

Planning Policy Team,
North Somerset Council,
Floor 1 Post Point 15
Town Hall,
Walliscote Grove Road
Weston-super-Mare,
BS23 1UJ.

Sean Walsh
Highways England
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6HA

Direct Line: 0300 4704274

Via email: planning.policy@n-somerset.gov.uk

13 September 2016

Dear Sir/Madam,

COMMUNITY INFRASTRUCTURE LEVY (CIL) – DRAFT CHARGING SCHEDULE (DCS)

Thank you for providing Highways England with the opportunity to comment on the CIL DCS document. Highways England is responsible for operating, maintaining and improving the Strategic Road Network (SRN), which in North Somerset comprises the M5. It is on the basis of these responsibilities that the comments that follow in this letter have been made.

Highways England is keen to ensure that policy takes account of the need for transport and land use planning to be closely integrated. In this respect, your attention is drawn to DfT Circular 02/2013 which sets out how Highways England will engage with the planning system to deliver sustainable development. This includes the CIL, in order to ensure that appropriate infrastructure can be delivered to support development.

We have taken a keen interest in the evolution of North Somerset's planning policy, and commented on the last stage of CIL consultation in 2013. As such, we would like to be heard by the independent examiner at the Examination.

We understand that the purpose of this consultation seeks comments on whether the proposed rates strike a balance between the desirability of funding from CIL, and the potential effects of the imposition of CIL on economic viability of development across North Somerset. In addition to this the other key elements are the draft Regulation 123 List and the proposals not to introduce an instalments policy, discretionary relief policies or exceptional circumstances relief.

About the CIL

The CIL is a system of charges that local authorities can choose to charge on new development in their area by setting a charging schedule, and that once adopted is non-negotiable, and enforceable. We understand that payment will be due at commencement of development, rather than phased or on completion.

Previous stages of consultation and programme for introducing CIL in North Somerset

We made comments previously at the preliminary DCS stage of the CIL process. We had a number of comments regarding funding gaps and the charging schedule. We are pleased to note that these have been addressed or clarified. The IDP has been updated and the draft Regulation 123 List has been published as part of DCS consultation as requested, to include provision for 'near-site' transport mitigation through the S106 mechanism.

How are CIL rates set

We understand that the CIL rates must be based on new or improved infrastructure being required to support development that can't wholly be paid for from other sources, balanced with economic viability considerations. We note that the IDP has recently been updated to reflect the latest infrastructure requirements. This should be an evolving document to ensure that infrastructure is identified to meet development needs. Whilst we understand the importance of economic viability, at the same time Highways England cannot support development coming forward that results in a severe impact on the SRN. This will need to be shown in supporting evidence for any applications that come forward.

We do not have any comments on the methodology.

Evidence Base for North Somerset's proposed CIL

Highways England is content with the evidence base and the procedure that has been undertaken to date. Our main concern is the identification of infrastructure needed to deliver development so that it will not have a severe impact on the SRN. It is important, as acknowledged in the text, that the NPPF guidance is followed.

The IDP has undergone several updates the latest of which was earlier this year. This is important and should be an ongoing process. Highways England would ask to be kept informed and consulted on this as appropriate.

We note the infrastructure funding gap, but we are content that the methodology and figures are robust. All applications for development will need to be supported by a robust transport evidence base to ensure that they will not result in a severe impact on the SRN, including on-site and off-site mitigation proposals.

Installments Policy

Highways England agrees with the proposal not to introduce a policy for phasing CIL payments. We note the work that has contributed to CIL levels in terms of their effect on the viability of development, but accept the requirement for the phasing policy to be kept under review. The payment of CIL within 60 days of the commencement of development will allow the funds for Regulation 123 infrastructure to be available

sooner, which is particularly important for transport related infrastructure which is required to address the impacts of development as a whole in a particular area.

Discretionary Charitable Relief

We understand that charitable relief cannot be discretionary and judged on a case by case basis, and therefore agree that a discretionary charitable relief policy should not be introduced.

Exceptional Circumstances Relief

Highways England supports your position to not permit exceptional circumstances relief, as like with the charitable relief it cannot be done on a case by case basis. This allows more certainty for the developer and the Council in terms of funding to support infrastructure provision.

What will CIL be spent on – Regulation 123 List

We acknowledge and support the types of development included in the Draft Regulation. We agree that strategic transport schemes should be on the list of included schemes, as these will be schemes required to support more than one development, usually due to transport implications of the overall strategic levels of development required in a particular place. The more site specific transport requirements should be funded or delivered by the relevant developer in the form of S106, S38 or S278 agreements as indicated, and amended as a result of our previous comments.

Conclusion

Highways England is generally content with the CIL DCS. We are keen to ensure that the IDP is kept up to date and that this, along with CIL rates is regularly reviewed to reflect the latest requirements and markets. We would wish to be involved in this process as appropriate.

The comments in this response do not prejudice any future responses on site specific matters and Highways England would request that we are consulted at an early stage in the process going forward. In the meantime should you wish to discuss the above, please do not hesitate to contact me.

Yours sincerely



Sean Walsh
Asset Manager
Email: Sean.Walsh@highwaysengland.co.uk