



THE ROYAL BOROUGH OF
KINGSTON
UPON THAMES

**Royal Borough of Kingston upon Thames
Community Infrastructure Levy
SD15 CIL Submission Statement
June 2015**

CIL Submission Statement

22nd of June 2015

Declaration required under the Planning Act 2008

The Royal Borough of Kingston upon Thames hereby declares that:

- a) As the charging authority, it has complied with the requirements of Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended);
- b) As the charging authority, it has used appropriate available evidence to inform the draft charging schedule; and
- c) That any other matters prescribed by the CIL Regulations 2010 (as amended) have been dealt with

On the submission date 22nd of June 2015, the Draft Charging Schedule and the submitted documents were published on the Council's website and made available at its main office at Guildhall 2, Kingston upon Thames KT1 1EU as well as in the Borough's main libraries, in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended).

Programme Officer

For the purposes of the Examination the programme officer acts as an impartial officer of the Examination, under direction of the examiner, and not as an employee of the Council. The examination process is administered by the appointed programme officer, Chris Banks. Any correspondence or queries relating to the examination should be directed to the programme officer:

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West Sussex, BN16 1EF
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Introduction

The Royal Borough of Kingston upon Thames hereby submits to the examiner the following documents and information in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended).

Preliminary Draft Charging Schedule March 2013 (SD1)

The Council published its Preliminary Draft Charging Schedule for consultation over a six week period from 2nd April 2013 until 14th May 2013.

Preliminary Draft Charging Schedule Consultation Statement January 2014 (SD6)

The Council received 31 representations in total following the Preliminary Draft Charging Schedule consultation. As a result of the public consultation on the Preliminary Draft Charging Schedule, the CIL Charging Schedule was amended to take account of revised evidence and updated CIL guidance issued by the Government.

Draft Charging Schedule January 2014 (SD2)

The Council published its Draft Charging Schedule for consultation over an eight week period from 10th January 2014 until 7th March 2014, in accordance with Regulation 16 of the CIL Regulations 2010 (as amended).

Draft Charging Schedule Consultation Statement May 2015 (SD7)

In total, the Council received 37 representations in response to the Draft Charging Schedule consultation. The Statement of Consultation, as required by Regulation 19(b), includes a full schedule of responses and the Councils' analysis.

Statement of Minor Modifications May 2015 (SD9)

Following public consultation on the Draft Charging Schedule, the CIL Charging Schedule was further amended to take account of appropriate available evidence and updated CIL guidance issued by the Government. A Statement of Minor Modifications was published ahead of submission in accordance with Regulation 19 of the CIL Regulations 2010 (as amended).

Draft Charging Schedule May 2015 (SD3)

A revised Draft Charging Schedule, incorporating the proposed modifications set out in the document above, was consulted over a four week period from the 5th May until 3rd of June (SD3).

Minor Modifications Consultation Statement June 2015 (SD8)

Representations and the Council's response on the proposed modifications, including any request to be heard by the Examiner at the CIL Examination, have been included in the Statement of Consultation Minor Modifications

Final Draft Charging Schedule Submission Version following responses to Minor Modifications (SD5)

Following production of the Minor Modifications consultation statement (SD8) the Council has produced a final amended Draft Charging Schedule. For Clarity the Council has included a Charging Schedule showing the alterations (track changes) made in the production of the final version (SD4) and the Final Draft Charging Schedule (SD5),

Draft Planning Obligations Supplementary Planning Document (SD14)

The guidance on CIL published in December 2012 and updated in February 2014 clarifies the relationship between CIL and planning obligations. CIL will be a main source of funding for new or improved infrastructure that serves the wider area, including new roads and transport, and local amenities such as parks, community centres, schools and health facilities.

Any S106 contributions secured after a CIL charging schedule is adopted should be for matters that are directly related to a specific site and are not set out in a regulation 123 infrastructure list. However, CIL is not a backward looking levy; therefore all S106 planning obligations secured prior to adoption of a CIL charging schedule will remain in effect.

In addition to inviting representations on the Draft Charging Schedule, comments were also invited on an updated Draft Planning Obligations Supplementary Planning Document (SPD) in January 2014, which will sit alongside the adopted CIL charging schedule.

The document titled 'Draft Planning Obligations SPD Track Changes June 2015 (SD14) sets out the Royal Borough's proposed approach to dealing with the interaction between the CIL and S106 planning obligations. It sets out the proposed scope of S106 contributions, and how these relate to the types of infrastructure secured through CIL. The document is submitted with track changes providing detail of amendments made to take account of appropriate updated guidance issued by the Government since it was first consulted on (10th of January 2014 – 7th of March 2014). The Council plans to hold a further round of consultation on the SPD ahead of publication and is therefore submitted to examination in draft format.

Relevant Evidence

Copies of relevant evidence are submitted in accordance with Regulation 19 of the CIL Regulations. All submission documents are detailed later on pages 5 and 6 of this report.

Summary of the main issues raised by the representations in accordance with Regulation 17 and 19 of the CIL Regulations (as amended):

- Elmbridge Borough Council (respondent No. 1) No comment.
- Russ Hayton (respondent No. 2) Confusion over terminology.
- Emma Forest Civil Aviation Authority (respondent No. 3) No comment.
- B.G. Wilson (respondent No. 4) Commented on CIL rates, exceptional circumstances, instalments policy and CIL spend.
- J Knowles (respondent No. 5) Support for the proposals
- David Hussey, Highways Agency (respondent No. 6) No comment.
- Kingston College, (respondent No. 7) Support for £0 rate on public services and community facilities, Draft Regulation123 List, Clarification over the principle of pooling of contributions from up to 5 developments.
- Kingston Town Neighbourhood Committee (respondent No. 8) Commented on the proportion of CIL spend allocated to neighbourhoods and infrastructure projects on Draft Regulation123 List, possible reduction in the delivery of affordable housing once CIL is implemented, CIL regulations and Mayoral CIL.
- Kingston upon Thames Society (respondent No. 9) Commented on projects CIL spending / Draft Regulation123 List.
- Surbiton Neighbourhood Committee (respondent No. 10) No concerns were raised.
- Maldens and Coombe Neighbourhood Committee (respondent No. 11); Concerns on the proportion of CIL spend allocated to neighbourhoods and Draft Regulation123 List.
- Surrey County Council (respondent No. 12); Commented on cross boundary infrastructure projects such as transport and education being added to Draft Regulation123 List.
- English Heritage (respondent No. 13) Commented with regards to heritage assets and the need to consider exceptional relief from CIL where the levy could endanger the viability of heritage assets. Suggested minor amendment to Planning Obligations SPD with regards to heritage assets.
- Savills on behalf of Thames Water Utilities Ltd (respondent No. 14) Commented that water, wastewater and sewerage infrastructure developments should be exempt from CIL, and considered for CIL spending / Draft Regulation123 List.
- The Theatres Trust (respondent No. 15) Supports the nil rate for Public Services and Community Facilities.
- South of the Borough Neighbourhood Committee (respondent no. 16) Commented on the proportion of CIL spend allocated to neighbourhoods and CIL spending / Draft Regulation 123 List.
- Turley Associates on behalf of Sainsbury's (respondent No. 17) Objected to the proposed CIL rates for retail development and commented that there is a lack of viability evidence with regards to retail development; comments were also made on state aid implications; forthcoming CIL reforms; and exemptions and relief policies.
- Norbiton Village Residents Association (respondent No. 18) In general support of the methodology of the BNP Paribas study which underpins the proposed CIL Charging Schedule and the proposed CIL rate for student accommodation. They questioned the difficulty of finding an appropriate

“balance” between providing required infrastructures funded by CIL and meeting policy requirements such as affordable housing and Code for Sustainable Homes level 5. They also commented on CIL spending / Draft Regulation123 List.

- Natural England (respondent No. 19) Commented with regard to the natural environment infrastructure requirements and the role of CIL.
- Mrs Mandeep Jutley (respondent No. 20) Commented on CIL and development of the Council waste infrastructure.
- Councillor Trevor Heap (respondent No. 21) Concerned about the CIL levy for student accommodation being higher than residential levy.
- E. D. Turner (respondent No. 22) General support of CIL.
- Nathaniel Lichfield & Partners on behalf of Kingston University (respondent No. 23); objected to the proposed CIL rate for student accommodation, commented that no allowance was made for geographical location and the evidence use to justify rate. They support some of the projects on the Draft Regulation 123 List. Requested that additional/amended text be added to Planning Obligation particular on Affordable Housing, Community Safety and Visitor information , Employment Development, Training and Business Support , Transport Requirements, Public Open Space, play... and Sustainable Construction and Climate Change
- Mayor of London (respondent No. 24) Acknowledged that the Mayoral CIL has been taken into account in viability testing and was content that the CIL proposals will not put at risk the objectives and detailed policies in the London Plan
- B. Maskell (respondent No. 25) Commented on development pressures on infrastructure
- Environment Agency (respondent no. 26) commented on flood management infrastructure and CIL spending / Draft Regulation123 List.
- Transport for London (respondent No. 27) commented on strategic transport infrastructure and draft Regulation123 List
- McCarthy & Stone Retirements Lifestyles Ltd and Churchill Retirement Living Ltd (respondent No. 28) Support s the separate levy rates for care homes and extra care home in the Draft Charging Schedule.
- Savills on behalf of Crest Nicholson (respondent No.29) Commented on viability and on the approach taken in assessing the Bench Land Value, proposed CIL rate combined with current policies such as affordable housing and Codes for Sustainable housing, instalment policy, the proposed viability cushion of 20%, and assumptions use such as section 106.
- London Fire & Emergency Planning Authority (LEEPA) (respondent No. 30) Commented on draft Regulation 123 List.
- Savills on behalf of Enstar Capital (respondent No. 31) Commented on viability testing, raising details on the assumptions and comparables used in particular in relation to student accommodation. Objected to the proposed financial contributions in the sustainable Construction/Climate Change Section of the Draft Planning Obligation SPD.
- Environment Agency (respondent No.32) Commented on flood management infrastructure and CIL spending / Draft Regulation 123 List. In support of text in Draft Planning Obligation on Sustainable construction and climate change, and Public open space, play, biodiversity and public realm.

- Deloitte Real Estate on behalf of Eden Walk GP Ltd (respondent No.33) commented on viability testing, raising details on the assumptions and comparables used in particularly in relation to retail and housing. Commented on projects on the draft Regulation 123 list. Suggested that a nil rate be given for all uses in the Eden Walk shopping Centre site and a nil rate for all retail development in the town centre. Objected to the requirements for BREEAM and Codes for Sustainable Homes in the Construction/Climate Change Section of the Draft Planning Obligation SPD.
- Nathaniel Lichfield & Partners on behalf of Chessington World of Adventure (respondent No. 34) Commented on the proposed nominal rate of £20 for all other uses and suggested that a nil rate be used as a precautionary approach. Suggested amendments to Planning Obligations SPD with regards Employment Development, Training and Business support and Site Specific Transport Requirement. Objected to the proposed financial contributions in the sustainable Construction/Climate Change Section of the Draft Planning Obligation SPD.

List of all Submission and Relevant Evidence Documents:

Main Submission Documents

CIL Submission Documents (Dates published)
SD1 Preliminary CIL Draft Charging Schedule as Consulted (March 2013)
SD2 CIL Draft Charging Schedule as Consulted (January 2014)
SD3 CIL Draft Charging Schedule with minor modifications as Consulted (May 2015)
SD4 CIL Draft Charging Schedule with Track Changes (June 2015)
SD5 Final CIL Draft Charging Schedule Submission Version (June 2015)
SD6 Consultation Statement PDCS (January 2014)
SD7 Consultation Statement DCS (June 2015)
SD8 Consultation Statement Minor modifications (June 2015)
SD9 Statement of Minor Modifications (May 2015)
SD10 CIL Viability Report Final (August 2014)
SD11 Statement of Legal Compliance including Q1-10 of PAS guidance (June 2015)
SD12 Draft Regulation 123 List and Infrastructure Funding Gap Assessment (January 2014)
SD13 Summary of S106 monies raised over recent years (June 2015)
SD14 Draft Planning Obligations SPD Track Changes (June 2015)
SD15 Equalities Impact Assessment (June 2015)
SD16 CIL Instalments Policy (June 2015)
SD17 CIL Submission Document (June 2015)

All responses received at Draft Charging Schedule consultation and the Minor Modifications will be supplied electronically. There are a number of additional supporting documents that have been submitted and made available on our website.

Supporting Local Documents	Location
RBK Core Strategy (April 2012)	http://www.kingston.gov.uk/downloads/file/50/core_strategy
Kingston Infrastructure Delivery Plan (2011)	https://www.kingston.gov.uk/downloads/file/776/infrastructure_delivery_plan
Local Implementation Plan (LIP2)	http://www.kingston.gov.uk/downloads/file/226/lip2
Planning Obligations SPD (2011)	http://www.kingston.gov.uk/downloads/file/78/sdp-planning_obligations
Statement of Community Involvement (January 2007)	http://www.kingston.gov.uk/downloads/download/33/statement_of_community_involvement
K+20 AAP (July 2008)	http://www.kingston.gov.uk/downloads/file/65/kingston_town_centre_area_action_plan
Affordable Housing SPD (2013)	http://www.kingston.gov.uk/downloads/download/52/affordable_housing_spd_2013
Annual Monitoring Report (2014/2015)	http://www.kingston.gov.uk/downloads/file/1295/annual_monitoring_report_2014

Supporting Regional Documents	Location
MCIL 2013	https://www.london.gov.uk/priorities/planning/mayoral-community-infrastructure-levy
London Plan 2015	http://www.london.gov.uk/sites/default/files/London%20Plan%20March%202015%20%28FALP%29.pdf

Supporting National Documents	Location
Localism Act 2011	http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted
Planning Act 2008	http://www.legislation.gov.uk/ukpga/2008/29/contents
CIL Regulations 2010	http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents
CIL (Amendment) Regulations	http://www.legislation.gov.uk/uksi/2011/987/contents/made

2011	
CIL (Amendment) Regulations 2012	http://www.legislation.gov.uk/uksi/2012/2975/contents/made
CIL (Amendment) Regulations 2013	http://www.legislation.gov.uk/ukdsi/2013/9780111534465/contents
CIL (Amendment) Regulations 2014	http://www.legislation.gov.uk/uksi/2014/385/contents/made
CIL (Amendment) Regulations 2015	http://www.legislation.gov.uk/uksi/2015/836/contents/made
NPPG Guidance	http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/
CIL: Setting and Examination Checklist (PAS)	http://www.pas.gov.uk/community-infrastructure-levy
National Planning Policy Framework 2012	http://planningguidance.planningportal.gov.uk/blog/policy/