

## **Selby District Council Statement on the Representations on the Draft Charging Schedule Modifications February 2015**

Selby District Council received 7 Representations in accordance with Regulation 17 of the Community Infrastructure Levy Regulations 2010 and 1 Representation 1 day after the consultation period. This has been marked as a late Representation and included for the examiner to take into account under their discretion. The Response was from Wakefield Council.

### **Representation Summary of Main Issues:**

The main issues raised are the support of the new Charging Zones and rates, the Indicative Draft Regulation 123 list is not specific enough and there is no reassurance that there will not be instances where, for example, large scale residential sites will effectively be charged twice in relation to primary and secondary education.

It was also raised that the Revised Heat Mapping shows that Brayton ward falls within the same lowest average price range as the three wards in the proposed Low Value Zone for both detached and semi-detached properties, whilst it falls in a slightly higher average price band for terraced housing. It is notable in this respect that paragraph 2.6 of the same report acknowledges that the updated Land Registry data, which provides the principal data source for achieved sales prices for new houses in the District, confirms detached houses are by far the most common new-build house type in data, whilst semi-detached and terraced houses represent a smaller proportion of the new-build market. This suggests that whilst the data for detached houses is more reliable, this is less so for the smaller units. On the basis that the data used in respect of terraced housing in particular appears to push Brayton ward into the Moderate Value Zone, it is not considered by the representor this is sufficiently reliable to conclude that Brayton Ward should fall within the Moderate Charge Zone.

**Selby District Council Responses to Representations on the Draft Charging Schedule Modifications**

**February 2015**

<b>REPRESENTOR</b>	<b>AGENT</b>
Councillor David McSherry	
Taylor Wimpy	Johnson Brook
Redrow and Persimmon Homes	Johnson Brook
<b>Wakefield Council</b>	<b>LATE REPRESENTATION</b>
Church Commissioners for England	Barton Willmore
Ian T Hinchey	
Natural England	
North Yorkshire County Council	
<b>TOTAL</b>	<b>8</b>

<b>REPRESENTOR</b>	<b>SDC Response</b>
<p data-bbox="185 258 517 284"><b>Councillor David McSherry</b></p> <p data-bbox="185 296 1328 539">I understand that the total number of New Build will amount to 5340 at a rate of 450 per annum plus a further 1400 from windfall sites - the total to be mainly in Selby, Sherburn and tadcaster with 6 Service Villages already specified in the PLAN/Selby. Whilst C.I.L. does not totally relate to PLAN/Selby, the link cannot be disregarded and it must be recognised that the Core Strategy to 2027 relates to 3 parliamentary terms and therefore variances in individual party strategy can occur which may affect funding, housing demand and land costs - also profit margins which will relate to revenues accrued by Selby District Council and infrastructure use.</p> <p data-bbox="185 584 1328 898">I believe that C.I.L. must be flexible to attract developers and that infrastructure must be capable of being achieved, particularly education. It is of little use assessing an additional 8,000 children over the Core Strategy period ( not allowing at this time for school leavers or Higher Education ) if there are additional oncosts for transport, new schools etc which neither NYCC nor government funding can provide. Government has already provided a statement that cuts and savings will have to be made into the next four year term and despite vote catching promises, that stringency will almost certainly continue into two terms - 8 years. Linking into SDCs C.I.L. has to be a 10 year plan submitted and agreed with NYCC as to new theoretical education provision.</p> <p data-bbox="185 943 1301 1078">A cohesive progression cannot be achieved unless ancilliary plans for schools, roads etc are worked out, to be brought back into the reckoning as each geographical development is assessed. That way C.I.L. ( SDC ), NYCC and Government funding input can be assessed at an early stage.</p>	<p data-bbox="1350 727 1574 753">Comments Noted.</p>
<p data-bbox="185 1128 822 1169"><b>Johnson Brook o.b.o. Taylor Wimpy</b></p> <p data-bbox="185 1179 1200 1278">Dear Selby Policy Team RE: SELBY DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY – STATEMENT OF MODIFICATIONS - FEBRUARY 2015.</p> <p data-bbox="185 1287 1319 1350">We comment on the CIL modifications on behalf of Taylor Wimpey in relation to their strategic land interests in the District.</p> <p data-bbox="185 1359 1294 1385">We have no objections to the modification to the charging zones, but maintain our view that</p>	

<p>the CIL as well as the 40% affordable housing requirement across the whole of the District is too onerous.</p> <p>We object to the indicative Draft Regulation 123 List and consider that this should be updated and modified to include more detail in order to enable meaningful responses to be made. The Indicative Draft Regulation 123 list is not specific enough and there is no reassurance that there will not be instances where, for example, large scale residential sites will effectively be charged twice in relation to primary and secondary education.</p> <p>We request to be heard by the Examiner in relation to the modifications where we would be happy to discuss in further detail our concerns.</p>	<p>Support for the new Charging Zones and Rates welcomed.</p> <p>It is considered the Regulation 123 list is fit for purpose and has been written in line with the regulations to avoid any 'double dipping'.</p>
<p><b>Johnson Brook o.b.o. Redrow and Persimmon Homes</b></p>	
<p>Dear Selby Policy Team</p> <p>RE: SELBY DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY – STATEMENT OF MODIFICATIONS - FEBRUARY 2015.</p> <p>We comment on the CIL modifications on behalf of Redrow Homes and Persimmon Homes in relation to their strategic land interests in the District.</p> <p>We welcome the modification to the charging zones and the siting of Sherburn within the middle zone of £35 per square metre. Whilst this is a reduction from the previous two zone approach where Sherburn fell within the £45 higher zone we maintain our view that the CIL as well as the 40% affordable housing requirement across the whole of the District is too onerous. Our objections remain in relation to the Regulation 123 List and consider that this should be updated and modified to include more detail. The Indicative Draft Regulation 123 list is not specific enough and there is no reassurance that there will not be instances where, for example, large scale residential sites will effectively be charged twice in relation to primary and secondary education.</p> <p>We request to be heard by the Examiner in relation to the modifications where we would be happy to discuss in further detail our concerns.</p>	<p>Support for the new Charging Zones and Rates welcomed.</p> <p>The 40% affordable housing requirement is 'up to' 40% and remains negotiable based on robust viability assessment evidence submitted at planning stage. The CIL is based on appropriate viability evidence and has set an 'appropriate balance' as supported in your above statement.</p> <p>It is considered the Regulation 123 list is fit for purpose and has been written in line with the regulations to avoid any 'double dipping'</p>
<p><b>Wakefield Council</b></p>	
<p>Just to confirm that Wakefield has no objections to the revised rates. We consider Selby's approach to rate setting consistent with that of Wakefield, and we do not consider that the rates and the charging zones would have any significant cross boundary implications.</p>	<p><b><u>LATE REPRESENTATION</u></b></p> <p>Support Welcomed.</p>
<p><b>Barton Willmore o.b.o Church Commissioners for England</b></p>	

We have previously made comments on behalf of the Church Commissioners for England in respect of both the Preliminary Draft and Draft Charging Schedule stages. This response relates solely to the Statement of Modifications which was published on 3rd February 2015.

Request to be Heard

We firstly confirm, in response to the consultation, that we wish to be heard by the Examiner in relation to the Modifications on the basis we oppose the Modifications for the reasons detailed below. This is in addition to outstanding concerns raised at previous stages of consultation some of which have not been adequately addressed.

Representations of the Statement of Modifications and associated evidence

It is understood the modifications made to the Draft Charging Schedule have arisen following the identification of an error in the Economic Viability Study (EVS) used to inform the Draft Charging Rates. Following correction of this error, a Revised Draft Charging Schedule Report has been published which has identified the need to revise the Charging Schedule, resulting in the two geographical charging zones previously proposed for residential development being replaced by a three zone approach. The effect of this change is that in respect of the Commissioners land interests in Brayton Ward, the ward has changed from the Low Charge Zone to the Moderate Charge Zone.

The key evidence that appears to have informed this change is in relation to updated evidence from the Land Registry on Average Sales Values by house type, as referred to in the Revised Report (paragraph 2.6). This is then shown in further detail in the Heat Mapping for each house type in Figure 2.1 (Original) and Figure 2.3 (Revised).

The Revised Heat Mapping generally demonstrates similar patterns to that of the earlier evidence in that the higher value areas with the District are located north/north west of Selby town whilst the lower value areas are located within and to the south of the town. The lowest value areas are generally found within and surrounding Selby town.

In light of new evidence, the Revised Report states at paragraph 2.24 that on the basis there are three wards which are consistently in the lowest value bracket for all 3 house types (i.e. Barlby, Selby South and Selby North) a revised approach to charge zones is proposed whereby the three identified wards are to be included in a separate Low Value Zone.

The Revised Heat Mapping shows that Brayton ward falls within the same lowest average price range as the three wards in the proposed Low Value Zone for both detached and semi-detached properties, whilst it falls in a slightly higher average price band for terraced housing. It is notable in this respect that paragraph 2.6 of the same report acknowledges that the

The Council has revisited the data that sits behind the sales value heat mapping (including the number of transactions that inform the average values for each ward) and remains of the view that values in the Brayton ward are, in general terms, materially higher than those in the three wards that form part of the lower value charge zone.

In any case, the Council is required by the CIL regulations to use 'appropriate available evidence' to inform CIL charges, zones etc. The charge rates and zones as proposed are based on the totality of appropriate evidence available. The representation does not provide any additional or alternative evidence on which the Council could rely in order to justify an alteration to the zone boundaries as proposed by the representation.

<p>updated Land Registry data, which provides the principal data source for achieved sales prices for new houses in the District, confirms detached houses are by far the most common new-build house type in data, whilst semi-detached and terraced houses represent a smaller proportion of the new-build market. This suggests that whilst the data for detached houses is more reliable, this is less so for the smaller units. On the basis that the data used in respect of terraced housing in particular appears to push Brayton ward into the Moderate Value Zone, we do not consider this is sufficiently reliable to conclude that Brayton Ward should fall within the Moderate Charge Zone, with the evidence suggesting it is more appropriate for it to be included in the Low Value Zone due to it having the same Average Sales Values for detached and semi detached properties as Barlby, Selby South and Selby North</p>	
<p><b>Ian T Hinchey</b></p>	
<p>Sir,  I enjoyed yet again a repeat fusillade of five email clones : Bang! Bang! Bang! Bang! Bang! - good to see your self-possession remains intact, for the present at least.  Is it an oversight on the LDF's Policy Team part (and to be productive of yet another amended Draft permitting a third 'famous five fusillade') that there is no mention of the very necessary 'Plan B'?</p> <p>Such a 'Plan B' will be required for instituting withdrawal of this Community Infrastructure Levy specifically called on because of anticipated shortfall by the previous Chief Executive and invented to cover costs of an unlawful Planning Application from serially unlawful BOCMPauls serially failing 1997 management buy-out team Ltd, of which the previous Chief Executive Mr Martin Connor was incessantly warned, as has current Chief Executive Ms Mary Weastell – are not Section 106 payments usually a sufficient source of necessary infrastructure finance? And is this Community Infrastructure Levy being raised instead of or in spite of S 106 payments?</p> <p>Once my 07/06/14 Indictment of Mr Justice Collins has been brought forward to reveal the rampant criminality pursued by Selby District Council to progress its criminal Core Strategy based on a de facto criminal conspiracy dependent on removing Public Records CO/2002-0634 - 8/16/255E/PA, and once the subsequent restitution of all costs is enforced by law on behalf of Selby District Taxpayers because of an enforced 2000 re-scheduling of debt-servicing for this management buy-out which prompted Selby District rampant criminality, the rejection by law of the unlawful Planning Application with its dis-proportionate and entirely detrimental impact on existing infrastructure will render the invented Community Infrastructure Levy entirely unnecessary.</p>	<p>Comments Noted.</p>

<p>Sincerely  Ian T Hinchey Ousebank where 37 families have been forced for six years to date, to live under threat to life and limb and livelihood – occupier liability for accident on PRIVATE un-adopted roads, path ways and inviolable curtilage (at Recreation Road underpass, and via level crossing/across yard of BOCMPauls 1997 management buy-out team Ltd) and by dangerous daily contesting of mass trespass unlawfully forced on residents by SDC Core Strategy, and to avoid the ONE accident which might bankrupt ALL residents - CONTRARY TO STATUTE, CRIMINAL &amp; PLANNING LAWS – Section 16.2 Countryside &amp; Rights of Ways Act 2000; Section 17 Crime &amp; Disorder Act, as embedded in ‘Localism Act 2012 Section 8 Paragraph 69 Bullet Point 2.</p>	
<p><b>Natural England</b></p>	
<p>Thank you for consulting Natural England on the modifications to the Selby District Council’s CIL Draft Charging Schedule. Natural England has no further comments to make with regards to these modifications and do not wish to make a request to be heard by the examiner in this case.</p>	<p>Comments Noted.</p>
<p><b>North Yorkshire County Council</b></p>	
<p>Dear Sir/Madam  Selby District Council Community Infrastructure Levy Draft Charging Schedule  Proposed Modifications: Consultation Response of North Yorkshire County Council  Thank you for consulting the County Council in relation to the Selby District Council Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) proposed modifications.  The County Council notes that this consultation relates solely to the Selby District Council Community Infrastructure Levy Statement of Modifications dated February 2015. We therefore understand that all previous comments made in relation to the Draft Charging Schedule, and not amended within this letter, still stand on record as the view of North Yorkshire County Council.  The County Council wishes to make the following comments and observations in relation to the CIL Draft Charging Schedule Proposed Modifications. Draft Charging Schedule and CIL Viability Assessment  North Yorkshire County Council (NYCC) accepts and understands the need for the</p>	

revisions made to the Selby GIL Revised Draft Charging Schedule Report. We also note that the revised report contains updated information reflecting current values and costs. The proposal, resulting from this refreshed evidence, for three rather than two Charging Zones would appear to be justified and logical. However we note that a large proportion of the District's planned new residential development will take place within the proposed low value area (predominantly Selby Town) which will only make the provision of essential infrastructure more challenging to deliver.

It is now proposed by Selby that CIL will be charged against residential development (private market houses excluding apartments) at £10 psm, £35 psm or £50 psm within the low, medium and high value areas respectively.

On the basis of evidence provided within the Viability Study, the County Council feels that the levy rates proposed for residential development are reasonable and justified and should not act to stifle development interest or prejudice its viability.

Given the budgetary pressures associated with the delivery of infrastructure at this time, any inability to fund critical infrastructure could prejudice developments, and hence economic growth, from occurring. In this respect, the County Council notes that evidence within the GIL Viability Study Addendum Report suggests that the proposed levy rates for residential development are around 71% (lower value range), 73% (moderate value range), and 70% (higher value range) of the theoretical maximum that could be applied. Government guidance is that the levy rate should fall within a range of 50-75% of the theoretical maximum. As such the County Council feels that the proposed levy rates for private market residential development strike a reasonable, proportionate and justified balance.

The County Council has previously submitted representations in relation to other aspects of the Draft Charging Schedule and, as they are not the focus of this current consultation, they will not be repeated here.

The County Council remains keen to work alongside, and support, the District Council throughout the process of establishing its GIL charging regime, including in the lead-up to and during Examination if required.

Once again the County Council welcomes this consultation and the joint working that has preceded it. If you wish to discuss any aspect of this response in more detail then please do not hesitate to contact Carl Bunnage, Head of Strategic Policy and Economic Growth, Business and Environmental Services

Support Welcomed.

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