing numbers from neighbouring authorities, which would potentially have a significant impact on housing delivery and infrastructure requirements. At the current time, this has yet to be fully explored and therefore the Council's Infrastructure Delivery Plan is likely to be subject to change.	The Council notes the issue regarding Duty to Cooperate. However the proposed CIL charging schedule reflects the existing Development Plan. As the new Plan emerges the issue of Duty to Cooperate will be addressed through the plan preparation process.
25	Oakfield Homes	Paul Thomas, WYG	25.3	Prematurity of CIL and the implications of CIL funds collected	The collection of CIL payments from developments prior to the adoption of the Local Plan, especially at the higher rate of £240 per m2 could be significantly lower or higher than the rate eventually approved once the Local Plan is adopted after Examination, without the recourse for developers or indeed the Council to claw back any funds.	The Council accepts that once the Local Plan is adopted and it revisits the CIL charging schedule that the rates could be higher or lower. However the currently proposed rates reflect current development viability. CIL will be reviewed alongside the preparation for the new Local Plan.
26	Orbit Developments (Southern) Limited	Matthew Dugdale, Emerson Group	26.1	Viability buffer and sensitivity testing	The proposed CIL rates chosen in the PDCS for each development type (residential, office development and retail) match the maximum theoretical levels of viability identified in Table 12.4 of the Viability Study (April 2015) without having applied any viability "buffer" or sensitivity testing.	The proposed rates <u>do not</u> match the maximum theoretical levels of viability. The Council welcomes any analysis which suggests that this is the case. The Viability Study ensures there is an adequate viability buffer by testing the impact of CIL as a % of residual value and as a % of gross development value. These two tests are commonly accepted as being appropriate for ascertaining whether there is an adequate viability buffer. In addition, the Viability Study contains sensitivity analysis both on development cost and value. These various tests have been used for the proposed CIL charging schedule. The viability evidence will be reviewed prior to the DCS and an update report published.
26	Orbit Developments (Southern) Limited	Matthew Dugdale, Emerson Group	26.2	Viability testing of residential development	The proposed residential rate of £240/sqm is disproportionately high, particularly when compared against neighbouring authority residential charges in Berkshire/ Buckinghamshire (e.g. Reading - £120/sqm; West Berkshire – £125/sqm; Wycombe – £150/sqm). This will place a significant proportion of new residential development at risk and may force developers into neighbouring areas. Having considered the Viability Study, there is a greater variance in residential property values across the Borough than those that have been assessed. For example, a detached house in Ascot can vary from £350,000 to £4.5 million, which is lower than the assumed house price of £5000/sqm. In addition, no appraisal of the viability of apartments has been undertaken for Sunninghill and Ascot. In addition, it is not clear what size, type and mix of dwellings have specifically been tested in the Viability Study. This is a key variable, which has a significant bearing on construction costs and values, and hence viability. Furthermore, no assessment of the viability of converting existing buildings to residential use has been conducted. Therefore, the Council should address these concerns by undertaking further work.	The Council believes that it has arrived at the proposed CIL charge for development outside of the Maidenhead Urban Area based on a sound assessment of development viability. Paragraphs 9.7 and 9.8 of the Viability Study address the issue of mix of dwellings. The typologies which have been modelled implicitly include flats as well as a broad mix of unit sizes and types. The viability evidence will be reviewed prior to the DCS and an update report published.
26	Orbit Developments (Southern) Limited	Matthew Dugdale, Emerson Group	26.3	Viability testing of office development	The proposed rate for offices of £150/sqm appears disproportionately high, especially when compared against neighbouring authority office charges in Berkshire/ Buckinghamshire (e.g. Bracknell Forest – nil; Reading - £30/sqm; West Berkshire – nil; Wokingham – nil; Wycombe – nil). It should be noted that there are distinct variations in office viability across the region, which is reflective the level of demand in those areas. The Viability Study assumed rents of £325/sqm for large offices and £275/sqm for small offices, with respective yields of 6.5% and 7% (Table 5.1). In the Group's view, these are overinflated for assessing the Borough as a whole and are actually more reflective of prime rents for new build Grade 'A' offices within Maidenhead or Windsor town centre, which as you will be aware, are very strong office markets. Elsewhere in RBWM, for example in Ascot and Sunninghill, the demand for offices and hence values is proportionately lower. In the Group's experience, the actual rents are more in the region of £200-250/sqm with equivalent yields of around 7.5-8%, which is significantly lower than the Viability Study's assumptions. If the Council were to charge the proposed rate of £150/sqm, then this would render new office schemes outside Maidenhead and Windsor unviable and, in turn, hamper the ability to provide additional employment opportunities elsewhere in RBWM. The Group recommend that the Council undertake further work to establish the variations of office viability	The proposed CIL charge for offices is based on a robust assessment of the viability. However in light of this representation the Council proposes to do further testing to assure itself that it has tested an appropriately wide and representative sample of offices across the borough. The results of the reexamination of all of the inputs (including rents and yields across the market) for the office development appraisals will be in a report which will accompany the draft charging schedule (DCS).

26	Orbit Developments (Southern) Limited	Matthew Dugdale, Emerson Group	26.4	Viability testing of retail development	<p>The Viability Study is not fully reflective of the form of new retail development likely to come forward and the resulting differences in rental values and yields. Therefore, the Group request that the following amendments are made to the viability assumptions. Firstly, it should be recognised that the 'big four' supermarkets (Asda, Morrisons, Sainsburys and Tesco) have scaled back their development programmes as a result of changing retail patterns and reduced consumer spending. Therefore, it is unlikely that any supermarket stores of 4,000 sqm will be delivered due to viability concerns.</p> <p>Secondly, whilst the Group are supportive that smaller format supermarkets for budget operators (Aldi and Lidl) have been identified, it has been assumed that these are 1,200 sqm in size. However, in the Group's experience, these are more likely to be larger stores of 1,300-1,800 sqm. In addition, no allowance seems to have been taken for the growth in high value supermarkets (Waitrose and M&S Food), which are similar in size to their budget counterparts. Therefore, these schemes should be tested.</p> <p>Thirdly, no account has been taken of the growth of neighbourhood convenience stores (Co-op, M-Local, Sainsburys Local, Tesco Express/Metro). These stores differ in size, but are typically no larger than 500 sqm. Therefore, these schemes should be tested.</p> <p>Finally, the assumption that a retail warehouse will comprise 4,000 sqm of floorspace is too simplistic. In the Group's experience, individual units can vary greatly in size between 100 sqm (e.g. Carphone Warehouse) to 8,000 sqm (e.g. a Next flagship store) and can either be developed in a parade or as standalone units. Therefore, these schemes should be tested.</p>	The viability evidence will be reviewed prior to the DCS and an update report published.
27	Orbit Developments (Southern) Limited	Matthew Dugdale, Emerson Group	26.5	Need for up-to-date Local Plan	<p>The Group are concerned that RBWM intend to adopt CIL in advance of their emerging Local Plan, as stated at paragraph 3.2 of the PDCS. The Council clearly leaves itself at risk of challenge should the Local Plan not progress as envisaged and the supporting evidence be found 'unsound'.</p> <p>In particular, the supporting CIL Viability Study (April 2015) appraisal is based upon current planning policies set out in the 1999 Local Plan (as amended in 2003) and not the emerging new Local Plan. Arguably, as 'best practice' and guidance dictates, the Council should be testing the viability of CIL alongside its emerging Local Plan policies. Clearly, if new policies introduce higher burdens on new development (in addition to CIL) than existing policies, then this could stifle new development. This is a key failing of the proposed RBWM approach.</p>	See separate Progressing CIL Statement which explains the council's position