

**Gosport Borough Council**

**Community Infrastructure Levy**

**Consultation Statement**

**November 2014**



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# Consultation Statement

## Introduction

This statement has been prepared in support of the submission of Gosport Borough Council's Community Infrastructure Levy to the Secretary of State for examination. The Statement outlines the Borough Council's consultation process on the Preliminary Draft and Draft Charging Schedules (Regulations 15 and 16) for the Community Infrastructure Levy, the report summarises the main points raised by representors and the Councils response to them.

This Statement has been prepared in accordance with Regulation 19 of the CIL Regulations (as amended).

## Preliminary Draft Charging Schedule Consultation (Regulation 15)

Gosport Borough Council published its Preliminary Draft Charging Schedule for consultation for 6 weeks from the 14<sup>th</sup> of October to the 25<sup>th</sup> of November 2013. Consultation material was sent out to all the consultees outlined in the CIL Regulations inviting representations. Information on the consultation was made available on the Council's web page and as hard copy at the Council offices and the Local Libraries. The Council directly consulted by email or letter approximately 200 organisations which are listed in appendix 7. In addition a large number of private individuals were also consulted.

The following Documents were available for viewing either as a hard copy or on the Council's web page:

- Preliminary Draft Charging Schedule (October 2013)
- Infrastructure Delivery Plan (October 2013)
- Infrastructure Assessment Report (partial refresh October 2013)
- CIL Viability Report (July 2013)
- Draft 123 list (October 2013)

<b>Regulation</b>	<b>Publicity and Consultation</b>
15(6)	The Council's CIL webpage was updated to publicise the Preliminary Draft Charging Schedule consultation and the Preliminary Draft Charging Schedule, evidence base and supporting documents. Representations were invited. The publicised website text can be found in Appendix 2.
15(6)	It was possible to view and respond to the consultation by visiting the Borough Council's web page and completing a submission form.
15(2)	Organisations and individuals on the CIL consultation database were sent a consultation letter or email, inviting representations and publicising the Preliminary Draft Charging Schedule consultation, the consultation document, and the evidence base and supporting

	documents. A copy of the consultation letter/email can be found in Appendix 1.
N/A	The Preliminary Draft Charging Schedule, evidence base documents and supporting documents were deposited at, Lee –on –the – Solent, Elson and Bridgemary libraries, the Gosport Discovery Centre and the Council’s Planning Reception.

## Representations

A total of 19 representations were received in response to the consultation on the Preliminary Draft Charging Schedule. The following representations were received during the Preliminary Draft Charging Schedule Consultation:

**Table 1-Preliminary Draft Charging Schedule representations.**

Ref	Respondee
P1	Advanced Marine Innovation Technology Subsea Ltd
P2	Homes and Communities Agency
P3	Marine Management Organisation
P4	English Heritage - South East
P5	Gosport Society
P6	The Theatres Trust
P7	Southern Water
P8	Hampshire Constabulary
P9	Defence Infrastructure Organisation
P10	Natural England
P11	Mr A J Beckett
P12	Hampshire County Council
P13	Environment Agency
P14	Milln Gate Gosport LLP
P15	Berkeley Homes (Southern) Ltd
P16	Homes and Communities Agency
P17	Gosport Allotment Holders and Gardeners Association
P18	Eastern Solent Coastal Partnership
P19	Mr R V Perry

## Summary of the representations.

The main points arising from the consultation were as follows:

- Challenge to the evidence base for retail warehouses and supermarkets.
- Challenge to the evidence base for residential uses including appraisal inputs, housing mixes, s106 contributions and the waterfront site.
- Viability Buffer
- The Housing Standards Review
- Extra Care Housing.

A full summary of the representations can be found in the CIL evidence base (CIL-18). Gosport Borough Council commissioned Adam’s Integra to carry out an addendum to their Community Infrastructure Levy Viability Assessment report to address the points raised. This was completed in July 2014. The findings of this report supplemented the 2013 Community Infrastructure Levy Viability Assessment. These documents can be found in the CIL evidence base (CIL-5 and CIL-6).

**Draft Charging Schedule Consultation (Regulation 16)**

Gosport Borough Council published its Draft Charging Schedule for consultation for 6 weeks from the 19th of September 2014 to the 30<sup>th</sup> of October 2014. Consultation material was sent out to all the consultees outlined in the CIL Regulations inviting representations. Information on the consultation was made available on the Council’s web page and as hard copy at the Council offices and the Local Libraries. Notification of the consultation was sent via email or letter and was advertised in the Hampshire Independent Newspaper. The Council directly consulted approximately 200 organisations which are listed in appendix 7. In addition a large number of private individuals were also consulted.

The following Documents were available for viewing either as a hard copy or on the Council’s web page:

- Gosport CIL Viability Report (July 2013)
- Draft Charging Schedule (September 2014)
- Gosport CIL Viability Report Addendum 2014.
- Addendum - Supplement (Sept 2014)
- Gosport Infrastructure Assessment Report (June 2014)
- Gosport Infrastructure Delivery Plan (June 2014)
- Draft Regulation 123 list (September 2014)
- Planning Obligations and Developer Contributions Strategy 2014
- Summary of Representations on the Preliminary Draft Charging Schedule.
- Developer contributions collected through Section 106 agreements 2009-2014.
- Affordable housing performance 2009-2014.
- Annual Monitoring Report 2014.
- Preliminary Draft Charging Schedule.

<b>Regulation</b>	<b>Publicity and Consultation</b>
16(1)(a)	The Draft Charging Schedule, evidence base documents and supporting documents were deposited at all libraries in the Borough, Lee –on –the – Solent, Elson and Bridgemary libraries, the Gosport Discovery Centre and the Council’s Planning Reception.
16(1)(b)	The Council’s CIL webpage was updated to publicise the consultation and the Draft Charging Schedule, statement of representations procedure, evidence base and supporting documents. Representations

	were invited on the Council's website. The publicised website text can be found in Appendix 5.
16(1)(b)	It was possible to view and respond to the consultation by visiting the Borough Council's web page and completing a submission form.
16 (1)(c)	Organisations and individuals on the CIL consultation database were sent the Draft Charging Schedule and a Statement of Representations Procedure by post and email. A copy of the consultation letter/email can be found in Appendix 4.
16(1)(d)	A Press advert was published in Hampshire Independent Newspaper on 26 <sup>th</sup> of September 2014, publicising the statement of representations procedure and a statement of where and when documents could be inspected in hardcopy. The advertised text can be found in Appendix 6.
16(2)	The Statement of Representations set out how and when either representations could be made, electronically or by post to the specific address. The statement further specified that anyone making a representation on the Draft Charging Schedule may request the right to be heard by the examiner and to be notified of submission to examination, the publication of the examiner's recommendations and the approval of the Charging Schedule. A copy of the Statement of Representations Procedure can be found in Appendix 3.

### **Draft Charging Schedule representations**

A total of 13 representations were received in response to the consultation on the Draft Charging Schedule. The following representations were received during the Draft Charging Schedule consultation:

<b>Ref</b>	<b>Respondee</b>
CIL-REP1	Southern Water
CIL-REP2	Marine Maritime Organisation
CIL-REP3	Theatres Trust
CIL-REP4	Ewer Common Conservation Group
CIL-REP5	Thomas Eggar on the behalf of Asda
CIL-REP6	Natural England
CIL-REP7	English Heritage
CIL-REP8	Gosport Society
CIL-REP9	Homes and Communities Agency
CIL-REP10	Environment Agency
CIL-REP11	Milln Gate
CIL-REP12	Sport England
CIL-REP13	Hampshire County Council

*Copies of the representations can be found in appendix 9*

## **Summary of Representations**

The main points arising from the consultation were as follows:

- Challenge to the evidence base for retail warehouses and supermarkets.
- Challenge to the evidence base for residential uses including appraisal inputs, housing mixes, s106 contributions
- Extra Care Housing.
- Retail CIL rates
- Residential CIL rates
- Sports facilities in the 123 list.

A fuller summary of the representations can be found in appendix 8

## **Requests to be heard at examination.**

The following organisations have made requests to be heard at examination:

- Milln Gate
- Homes and Communities Agency

## **List of Appendices:**

1. Regulation 15 consultation letter
2. Regulation 15 web wording
3. Regulation 16 statement of representations procedure
4. Regulation 16 consultation letter.
5. Regulation 16 web wording
6. Regulation 16 press notice
7. List of organisations consulted
8. Summary of representations
9. Copies of regulation 17 representations.



## Appendix 1 – Community Infrastructure Levy Regulation 15 Consultation Letter.

*Please ask for:*

**Kim Catt**

*Direct dial:*

**(023) 9254 5228**

*E-mail:*

**kim.catt@gosport.gov.uk**

10th October 2013

Dear Sir/Madam

### **Community Infrastructure Levy Consultation on Preliminary Draft Charging Schedule**

The Council is currently consulting on the preliminary draft charging schedule for its proposed Community Infrastructure Levy (CIL). This is a levy to help fund the infrastructure needed to serve future development.

If adopted, it will replace the current system of developer contributions for general infrastructure under section 106 of the Planning Act 1990. However, the Council will continue to use Section 106 agreements to negotiate contributions from developers for infrastructure directly related to their proposals.

The documentation and information on making a representation on the preliminary draft charging schedule are on the Council's website, at: [www.gosport.gov.uk/cil](http://www.gosport.gov.uk/cil)

Hard copies are available to view at the Gosport Town Hall, the Discovery Centre and the libraries in Bridgmary, Elson and Lee-on-the-Solent.

We look forward to receiving your comments. Please be aware that the closing date for submitting comments is 25 November 2013.

If you have any inquiries, please contact the Council's Planning Policy team on telephone 023 9254-5557, or at [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)

Yours faithfully

Kim Catt  
Senior Planning Officer

## Community Infrastructure Levy (CIL)

### What is CIL?

The Community Infrastructure Levy is a new charge on development, which, in Gosport, will be set by the Borough Council to help the funding of infrastructure. The levy will allow the Borough Council to raise, and pool contributions from developers to pay for transport, leisure and open spaces, schools and other infrastructure needed to support new development.

CIL is charged on the net additional floorspace created by development of buildings that people normally use.

CIL will operate alongside a scaled-back system of Section 106 agreements. By April 2014, the Borough Council will not be able to use Section 106 agreements as the principal means to provide for the necessary infrastructure to support development. Planning obligations will cover only site-specific obligations and affordable housing (currently under review by Central Government).

In investing on the Infrastructure of the area, CIL is expected to have a positive economic effect on development in the medium to long term. It will give developers certainty on what they will have to pay towards infrastructure, and not being ring fenced, will give the Borough Council greater flexibility to help deliver infrastructure when and where is needed. Following consultation on a Preliminary Draft Charging Schedule Gosport Borough Council has now published a **Draft Charging Schedule for consultation**.

### Gosport's CIL

Local authorities wishing to levy a CIL charge must produce a charging schedule setting out the CIL rates for their area based on the ability of most development to sustain the proposed charges.

As the first stage Gosport Borough Council has published a **CIL Preliminary Draft Charging Schedule** for consultation. We are inviting comments on this document. The period for representations to be made will run for six week period to 25<sup>th</sup> November 2013.

## Appendix 3 – Community Infrastructure Levy Regulation 16 Statement of Representations Procedure

### **Statement of representations Procedure – published on the web site**

#### **Planning Act 2008 (as amended)**

#### **Community Infrastructure Levy Regulations 2010 (as amended)**

#### **Notice of Regulation 16 (1) and (2): Public Consultation**

### **Community Infrastructure Levy: Gosport Draft Charging Schedule: Statement of Representation Procedure**

Gosport Borough Council hereby gives notice that it is in the process of preparing a Community Infrastructure Levy (CIL) Draft Charging Schedule covering the whole Borough. The Draft Charging Schedule sets out the proposed rates developers would be required to pay on certain new developments.

The Gosport Draft Charging Schedule and supporting documentation and response forms are available online at: [www.gosport.gov.uk/cil](http://www.gosport.gov.uk/cil) and in the Planning Services reception situated on the 3rd floor at Gosport Town Hall; and at the following locations during normal opening times:

- Gosport Discovery Centre, High Street, Gosport, PO12 1BT;
- Elson Library, 136 Chantry Road, Gosport, PO12 4NG;
- Lee-on-the-Solent Library, High Street, Lee-on-the-Solent, PO13 9BZ; and
- Bridgemary Library, 74 Brewers Lane, Bridgemary, Gosport, PO13 0LA.

**The consultation period starts on 19<sup>th</sup> September and ends on 30th October 2014, responses after this date will not be considered.** Written representations can be made in a number of ways: using the online form, saving the online form as a PDF (so that it can be edited) and emailed to [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk) or download/print the paper copy of the form and post to:

The Head of Planning Policy  
Gosport Borough Council  
Town Hall  
High Street  
Gosport, PO12 1EB

### **Notification of Submission to the Secretary of State, Examiner's Recommendations and Adoption**

Any person making a representation on the Gosport Draft Charging Schedule and/or associated documents may request the right to be heard by the examiner and to be notified of the progress of the draft Charging Schedule in relation to its submission to the Secretary of State, the publication of the examination recommendations and adoption of the document.

For further information about this consultation or any other queries about the Gosport Draft Charging Schedule, please see the Borough Council's website or contact the Planning Policy Team on 02392 545228 or email [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)

## Appendix 4 – Community Infrastructure Levy Regulation 16 Consultation Letter

*Please ask for:*

Kim Catt

*Direct dial:*

(023) 9254 5228

*E-mail:*

planningpolicy@gosport.gov.uk

19<sup>th</sup> September 2014

Dear Sir or Madam,

### **COMMUNITY INFRASTRUCTURE LEVY: GOSPORT DRAFT CHARGING SCHEDULE SEPTEMBER 2014 (REGULATION 16)<sup>1</sup>**

I am writing to let you know that the Borough Council is consulting on the Community Infrastructure Levy Draft Charging Schedule. The Draft Charging Schedule is supported by an up to date evidence base and has been approved by the Borough Council for the purposes of consultation. This round of consultation will be the final stage of public consultation before it is submitted to the Secretary of State for independent examination later this year.

You may have already been involved in the process through earlier informal consultation stages of the Preliminary Draft Charging Schedule in October 2013. The comments received on the earlier draft document have been fully considered and have helped to inform the final version which is the subject of this consultation.

This is now an opportunity to make formal representations on the Draft Charging Schedule. These representations will be formally considered by an independent Examiner.

For clarity, this letter of notification sets out the consultation period and forms the statement of representations procedure.

**The consultation period for the CIL Draft Charging Schedule runs for six weeks from 19<sup>th</sup> September – 30<sup>th</sup> October 2014.**

The Draft Charging Schedule can be viewed on the Borough Council's website at: [www.gosport.gov.uk/cil](http://www.gosport.gov.uk/cil) together with supporting documents and representation form. They are also available to view from the Planning Services reception situated on the 3<sup>rd</sup> floor at the Town Hall and at the following locations during normal opening times:

- Gosport Discovery Centre, High Street, Gosport, PO12 1BT;

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<sup>1</sup> Community Infrastructure Levy Regulations 2010

- Elson Library, 136 Chantry Road, Gosport, PO12 4NG;
- Lee-on-the-Solent Library, High Street, Lee-on-the-Solent, PO13 9BZ; and
- Bridgemary Library, 74 Brewers Lane, Bridgemary, Gosport, PO13 0LA.

Representations can be made using the online form service or if you would prefer, the form can be emailed to [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk). Alternatively, representations can be returned by post to:

The Head of Planning Policy  
Gosport Borough Council  
Town Hall, High Street  
Gosport, PO12 1EB.

If you have any queries about the draft Local Plan, please contact the Planning Policy Team on the telephone number at the top of this letter. **Please note that the closing date for comments is 30<sup>th</sup> October 2014.**

Yours faithfully



**Kim Catt**  
**Senior Planning Officer**

## **Community Infrastructure Levy: Draft Charging Schedule Consultation**

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Gosport Borough Council has published a **Draft Charging Schedule** which is supported by a number of **evidence studies** for consultation.

**The consultation period starts on 19th September and ends on 30th October 2014, responses after this date will not be considered.** you can submit representations to us in a number of ways.

Using the **electronic form** and saving it as a pdf and email to **planning.policy@gosport.gov.uk** or

Download/print the **paper form** and post to:

The Head of Planning Policy  
Gosport Borough Council  
Town Hall  
High Street  
Gosport  
PO12 1EB

Following the conclusion of the consultation the Draft Charging Schedule and its supporting evidence will together with any representations made be submitted for examination by an inspector.

Any person making a representation on the Gosport Draft Charging Schedule and/or associated documents may request the right to be heard by the inspector and to be notified of the progress of the draft charging schedule in relation to its submission to the Secretary of State, the publication of the examination recommendations and adoption of the document.

A **statement of representations** procedure and a **statement of fact** have been prepared showing where hard copies can be viewed.

**PLANNING ACT 2008 (AS AMENDED)  
COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010  
(AS AMENDED)**

**Notice of Regulation 16 Public Consultation  
Community Infrastructure Levy: Gosport Draft Charging  
Schedule Statement of Representation Procedure**

Gosport Borough Council hereby gives notice that it is in the process of preparing a Community Infrastructure Levy (CIL) Draft Charging Schedule covering the whole Borough. The draft Charging Schedule sets out the proposed rates developers would be required to pay on certain new development.

**The consultation period starts on 19th September and ends on 30th October 2014, responses after this date will not be considered.** Written representations should be made using the

response form available from the locations listed below or from the Borough Council's CIL web page and returned via email to [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk) or by post to:

The Head of Planning Policy, Gosport Borough Council, Town Hall, High Street, Gosport, PO12 1EB

Any person making a representation on the Gosport Draft Charging Schedule and/or associated documents may request the right to be heard by the examiner and to be notified of the progress of the draft charging schedule in relation to its submission to the Secretary of State, the publication of the examination recommendations and adoption of the document.

The Gosport Draft Charging Schedule and supporting documentation and response forms are available online at: [www.gosport.gov.uk/cil](http://www.gosport.gov.uk/cil) and in the Planning Services reception situated on the 3rd floor at Gosport Town Hall; and at the following locations during normal opening times:

- Gosport Discovery Centre, High Street, Gosport, PO12 1BT;
- Elson Library, 136 Chantry Road, Gosport, PO12 4NG;
- Lee-on-the-Solent Library, High Street, Lee-on-the-Solent, PO13 9BZ; and
- Bridgemary Library, 74 Brewers Lane, Bridgemary, Gosport, PO13 0LA.

For further information please see the Borough Council's website or contact the Planning Policy Team on 02392 545228 or email [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)



Appendix 7 List of organisations consulted for Regulation 15 and 16.

4 in-LINK
Addleshaw Goddard
Advanced Marine Innovation
Affinity Sutton Homes Group
Alliance Environment and Planning Ltd - Contact by email only
Allsop LLP
Alverstoke Townswomens Guild
AMEC E&I Ltd (on behalf of National Grid)
AOPA
Badgers Pre-School
Barton Willmore (Reading)
BC Solent Ltd
Bellway Homes (Wessex)
Berrys
Bridgemary Bowling Club
Bridgemary Community School
Brimble,Lea & Partners
Britton Norman
Browdown
Brune Park Community School
Business Link Wessex
Cable & Wireless
CAMRA The Campaign for Real Ale
Carter Jonas
CBRE Ltd
CDC2020 Plc
Chesterton Humberts (Managing Agent)
Civil Service Pensioners Alliance Gosport North
Cluttons LLP
Colin-Buchanan
Colliers CRE
Country Land & Business Association
CPRE Hampshire
Crescent Owners Association
CSSA Portsmouth Offshore Group
'Curves' Franchise
Daniells Harrison Chartered Surveyors
David Ames Associates
David Seymour Independent Letting & Estate Agents
Defence Infrastructure Organisation (DIO)
Diocesan Headquarters

Drivers Jonas Deloitte
Driving Standards Agency
DSDA Gosport
DTZ
Eastern Solent Coastal Partnership
Elson Infant School
Enerlux Ltd
English Heritage South East
Entec UK Ltd - Email consultation only
Environment Agency
Fareham & Gosport Clinical Commissioning Group
Fareham and Gosport District Youth Team (YSS)
Fareham Borough Council
Fareham Reach Industrial Estate
First Hampshire & Dorset
First Wessex Group (Housing Association Ltd)
Forton Bowling Club
Fox & Sons
Friends of Gosport Museum
Friends of Stokes Bay
Friends of the Hermitage
Fusion On Line Ltd - Email consulting only
Garner Wood
Geo. Kingsbury Machine Tools Limited
GL Hearn Property Consultants
Goadsby Commercial
Gomer Infant School
Gosport Access Group for Disabled Persons
Gosport Active Group for the Visually Impaired
Gosport Allotment Holders & Gardners Association
Gosport and Fareham Friends of the Earth
Gosport Borough Youth Football Club
Gosport Business Centre
Gosport Citizens Advice Bureau
Gosport Heritage Open Days
Gosport Older Persons Forum
Gosport Railway Society
Gosport Rotary Club
Gosport Town Centre Association
Gosport Voluntary Action
Gosport4Sail Community Interest Company
Green Issues Communications
Groundwork Solent

Guinness Hermitage Housing Association
H.E.D.C.A.
Hallam Land Management Limited
Hampshire & Isle of Wight Wildlife Trust
Hampshire and Isle of Wight Local Nature Partnership
Hampshire Chamber of Commerce
Hampshire Constabulary
Hampshire County Council Spatial Strategy Group
Hampshire Fire and Rescue Service
Health and Safety Executive
Heber - Percy & Parker Architects
Hellier Langston
Henry Adams Planning Ltd
Highways Agency
HM Coastguard
HM Naval Base
HMS Sultan
Holbrook Womens Institute
Holloway Iliffe & Mitchell
Home Builders Federation
Home Group
Homes and Communities Agency
Hovercraft Society
Hughes Ellard
Hughmark Continental Ltd
Huhtamaki Uk Ltd
HydeMartlet Housing Association
Isle of Wight Council
John Norton Ecology
Jones Lang LaSalle (was Kings Sturge)
Lambert Smith Hampton
Lee Business Association
Lee Flying Association
Lee on the Solent Resident Association
Lee-on-the-Solent Junior School
Lee-on-the-Solent Methodist Church
Lee-on-the-Solent Residents Association
Lee-on-the-Solent Sailing Club
Lee-on-the-Solent Tennis, Squash & Fitness Club
Lucken Beck Partnership
Manor House Bed & Breakfast
Marina Projects Limited
Marine Management Organisation
Marine South East Ltd

Maritime and Coastguard Agency
Martineau
Mayfair Investments
Member of Parliament
Mono Consultants Limited
Natural England
Network Rail - consult via email
Nicholas John Architects
Notorious JTBC
Orchard Homes
Our Enterprise CIC Ltd
Partnership for Urban South Hampshire PUSH
Peacock & Smith
Peel Common Residents Association
Persimmon Homes South Coast Ltd
Persimmon Homes South East
Planning Inspectorate
Planware Ltd
Portsmouth City Council
Portsmouth Naval Base Property Trust
Portsmouth Water Plc
PRP Architects
Public Health (Hampshire County Council)
Qinetiq
Radian Group Ltd
Rapleys LLP
Robert Tutton Town Planning Consultants Ltd
Rowner Bowling Club
Royal Clarence Marina Residents Association
RPS
RSPB
Sanderson Business Centre
Savills
Scotia Gas Networks Plc
Scott Wilson
Scottish & Southern Energy
Smart Futures
Solent Forum
Solent Mind Vocational Advice Service (Fareham & Gosport)
Solent Protection Society
Solentview Limited
South Central Ambulance Service
Southern Gas Networks
Southern Planning Practice

Southern Water (Asset Management)
Space & Style Home Design
Sport England South East
St Vincent College
St. Matthews Court No. 1 Residents Co Ltd
St. Matthews Court No. 13 Residents Co Ltd
Stewart Ross Associates
Stoke Road Baptist Church
Stoke Road Traders Association
Stokes Bay Sailing Club
Strutt and Parker
STS Defence
The Anglesey Hotel
The Bampton Property Group Limited
The Country Land and Business Association (CLA)
the Environment Centre (tEC)
The Fareham and Gosport Hampshire Highways teams
The Garden History Society
The Gosport Society
The Guinness Group
The Planning Bureau Limited
The Provincial Society
The Solent Local Enterprise Partnership
The Theatres Trust
Tibbalds Planning & Urban Design
Tourism South East
Traveller Law Reform Project
Turley Associates
Vail Williams
Vector Aerospace Helicopter Services - UK
White Young Green
Woodland Trust
WYG Group

Appendix 8 Summary of representations on draft CIL charging schedule:

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
CIL-REP1	Marine Maritime Organisation.	The MMO has no comments to submit in relation to this consultation.	None
CIL-REP2	Southern Water	Our previous representations have been addressed and welcome the inclusion of wastewater and sewerage infrastructure in the Infrastructure Delivery Plan and Infrastructure Assessment Report. We take this opportunity to point out the odour reduction scheme at Peel Common Wastewater Treatment Works has been completed.	None
CIL-REP3	Theatres Trust	We support Para. 9.4.17 which substantiates a zero rate for all community facilities, however, it should be noted that cultural facilities such as theatres are Sui Generis rather than Class D2 buildings, as suggested by the heading.	Noted
CIL – REP4	Ewer Common Society	The same protection should be given to Ewer Common as Gosport Park.	None. This matter will be dealt with through the Local Plan examination.
CIL – REP5 /1	Asda plc	The CIL levels set out in the Draft Charging Schedule are flawed as the ‘balancing exercise’ carried out in the CIL Viability Study is flawed.	See table below relating to CIL Viability Study
CIL – REP5 /2	Asda plc	The proposed CIL rate of £60 per metre squared for supermarkets and retail warehouses will disincentivise the investment in retail in the Borough.	CIL charging schedules are set based upon viability. The draft charging schedule sets out evidence for the proposed charge on supermarkets and retail warehouses. This is in line with regulation 13 of the CIL regulations.
CIL – REP5 /6	Asda plc	The Council Should look to adopt an instalments policy which links instalments to the time frame of the development rather than an arbitrary one.	The Borough Council will look to develop a protocol which sets out its future instalments policy. This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)

<b>Ref No.</b>	<b>Respondee</b>	<b>Summary of Key Points</b>	<b>GBC Comment/Action</b>
CIL – REP5/7	Asda plc	The Council should introduce an exceptional Circumstances Relief.	The Borough Council will look to develop a protocol which sets out its exceptional circumstances relief policy. This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)
CIL – REP5/8	Asda plc	The Borough Council should provide a flat rate levy on all forms of development across the Borough.	A flat rate levy would not reflect the finding of the viability study which looks at different uses across the Borough.
CIL – REP5/9	Asda plc	The Council should look to consider accepting infrastructure as an in kind payment in line with the changes to the CIL regulations.	The Borough Council will look to develop a protocol which sets out its approach to infrastructure as in kind payment. It needs to be noted that provision of infrastructure must be in line with CIL regulation 73A and is not necessary to make the development acceptable in planning terms. This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)
CIL – REP 6	Natural England	We welcome the commitment by Gosport Borough Council to deliver mitigation as agreed by the Solent Recreation Mitigation Partnership. As it is intended to collect the financial contributions via direct payments to the Borough Council, it is our understanding that the mitigation contributions currently fall outside of the CIL.	Noted
CIL – REP7/1	English Heritage.	We would hope the Council would be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets.	The viability study which informed the rates set included a buffer to allow for sites specific circumstances such as the presence of historic buildings.
CIL – REP7/2	English Heritage.	We encourage local authorities to assert in their CIL Charging Schedules their right to offer CIL relief in exceptional circumstances.	The Borough Council will look to develop a protocol which sets out its exceptional circumstances relief policy.

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
			This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)
CIL – REP7/3	English Heritage.	<p>The Community Infrastructure Levy covers a wide definition of infrastructure in terms of what can be funded by the levy and is needed for supporting the development of an area. This can include:</p> <ul style="list-style-type: none"> <li>• Open space: as well as parks and green spaces, this might also include wider public realm improvements, possibly linked to a Heritage Lottery Fund scheme, conservation area appraisals and management plans, and green infrastructure;</li> <li>• ‘In kind’ payments, including land transfers: this could include the transfer of an ‘at risk’ building;</li> <li>• Repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.</li> </ul> <p>The Localism Act 2011 also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets, for example, transport infrastructure such as historic bridges or green and social infrastructure such as parks and gardens.</p>	Noted.
CIL-REP8	Gosport Society	Gosport Society agrees with the majority of the rates set for a CIL charge on the various categories of development, however, we are concerned about the proposed ZERO charge on Industrial and Hotel Development.	The rates set out in the Draft Charging Schedule are based upon the Viability Study. To impose a non-zero CIL rate on Industrial and Hotel use would make it unviable to develop these types of use in the Borough.
CIL-REP9-1	HCA	The HCA proposes that a nil rate should apply to all residential development at the Solent Enterprise Zone. Applying a nil rate to a defined geographic area is consistent with the approach proposed to be taken to different areas within the Borough, most notably the Waterfront.	There has been no evidence submitted to support the assertion that the CIL rate would prevent the scheme at Daedalus from being viable.



Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
		<p>The limited amount of residential development included within the scheme is required to cross subsidise the refurbishment and subsequent sustainable use of heritage buildings, including listed buildings, and also the provision of a substantial amount of employment, community and leisure space.</p> <p>Paying the levy would render development un-viable and therefore residential development at the Solent Enterprise Zone should be exempt.</p>	<p>The viability study shows viability for the residential rates set.</p>
CIL-REP9-2		<p>It is noted that the Planning Practice Guidance (June 2014) notes that there are three circumstances in which the charging authority may offer relief from the levy where a specific scheme cannot afford to pay it. Two of the circumstances are where a section 106 agreement exists on the planning permission permitting the chargeable development, and where the charging authority must consider that paying the full levy would have an unacceptable impact on the development's economic viability.</p>	<p>The Borough Council will look to develop a protocol which sets out its exceptional circumstances relief policy. This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)</p>
CIL – REP10	Environment Agency.	<p>We are pleased to see that the Infrastructure Delivery Plan recognises both open space and flood defences as areas of infrastructure requiring future funding. We are especially pleased to see reference to the proposed Strategic Management Zones set out within the River Hamble to Portchester Coastal Flood &amp; Erosion Risk Management Strategy being produced by the Eastern Solent Coastal Partnership. In addition, we are pleased to see that both waste water and water supply have been included within this evidence document too.</p>	Noted.
CIL-	Milngate	<b>Discretionary Relief:</b> the Schedule should provide details	The Borough Council will look to develop a

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
REP11/9		of discretionary relief for exceptional circumstances (see CIL Regulation 55).	protocol which sets out its exceptional circumstances relief policy. This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)
CIL-REP11/10	Milngate	<b>Payment:</b> the Schedule should provide details of the phasing of CIL payments (see CIL Regulation 69).	The Borough Council will look to develop a protocol which sets out its future instalments policy. This is set out in paragraph 12.1 of the CIL Board report. (CIL 22)
CIL-REP13/1	Hampshire County Council	<b>Extra Care Housing</b> The County Council considers that those C3 residential schemes recognised by the Borough Council and the County Council as being in accordance with the requirements and guidance for Extra Care housing should be subject to a nil rate in order to ensure they are viable.	The viability study shows that the CIL charge on C3 extra care dwellings is viable.
CIL-REP13/3	Hampshire County Council	Table 1 in the Draft Charging Schedule includes School Education as an infrastructure category and notes a requirement has been identified in South Gosport to support expected development. As such, it may be appropriate to exclude improvements to the Alverstoke Infant and Junior Schools from the education item on the Regulation 123 list, in order to allow section 106 developer funding to be secured as necessary.	The County would need to provide evidence for the infrastructure schemes. The schemes can then be added through future updates to the section 123 list.
CIL-REP13/4	Hampshire County Council	<b>Transport</b> Satisfied that the comments made at the Preliminary Draft Charging Schedule consultation have been taken into account and have no further comments.	Noted

## 1. CIL Viability Report: Response Table

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
CIL – REP5 /1	Asda plc	<p>The ‘balancing exercise’ carried out to inform the draft charging schedule is flawed as it does not include all of the likely costs of bringing forward the development. This in turn casts doubt on the level of ‘headroom’ available out of which CIL can be paid.</p> <p>The viability report does not include any analysis of the cost or types of infrastructure that are likely to require funding through s106 agreements.</p>	The Viability Study and its addendum sets out the Council’s current position.
CIL – REP5 /3	Asda plc	The Viability Study does not make sufficient allowance for the costs involved in obtaining planning permission for a large retail development scheme, and in doing so is artificially inflating land values resulting in inflated CIL rates for these uses.	The Viability Study and its addendum sets out the Council’s current position.
CIL – REP5 /4	Asda plc	Setting differential rates for different sized retailers in the same use class could raise state aid issues.	The Viability Study sets out the reasoning for the differential rates being set for different sized retailers based upon the grounds of viability. This is in line with CIL regulation 13.
CIL – REP5 /5	Asda plc	The potential cost of conversion on regeneration sites is not taken into account in the viability study, where the site has been vacant and could not be shown to have been in lawful use prior to redevelopment. The differences in viability need to be accounted for.	The Viability Study and its addendum sets out the Council’s current position.
REP11/1	Millngate	<p><b>Site Value:</b> Millngate continues to be concerned about the very limited evidence of non residential land transactions in the Borough to reach an adequate judgement for the different use categories.</p> <p>The assumption on threshold site values is however inaccurate in Millngate’s view as these retailers generally require a store of between 1,600-1,700 sq.m GIA and not the 2,323 sq.m identified at paragraph 11.4.1 of the Addendum. This figure should be adopted in</p>	The Viability Study and its addendum sets out the Council’s current position.

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
		the Evidence Base appraisal as a more realistic reflection of the market requirement.	
CIL-REP11/2	Millngate	<b>Retail Rental Levels:</b> Millngate recommends a rate of £151 per sq.m as a more appropriate and locally representative figure for a Supermarket. Millngate disagrees with AI on the rental level quoted for a standalone Retail Warehouse scheme of £162 per sq.m Millngate would not disagree with a rent of £162 per sq.m on a terraced scheme.	The Viability Study and its addendum sets out the Council's current position.
CIL-REP11/3	Millngate	<b>Retail Building Costs &amp; External Works:</b> the assumption on building costs and external works remains too low for the type of scheme that is being assessed. This is particularly relevant given building costs have increased significantly since the July 2013 Report which has exceeded the nominal increase allowed for in AI's Addendum. In Millngate's experience, a rate of £1,194 per sq.m (inclusive of external works) for a Retail Warehouse scheme and £1,363 per sq.m (also inclusive of external works) for a Supermarket scheme would be more realistic.	The Viability Study and its addendum sets out the Council's current position.
CIL-REP11/4	Millngate	<b>Retail Development Duration:</b> in Millngate's experience, the duration for retail warehousing is unrealistically low and should be consistent with that for supermarkets. Development finance is secured on both the pre-application, application and construction phases of a development. Due to the complicated and lengthy periods that such forms of development can attract, an allowance of at least 36 months should be allowed for both forms of retailing.	The Viability Study and its addendum sets out the Council's current position.
CIL-REP11/5	Millngate	<b>Residential Sales &amp; Marketing Costs:</b> we note there has been no adjustment to the quoted sales and marketing rate from the unrealistically low level of 3% (see the Addendum Report, paragraph 4.3.4). Millngate's continue to conclude that this cost should be increased to 6%, which is consistent with the HCA EVA toolkit guidelines.	The Viability Study and its addendum sets out the Council's current position.
CIL-REP11/6	Millngate	<b>Residential; Professional Fees:</b> we note the assumption remains unchanged (see the Addendum Report 4.3.8). Millngate continue to conclude that the allowance for professional fees within the	The Viability Study and its addendum sets out the Council's current position. The viability study addendum includes

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
		appraisals is too low and generalised given the differing scale of scheme that could occur throughout the Borough. As per the previous representation, this should be increased to 12% to make appropriate allowance for the costs of promoting development, particularly for larger strategic projects. An upwards adjustment would also be consistent with the position taken by AI in relation to Retail projects (see the Addendum Report, paragraph 11.4.4).	a comparison of the fees of agents which operate in the area which is the basis for the studies figure.
CIL-REP11/7	Millngate	<b>Residential: House Types:</b> Millngate continue to conclude that the mix quoted in the appraisals is unrealistic. In Millngate's experience this should also include a wider variation of mixes and scheme types including lower density schemes providing predominantly 3 and 4 bedroom units. This offers a more realistic profile of the type of schemes that will be delivered in the local area to meet market requirements during the Local Plan and CIL periods.	The Viability Study and its addendum sets out the Council's current position. . The Borough's Strategic Housing Market Assessment sets out the mix of housing which the Borough Council is looking to achieve.
CIL-REP11/8	Millngate	<b>Development Profit:</b> Millngate disagrees with the continued approach taken in relation to affordable housing (see the Addendum Report, paragraph 4.3.9). The level of developer's profit in the appraisals remains too low as a result of differentiating affordable from private market housing and applying a lower profit level to the former. A financial institution will only accept a 20% profit on GDV for any form of development whether it is private or affordable housing. The assumption that Registered Providers (RPs) of Affordable Housing accept a lower profit on GDV remains outdated.	The Viability Study and its addendum sets out the Council's current position.

## 2. Regulation 123 List: Response Table

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
CIL-REP12/1	Sport England	In choosing what is included on the Reg 123 list the Council identify strategic priorities from the infrastructure identified in the IDP. It is regrettable that the IDP does not carry across the needs and recommendations for sport identified in the Playing Pitch and Sport	The infrastructure items are covered by the broad category in the IDP.  The infrastructure delivery plan only

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
		Facility Assessment. Sport England would like to see the IDP amended to include all of the recommendations of the Playing Pitch Strategy and Sports Facility Assessment.	identifies infrastructure where the delivery is known.  The Borough Council's Infrastructure Assessment Report provides more information on the schemes considered.
CIL-REP12/2	Sport England	The first section of the playing pitch and sports facility assessment comments on the need for built facilities. This section is not comprehensive and Sport England do not support the findings as it is unclear what methodology was used how these conclusions have been reached. Sport England would highly recommend that the Council thoroughly assess the needs and opportunity for sporting provision in Gosport. Sport England provides comprehensive guidance on how should a study and strategy should be undertaken: Assessing needs and opportunity for sports provision (Indoor and Outdoor) <a href="http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance/">http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance/</a>	The methodology used was previously agreed between the Borough Council and Sport England.
CIL-REP12/3	Sport England	The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. If the Council have identified the strategic needs for sport across the district it would be more beneficial to gather funds for such via CIL.  Sport England would advise the Council to prepare a robust evidence base to then inform the Reg 123 list and planning obligations and developer contributions strategy.	The methodology used was previously agreed between the Borough Council and Sport England.  Specific project have only been identified where there is an identified need.
CIL-REP13/1	Hampshire County Council	<b>Draft Regulation 123 List - Education</b> The Regulation 123 list includes education as an infrastructure type for which CIL funding could be spent on. The Regulation 123 list would preferably include more specific	The County would need to provide evidence for the infrastructure schemes. The schemes can then be added

Ref No.	Respondee	Summary of Key Points	GBC Comment/Action
		education schemes, based on evidence, such that developers have a clear and transparent understanding about what site-specific developer contributions may be sought.	through future updates to the section 123 list.

Copy of the Representations made on the Draft Charging Schedule under regulation 17.



**CIL- REP1**

**From:** Policy, Planning [<mailto:Planning.Policy@southernwater.co.uk>]

**Sent:** 29 September 2014 09:29

**To:** Planning Policy Internet

**Subject:** RE: Gosport Draft CIL Charging Schedule - Southern Water's response

Dear Sir/Madam,

Thank you for the opportunity to comment on the Community Infrastructure Levy Draft Charging Schedule and associated documents. We note that our previous representations have been addressed and welcome the inclusion of wastewater and sewerage infrastructure in the Infrastructure Delivery Plan and Infrastructure Assessment Report. We take this opportunity to point out the odour reduction scheme at Peel Common Wastewater Treatment Works (mentioned in Table 11.4 on page 71) has been completed.

We would be grateful if you could keep us informed of the progress that is made.

Regards,

Clare Gibbons  
Development Manager  
Regional Planning  
Asset Management

Southern Water, Southern House, Lewes Road, Brighton, BN1 9PY

CIL-REP2



Marine  
Management  
Organisation

Lancaster House  
Hampshire Court  
Newcastle upon Tyne  
NE4 7YH

CIL-REP2

By email:  
[planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)

Our reference: 780

19 September 2014

Dear Sir/Madam,

**Re: Gosport Community Infrastructure Levy Draft Charging Schedule**

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website [www.gov.uk/mmo](http://www.gov.uk/mmo)

Yours sincerely

Angela Gemmill  
Relationship Manager

E [stakeholder@marinemanagement.org.uk](mailto:stakeholder@marinemanagement.org.uk)



INVESTORS  
IN PEOPLE



# Gosport Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

**(Community Infrastructure Levy 2010 as amended Regulation 16)**

Name:

Agent Name:

Organisation (if applicable):

Agent Organisation (if applicable):

Address:

Agent Address:

Post Code:

Post Code:

Telephone:

Telephone:

Email:

Email:

Gosport Community Infrastructure Levy documents are available to view on the Gosport Borough Council website:

Paper copies of the response form are available in the libraries and at the Town Hall (3rd floor reception).

If you would like to discuss any element of the consultation documents further then please contact/telephone Planning Policy **023 9254 5228**

All comments and completed forms should be returned by **5.00pm on 30<sup>th</sup> October 2014**

either to **Planning Policy**  
Gosport Borough Council  
Town Hall  
High Street  
Gosport  
Hampshire  
PO12 1EB

**Print**

Print for your records

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or response forms can be returned by email to [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)

**Gosport Community Infrastructure Levy Draft Charging Schedule  
consultation:**

Please use a separate form for each representation

1. Do you consider that the CIL rates proposed in the draft charging schedule for different types of development are appropriate for Gosport Borough?

Please tick

Yes     No

If No please state reasons below:

Other comments:

We support Para. 9.4.17 which substantiates a zero rate for all community facilities, however, it should be noted that cultural facilities such as theatres are Sui Generis rather than Class D2 buildings, as suggested by the heading.

2. If your representation is seeking a change, do you consider it necessary to participate at the Examination?

No I do not wish to participate in the examination hearings  
 Yes I do wish to participate in the examination hearings

3. If you wish to participate, please outline why you consider it necessary.  
(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).

4. Do you wish to be notified at the address/email stated on page 1 of any of the following:

- a. that the draft Charging Schedule has been submitted for independent examination
- b. the Inspector's report has been published
- c. the adoption of the Charging Schedule

**Data Protection**

The comments and details of the responses on this form will be recorded on the Borough Council's Local Development Framework database. The Council is registered in accordance with the Data Protection Act 1998 and any data collected will only be used for the purposes of the Gosport Local Development Framework. Please note that your responses are public documents and available for public scrutiny.

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Continued from Question 1    2    3    Other comments

CIL-REP 4

CIL-REP4

Ewer Common  
Alverstoke  
Gosport  
Hampshire

The Head of Planning Policy  
Gosport Borough Council  
Town Hall, High Street  
Gosport, PO12 1EB

14.10.14

Dear Ms Catt,

GOSPORT BOROUGH LOCAL PLAN 2011 - 2029  
COMMUNITY INFRASTRUCTURE LEVY GOSPORT: DRAFT CHARGING SCHEDULE  
SEPTEMBER 2014 (REGULATION 16)

EWER COMMON (off Park Road) Gosport

Please ensure that my letter (26.8.14) in support of applying the same  
protections to Ewer Common as are given to Gosport Park is forwarded to  
the independent Examiner.

As I state in that letter, the two sites are historically one complete  
whole - Ewer Common - and should be treated as such.

Many thanks,

Yours sincerely,

Nicola Knight  
Ewer Common Conservation Group.



For office use only
Date <b>27.8.14</b>
Ref No.
<b>REP 2</b>

# Gosport Local Plan 2011-2029 Publication Version Response Form

CIL-REP4

Town and Country Planning (Local planning)(England) Regulations 2012 Regulation 19 Consultation

### Data Protection

Gosport Borough Council is registered under the Data Protection Act 1998. The information that you provide in completing this form will only be used by the Council in the development of the Gosport Local Plan 2011-2029. Please note that the completed form is a public document and as such will be made available for inspection and placed on the Council's website (personal details other than name of organisation/individual will be removed from version published on internet) and kept as part of the supporting documentation relating to the Local Plan.

**Name:**

Nicola M. Knight

**Agent Name:**

**Organisation (if applicable):**

Ever Common Conservation Group

**Agent Organisation (if applicable):**

**Address:**

[Redacted]

**Agent Address:**

**Post Code:**

[Redacted]

**Post Code:**

**Telephone:**

[Redacted]

**Telephone:**

**Email:**

[Redacted]

**Email:**

Gosport Borough Local Plan 2011-2029 publication version document is available to view on the Gosport Borough Council's website: [www.gosport.gov.uk/localplan2029](http://www.gosport.gov.uk/localplan2029)

If you would like to discuss any element of the consultation documents further then please telephone Planning Policy **023 9254 5228**

Completed forms can be emailed  
to: [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)  
or by post to:

Planning Policy Gosport Borough  
Council Town Hall  
High Street  
Gosport  
Hampshire  
PO12 1EB

**All comments and completed forms should  
be returned by  
22nd September 2014**

If you would like to make another representation on the  
GBC Local Plan 2011 - 2029 Publication Version,  
Please use a separate form.

Response forms are available from the Council's website,  
in the libraries and at the Town Hall (3rd floor reception).

Comments will be considered by an inspector approved by the Secretary of State who will hold an examination into the local plan in terms of its legal compliance and 'Soundness'.

Further information on these terms is contained in the Council's Guidance Notes for making representations. Comments should focus on matters of soundness. These are defined in the National Planning Policy Framework and are reproduced below.

**Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

**Justified** the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

**Effective** - the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and

**Consistent with National policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1. To which part of the Local Plan does this representation relate?

Chapter  Paragraph  Policy

Policies Map

If you would like to make further comments on the GBC Local Plan 2011 - 2029 Publication Version, please use a separate form for each representation you wish to make.

2. Please indicate under what grounds you wish to submit your representation

- 2a Support  
*(if you have entered Support, please continue to Q8.*
- 2b Not Legally Compliant
- 2c Not Sound

3. If you consider the Local Plan is not sound, please identify which tests of soundness your response relates?

- 3a Positively prepared
- 3b Justified
- 3c Effective
- 3d Consistent with National Policy



4. Please give details of why you consider the Local Plan is not legally compliant or not sound?  
(please be as precise as possible)

The local community was not consulted in the planning process.

We therefore enclose our representation.

*(Continue on a separate sheet if necessary)*

5. Please set out what change(s) you consider necessary to make the Local Plan legally compliant or sound, with reference to the answer you have identified in Q3  
You will need to say why this change will make the Local Plan sound.

The changes we consider necessary are detailed in our representation which is attached to this form.

*(Continue on a separate sheet if necessary)*

6. If your representation is seeking a change, can your representation be considered by written representations or do you consider it necessary to participate at the oral part of the Examination?

No I do not wish to participate in the examination hearings.

Yes I do wish to participate in the examination hearings.

7. If you wish to participate, please outline why you consider it necessary.

*(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).*

8. If you wish to support the legal compliance or soundness of the Local Plan please use the space below to provide detailed comments.

*(Continue on a separate sheet if necessary)*

9. Do you wish to be notified at the address/email stated on page 1 of any of the following

*please tick*

a. That the Local Plan has been submitted for independent examination

b. The Inspector's report has been published

c. The adoption of the Local Plan

Thank you for filling in this form.

Telephone

GOSPORT LOCAL PLAN 2011 - 2029

CONSULTATION

Concerning EWER COMMON & GOSPORT PARK

I note on the Policy Map of Gosport Borough Council Local Plan 2011-2029 that GOSPORT PARK is designated as :-

1. Existing Open Space LP3 LP35 LP44
2. Site of Importance For Nature Conservation LP43
3. Local Historic Park or Garden LP 11

Whereas EWER COMMON is designated only as Existing Open Space.

EWER COMMON should also be designated as :-

2. Site of Importance For Nature Conservation LP43

EWER COMMON is a continuation of the open space on its borders, forming a 'Green Corridor' with Gosport Park, the old railway line/cycle track, Church Allotments and Haslar Creek.

The Ewer Common Conservation Group has been working since 1992 to create a wildlife friendly environment with some success, as well as creating a pleasant venue for the usual recreational purposes.

3. Local Historic Park or Garden LP11

GOSPORT PARK was carved out of EWER COMMON in 1891.

What is now known as EWER COMMON was not included, obviously because of the odd shape.

There was a track marked on old maps from the then end of Park Road (the corner of Park Road & Ewer Common) which was adopted as a road between the two World Wars.

For the sake of historical accuracy the two parts of the original EWER COMMON - that is modern GOSPORT PARK and existing EWER COMMON - should be recorded as one unit and given the same protections.

The area which is recorded on maps from at least 1774 as EWER COMMON should be treated as a whole.

In order to preserve the historic integrity and green credentials of the area, the modern EWER COMMON should be protected in the same way as modern GOSPORT PARK.

The fact that the area is historically all EWER COMMON should be acknowledged and recorded, and treated as such.

Nicola Knight  
Ewer Common Conservation Group.

26.8.14.



**GOSPORT**  
Borough Council

Date 21/10/14  
Ref No.

CIL REP-5

For office use only

# Gosport Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

(Community Infrastructure Levy 2010 as amended Regulation 16)

Name:

Agent Name:

Organisation (if applicable):

Agent Organisation (if applicable):

Address:

Agent Address:

Post Code:

Post Code:

Telephone:

Telephone:

Email:

Email:

Gosport Community Infrastructure Levy documents are available to view on the Gosport Borough Council website: [www.gosport.gov.uk/cil](http://www.gosport.gov.uk/cil)

Paper copies of the response form are available in the libraries and at the Town Hall (3rd floor reception).

If you would like to discuss any element of the consultation documents further then please contact/telephone Planning Policy **023 9254 5228**

All comments and completed forms should be returned by **5.00pm on 30<sup>th</sup> October 2014**

either to **Planning Policy**  
Gosport Borough Council  
Town Hall  
High Street  
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Hampshire  
PO12 1EB

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or response forms can be returned by email to [planning.policy@gosport.gov.uk](mailto:planning.policy@gosport.gov.uk)

# Gosport Community Infrastructure Levy Draft Charging Schedule consultation:

Please use a separate form for each representation

1. Do you consider that the CIL rates proposed in the draft charging schedule for different types of development are appropriate for Gosport Borough?

Please tick

Yes  No

If No please state reasons below:

Please find separate sheet attached.

Other comments:

Please find separate sheet attached.

2. If your representation is seeking a change, do you consider it necessary to participate at the Examination?

No I do not wish to participate in the examination hearings  
 Yes I do wish to participate in the examination hearings

3. If you wish to participate, please outline why you consider it necessary.  
(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).

N/A

4. Do you wish to be notified at the address/email stated on page 1 of any of the following:

- a. that the draft Charging Schedule has been submitted for independent examination
- b. the Inspector's report has been published
- c. the adoption of the Charging Schedule

**Data Protection**

The comments and details of the responses on this form will be recorded on the Borough Council's Local Development Framework database. The Council is registered in accordance with the Data Protection Act 1998 and any data collected will only be used for the purposes of the Gosport Local Development Framework. Please note that your responses are public documents and available for public scrutiny.

---

Continued from Question  1     2     3    Other comments

Please find separate Sheet attached.

Under Regulation 14 of the Community Infrastructure Levy Regulations 2010 ("CIL Regulations") the Council's primary duty when setting the level of Community Infrastructure Levy ("CIL") charge is to strike an appropriate balance between the desirability of funding the cost of infrastructure required to support development from CIL and its potential effects on the economic viability of development.

In our view, the approach taken to assessing the Draft Charging Schedule does not achieve an appropriate balance between these two objectives.

We wish to object to the approach taken to assessing the Draft Charging Schedule on the following grounds:

1. The fact that the consultation study fails to take adequately take account of changes introduced by the Community Infrastructure Levy (Amendment) Regulations 2014/385;
2. the impact on policies concerning enhanced economic performance;
3. the financial assumptions and viability assessments contained in the Council's Viability Study;
4. Issues relating to State Aid; and
5. concerns about the Council's approach to setting CIL charges generally.

#### **Impact of Community Infrastructure Levy (Amendment) Regulations 2014/385**

As the Council will be aware, the Community Infrastructure Levy (Amendment) Regulations 2014/385 came into effect in February.

These regulations have made a number of wide-reaching changes to the CIL regime, the most important of which, for the purposes of this letter, are summarised below:

- Regulation 14 has been amended so as to strengthen the obligations on the Council objectively to justify the adopted charging rates. Reg 14 now states that a Council "*must strike an appropriate balance*" as opposed to simply aiming to do so;
- Examiners are now being asked to assess whether an appropriate balance has, in fact, been struck;
- The Regulations governing payment in kind have been amended to allow local authorities to accept items of infrastructure as well as the transfer of land;
- Draft Regulation 123 lists should now be made available much earlier in the rate-setting process and these will be capable of being examined at inquiry; and
- There have been significant changes to the various CIL exemptions; which will significantly affect the Council's expected levels of receipts.

Although the Draft Charging schedule, and the viability report on which it is based, considers the impact of these amendments it does not include any analysis of the cost or types of infrastructure that are likely to require funding through s.106 Agreements.

The Council states that it has prepared a Planning Obligations and Developer Contributions Strategy setting out further details on the likely circumstances when a development will be subject to a Section 106 Agreement. This provides little evidence or analysis to clarify the matter.

As a result, the 'balancing exercise' carried out by the viability study is flawed, as it does not include all of the likely costs of bringing forward development. This in turn casts doubt on the level of 'headroom' available out of which CIL can be paid.

### **Impact on policies enhancing economic performance**

We will not repeat the Council's strategic objectives in full here, but in order to achieve its overall objectives, it will be important for the Council to set an appropriate CIL charge to encourage new development to come forward.

An appropriate CIL charge will encourage new development and promote redevelopment to create employment and ensure a range of shopping choices for consumers and enhance the vitality and viability in district and local centres.

The proposed retail CIL rates would discourage larger retail developments and would not ensure that the relevant retail and employment aims of the local plan are met. This could have the effect of reducing the range, variety and choice of retail shopping and, if no redevelopment or regeneration schemes are put forward, then existing buildings are unlikely to be refurbished and re-used.

It is our view that if the retail charges set out in the Draft Charging Schedule are adopted, there will be several consequences across the Borough that will put the Council's ability to achieve its key objectives at risk. For example:

- All other forms of development will receive a significant subsidy at the expense of retail schemes; and
- There will be a corresponding disincentive (and market distortion accordingly) to investment in this sector of the local economy.

The Government is keen to encourage the creation of additional employment across the economy and the retail sector as a whole is one of the largest employers and the largest creator of new jobs at the present time as well as being one of the most dynamic and innovative sectors within the UK economy.

#### Asda example 1

ASDA has a proven track record of investing in local communities and of creating jobs within these areas. For example, of the 123 colleagues recruited for the ASDA store in Tunbridge Wells, 76 colleagues (71%) were previously unemployed.

The supporting papers do not acknowledge this trend nor do they fully assess the role of retail within the national economy. They simply assert that large scale retail is performing stronger in comparison to the other aspects of the retail sector and accordingly, it implies that large scale retail establishments have the capacity to pay potentially very large sums of CIL, whereas the Town Centre comparison and small convenience retail rates are much lower.

Any CIL schedule that imposes a substantial CIL charge on superstores or supermarkets and a very low or nil rate on all other uses could effectively undermine the retail function



of local and town centres, detracting from their viability and vitality as large scale retail developers would be discouraged by the imposition of CIL.

#### Asda example 2

Asda stores regularly rejuvenate and regenerate existing centres, and the surrounding areas, and draw new shoppers to them, which benefits the existing retailers, and those who open stores in Asda-anchored centres in their wake. For example in 2006, Asda opened a store in Romford, transforming a derelict brownfield site through an extension of an existing retail mall and creating 347 jobs. This helped to propel Romford into the top 50 UK retailing cities. Indeed, due to the success of the store in attracting more footfall to that part of the town's Primary Shopping Area, the local authority redrew the town centre boundary to include the edge of centre Asda store into the heart of the Romford town centre.

### **3 The financial assumptions and viability assessments contained in the Council's Viability Study**

We also have a number of concerns about the study Adams Integra conducted in July 2014 (the "Viability Study").

The Viability Study contains retail development assumptions that in our view may not make sufficient allowance for the costs involved in obtaining planning permission for a development scheme.

By underestimating the true cost of residual planning obligations commercial developments, the Council is at risk of artificially inflated the residual land values used for the financial viability models. This will, in turn, have inflated the amount of CIL proposed for these uses.

The Viability Study does not appear to make an allowance for residual s106 / s278 agreements for non-residential development. Some allowance may have been made included in the planning costs, but it is not clear how this is split between the two cost elements and at what level these contributions have been set. We urge you to look again at the allowances for such residual s.106/s.278 contributions for non-residential schemes.

Although the Council will not be able to pool section 106 contributions once CIL is adopted, the types of commonly pooled contributions tend not to make up a large proportion of the contributions sought from commercial schemes – which are usually focussed on site specific highways and access works, employment and training contributions, environmental mitigation works and other, site specific, requirements.

The draft Regulation 123 list produced makes it clear that any site specific green infrastructure or network improvements, that are needed to mitigate the impact of the development and to make it acceptable in planning terms, are likely to be funded through section 106 and section 278 agreements.

Taking the example of a 2,323 sqm convenience supermarket used in the Viability Report, this sized store, would be expected to bear a CIL payment of £139,380 and potentially fund all of the following costs:

- demolition, remediation and on site highways works
- the cost of any off-site highways works required to make the development acceptable in planning terms including junction improvements, road widening schemes, new access roads, diversion orders and other highways works;

- the cost of extending the Council's CCTV or public transport network to include the scheme (including the costs of creating new bus stops, real time information and providing new bus services to serve the site);
- monitoring costs of compliance with employment/apprenticeship schemes and travel plans;
- environmental off-set contributions to mitigate the loss of habitat or greenery caused by the scheme;
- The cost of any remediation and decontamination works to be carried out by the council on the developer's behalf;
- payments for town centre improvements intended to mitigate the impact of the development on the town centre or neighbouring areas; and
- the costs incurred by the Council of maintaining any site specific infrastructure required by the development.

To put this in context:

- the section 106 Contributions incurred in relation to a c.3,000 sqm food store in Ware, Hertfordshire amounted to £871,800. These sums related to bus service contributions; development of a community centre, nursery; education contributions; various highway safety improvements; youth service contribution; residents parking schemes and open space contribution. In addition to these Contributions, green travel plan contributions, monitoring fees and architectural lighting on pedestrian routes between the store and city centre were also incurred.
- the section 106 Contributions incurred in relation to a c.6,700 sqm food store in Newhaven, East Sussex amounted to £1,345,544. These sums related to contributions for improvements to and an extension of the local bus network; economic initiatives; contributions for relocating local habitats; improvement of recreational space; recycling contributions; residential and retail travel plan auditing; transportation and town centre contributions.

With this in mind, we again, suggest that the Council has significantly underestimated the impact of CIL on the viability of such developments. We request that the underlying viability evidence be revised accordingly.

### **State Aid**

We wish to bring it to your attention that there will be EU State Aid issues arising out of the setting of differential rates for different types of commercial entity within the same use class. Introducing such differential rates confers a selective economic advantage on certain retailers depending on the size of the shop they operate out of, or their type of business. For example, setting the levy for comparison retail schemes at a lower rate than an equivalent convenience retail scheme provides an economic advantage to comparison retailers. Alternatively, basing rate differentials on the size of a store favours smaller retailers over their larger competitors.

As far as we are aware, the UK government has not applied for a block exemption for CIL. CIL charges do not form part of the UK's taxation system and there does not appear to be an exemption in place to cover any State Aid issues that may arise. With this in mind, we would be grateful if the Council adopted a flat levy rate for comparable sectors of the economy/use classes or, if it is not prepared to do so, providing an explanation as to why State Aid issues are not engaged by the setting of differential rates within use classes to the Inspector at the Inquiry.

### **Concerns about the Council's approach to setting CIL charges generally**

The stated purpose of CIL is to raise revenue for infrastructure necessary to serve development. CIL is intended to address the imbalance of raising funds for infrastructure under the section 106 route, where larger schemes have effectively subsidised minor developments. However, CIL does not replace the section 106 revenue stream – it will simply provide additional revenue for infrastructure.

In light of this, we have some further concerns:

### **Concerns relating to change of use and conversion projects**

The Council appears only to have taken the economics of regeneration projects into account when considering the strategic development areas as otherwise the viability assessments do not appear to have given any weight to this consideration (particularly for retail developments).

As you will be aware, Regulation 40 of the CIL Regulations only permits developers to deduct pre-existing floor space from the CIL calculation if it is 'in lawful use.' Lawful use is defined in Regulation 40 (10) and essentially requires part of a building to have been in use for a six month continuous period in the three years before the date of the planning permission permitting the development.

However, many regeneration projects on brownfield land or town centres involve demolishing, converting or redeveloping buildings that have lain vacant for some time. This is particularly true of schemes which involve changes of use from employment land, where the fact that a unit has been vacant for a considerable time is often a key factor in the Council's decision to grant planning permission for the scheme.

The Viability Study does not acknowledge that the economics of conversion schemes are very different to those of new build schemes. It is difficult to see how the Council can assess whether the imposition of CIL will put the majority of these schemes at risk without having considered its impact on their viability.

## **ASDA's SUGGESTIONS**

### **1. Instalment Policy**

We note that once the Charging Schedule is adopted the Council will produce a number of protocols outlining the various procedures involved in collecting CIL including details of payment by instalments. We would encourage the Council to introduce an instalment policy, as managing cash flow during development is often key in determining whether a scheme will be successfully delivered. We would strongly encourage the Council to adopt a realistic instalment policy that spreads the cost of CIL over a number of months or years (depending on the size of the development scheme proposed).

We would recommend that any instalment policy should link the instalments to the pace of the actual development; and should not link the instalments to an arbitrary time frame following on from the date the development is commenced.

### **2. Exceptional Circumstances Relief**

We note that once the Charging Schedule is adopted the Council will produce a number of protocols outlining the various procedures involved in collecting CIL including details of discretionary relief from CIL.

We would encourage the Council to adopt an Exceptional Circumstances Relief Policy. By doing so, the Council will have the flexibility to allow strategic or desirable, but unprofitable, development schemes to come forward, by exempting them from the CIL

charge or reducing it in certain circumstances.

Given the rigid nature of the CIL regulations, which operate in a similar manner to a development land tax, this is a necessary and worthwhile safeguard that the Council will be able to use in appropriate circumstances.

### **3. Flat Rate Levy**

Accepting for the purpose of this argument the premise that CIL is necessary for the purpose of funding Borough-wide infrastructure, a much fairer solution would be to divide the Council's estimate of total infrastructure costs over the charging period (and in this connection, it is important to remember that the Government's guidance as recorded in the National Planning Policy Framework is that only deliverable infrastructure should be included) by the total expected development floor space and apply a flat rate levy across the Borough and across all forms of development. That will have the least possible adverse effect upon the market for land and for development, and yet the greatest possible opportunity for the economy to prosper and thrive and for jobs to be created.

The potential impact of a flat rate levy on the viability of those types of development which are not currently identified as viable could be balanced by the Council's implementation of Exceptional Circumstances Relief, as mentioned above.

Consequently, reducing the levy proposed per square metre on retail and residential floor space would not result in a proportionate increase in the levy required on other forms of commercial or other development. However, applying the current proposed levy could run the risk of diminishing substantially the number of such retail stores built, with a consequential loss of employment opportunities and investment.

### **4. Provision of Infrastructure as Payment in Kind**

We note that once the Charging Schedule is adopted the Council will produce a number of protocols outlining the various procedures involved in collecting CIL including details of payment in kind.

As stated above, the latest set of amendments to the CIL Regulations have now made it lawful for authorities CIL contributions to be paid by the provision of infrastructure in certain circumstances. Given that the provision of infrastructure is often key to unlocking unimplemented planning permissions and enabling developments, we would urge the Council seriously to consider adopting a policy to allow payment in kind in this manner.

### **CONCLUSION**

For these reasons, we would ask that the Council undertakes a rethink of its position and substantially alters its Charging Schedule in so far as it relates to retail development.

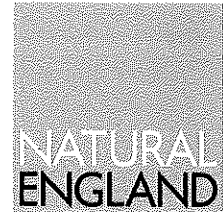
Accordingly, we would request that the Council:

- Revisits its viability assessments for retail development, to address the concerns set out above;
- Adopts a staged payments policy;
- Adopt an Exceptional Circumstances Relief Policy;
- Considers the allowing developers to pay their CIL Liability through the provision of infrastructure; and

- Adopts a single flat rate levy across all development within its boundaries.

Date: 22 October 2014

Your ref: CIL Draft Charging Schedule



Kim Catt  
Gosport Borough Council

**BY EMAIL ONLY**

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Kim

**Planning consultation: : Gosport Draft Charging Schedule September 2014 (Regulation 16)**

Thank you for your consultation on the above dated 19 September 2014 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is not a service provider, nor do we have detailed knowledge of infrastructure requirements of the area concerned. However, we note that the National Planning Policy Framework Para 114 states "Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure". We view CIL as playing an important role in delivering such a strategic approach.

We welcome the commitment by Gosport Borough Council to deliver mitigation as agreed by the Solent Recreation Mitigation Partnership. As it is intended to collect the financial contributions via direct payments to the Borough Council, it is our understanding that the mitigation contributions currently fall outside of the CIL.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Simon Thompson on [redacted]  
For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Simon Thompson  
Lead Adviser – New Forest, Hampshire Coast and Isle of Wight

Page 1 of 2



Natural England is accredited to the Cabinet Office Service Excellence Standard

Date **27/10/2014**

Ref No.

**CIL-REP7**

For office use only



**GOSPORT**  
Borough Council

# Gosport Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

(Community Infrastructure Levy 2010 as amended Regulation 16)

Name:

MARTIN SMALL

Agent Name:

Organisation (if applicable):

ENGLISH HERITAGE

Agent Organisation (if applicable):

Address:

EASTGATE COURT  
195-205, HIGH STREET  
GUILDFORD  
SURREY

Agent Address:

Post Code:

Telephone:

Email:

Post Code:

Telephone:

Email:

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the Gosport Borough Council website: [www.gosport.gov.uk/cil](http://www.gosport.gov.uk/cil)

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If you would like to discuss any element of the consultation documents further then please contact/telephone Planning Policy **023 9254 5228**

All comments and completed forms should be returned by **5.00pm on 30<sup>th</sup> October 2014**

either to **Planning Policy**  
Gosport Borough Council  
Town Hall  
High Street  
Gosport  
Hampshire  
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## Gosport Community Infrastructure Levy Draft Charging Schedule

### consultation:

Please use a separate form for each representation

1. Do you consider that the CIL rates proposed in the draft charging schedule for different types of development are appropriate for Gosport Borough?

Please tick

Yes     No

If No please state reasons below:

Other comments:

We are not in a position to comment on the CIL rates proposed, although we would hope the Council would be aware of the implications of any CIL rate on the viability and effective conservation of the historic environment and heritage assets in development proposals. For example, there could be circumstances where the viability of a scheme designed to respect the setting of a heritage asset in terms of its quantum of development could be threatened by the application of CIL. There could equally be issues for schemes which are designed to secure the long term viability of the historic environment (either through re-using a heritage asset or through enabling development). In addition, we encourage local authorities to assert in their CIL Charging Schedules their right to offer CIL relief in exceptional circumstances where development which affects heritage assets and their settings may become unviable it was subject to CIL. We also urge local authorities to then offer CIL relief where these circumstances apply.

2. If your representation is seeking a change, do you consider it necessary to participate at the Examination?

No I do not wish to participate in the examination hearings  
 Yes I do wish to participate in the examination hearings



3. If you wish to participate, please outline why you consider it necessary.  
(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).

4. Do you wish to be notified at the address/email stated on page 1 of any of the following:

- a. that the draft Charging Schedule has been submitted for independent examination
- b. the Inspector's report has been published
- c. the adoption of the Charging Schedule

**Data Protection**

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Continued from Question 1    2    3    Other comments

The Community Infrastructure Levy covers a wide definition of infrastructure in terms of what can be funded by the levy and is needed for supporting the development of an area. This can include:

- Open space: as well as parks and green spaces, this might also include wider public realm improvements, possibly linked to a Heritage Lottery Fund scheme, conservation area appraisals and management plans, and green infrastructure;
- 'In kind' payments, including land transfers: this could include the transfer of an 'at risk' building;
- Repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.

The Localism Act 2011 also allows CIL to be used for maintenance and ongoing costs, which may be relevant for a range of heritage assets, for example, transport infrastructure such as historic bridges or green and social infrastructure such as parks and gardens.



**GOSPORT**  
Borough Council

# Gosport Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

(Community Infrastructure Levy 2010 as amended Regulation 16)

Name:

Mrs. M. Bumford

Agent Name:

Organisation (if applicable):

Gosport Society

Agent Organisation (if applicable):

Address:

Agent Address:

Post Code:

Post Code:

Telephone:

Telephone:

Email:

Email:

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Gosport  
Hampshire  
PO12 1EB

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## Gosport Community Infrastructure Levy Draft Charging Schedule consultation:

Please use a separate form for each representation

1. Do you consider that the CIL rates proposed in the draft charging schedule for different types of development are appropriate for Gosport Borough?

Please tick

Yes     No

If No please state reasons below:

Gosport Society agrees with the majority of the rates set for a CIL charge on the various categories of development, however, we are concerned about the proposed ZERO charge on Industrial and Hotel Development. These developments, which are built for profit, will inevitably make similar demands on the local infrastructure in the same way as other developments and should therefore be expected to pay some contribution towards funding for local infrastructure.

Other comments:

2. If your representation is seeking a change, do you consider it necessary to participate at the Examination?

No I do not wish to participate in the examination hearings  
 Yes I do wish to participate in the examination hearings

3. If you wish to participate, please outline why you consider it necessary.  
(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).

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Continued from Question  1     2     3    Other comments



# Gosport Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

(Community Infrastructure Levy 2010 as amended Regulation 16)

Name:

Agent Name:

Organisation (if applicable):

Agent Organisation (if applicable):

Address:

Agent Address:

Post Code:

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## Gosport Community Infrastructure Levy Draft Charging Schedule

### consultation:

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1. Do you consider that the CIL rates proposed in the draft charging schedule for different types of development are appropriate for Gosport Borough?

Please tick

Yes  No

If No please state reasons below:

The HCA proposes that a nil rate should apply to all residential development at the Solent Enterprise Zone. Applying a nil rate to a defined geographic area is consistent with the approach proposed to be taken to different areas within the Borough, most notably the Waterfront. It is noted that the Planning Practice Guidance (June 2014) notes that there are three circumstances in which the charging authority may offer relief from the levy where a specific scheme cannot afford to pay it. Two of the circumstances are where a section 106 agreement exists on the planning permission permitting the chargeable development, and where the charging authority must consider that paying the full levy would have an unacceptable impact on the development's economic viability. The HCA contends that both of these considerations apply in this case and applying these principles, it is not appropriate to apply the same CIL rate to all parts of the Borough and residential development at the Solent Enterprise Zone should therefore be exempt.

Other comments:

Gosport Borough Council has resolved to grant planning permission for commercial and residential development within the Solent Enterprise Zone on land known as Waterfront and Daedalus East/Hangars East (application ref: 11/00282/OUT). The associated S106 agreement with Gosport Borough Council is close to being executed and a separate highways agreement has been signed with Hampshire County Council and the HCA has already funded significant highways improvements in the surrounding area which are part of the improvements that would be funded by the CIL in Gosport. The limited amount of residential development included within the scheme is required to cross subsidise the refurbishment and subsequent sustainable use of heritage buildings, including listed buildings, and also the provision of a substantial amount of employment, community and leisure space. Paying the levy would render development un-viable and therefore residential development at the Solent Enterprise Zone should be exempt.

2. If your representation is seeking a change, do you consider it necessary to participate at the Examination?

No I do not wish to participate in the examination hearings  
 Yes I do wish to participate in the examination hearings

.. If you wish to participate, please outline why you consider it necessary.  
(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).

If the Council does not accept the HCA's submissions in respect of each of these points, then it would be necessary for the HCA to attend the Examination to provide evidence on viability and explain how the application of CIL to residential development within Solent Enterprise Zone would render the development un-viable.

4. Do you wish to be notified at the address/email stated on page 1 of any of the following:

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Continued from Question 1 2 3 Other comments

pp

CIL-REP10

CIL-REP10

Ms Kim Catt - Senior Planning Officer  
Gosport Borough Council  
Town Hall High Street  
Gosport  
Hampshire  
PO12 1EB

**Our ref:**

**Your ref:**

**Date:** 29 October 2014

Dear Ms Catt

**Community Infrastructure Levy**

**Gosport Draft Charging Schedule - September 2014**

Thank you for consulting the Environment Agency on your Community Infrastructure Levy Draft Charging Schedule September 2014. We welcome the opportunity to provide comments on this document.

We have no specific comments to make on the Draft Charging Schedule itself however we are pleased to see that the Infrastructure Delivery Plan recognises both open space and flood defences as areas of infrastructure requiring future funding. We are especially pleased to see reference to the proposed Strategic Management Zones set out within the River Hamble to Portchester Coastal Flood & Erosion Risk Management Strategy being produced by the Eastern Solent Coastal Partnership. In addition, we are pleased to see that both waste water and water supply have been included within this evidence document too.

If you have any questions please contact me on the details below.

Yours sincerely

**Mr Jon Maskell**  
**Planning Advisor, Environment Agency**

Direct dial  
Direct e-mail

Environment Agency  
Canal Walk, ROMSEY, Hampshire, SO51 7LP.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)  
End





**GOSPORT**  
Borough Council

Date **30/10/2014**  
Ref No.

**CIL-REP11**  
For office use only

# Gosport Community Infrastructure Levy Draft Charging Schedule Consultation Response Form

**(Community Infrastructure Levy 2010 as amended Regulation 16)**

Name:

MILLN GATE GOSPORT LLP

Agent Name:

MARK HARRIS

Organisation (if applicable):

AS ABOVE

Agent Organisation (if applicable):

BARTON WILLMORE LLP

Address:

C/O AGENT

Agent Address:

7 SOHO SQUARE  
LONDON

Post Code: -

Post Code: W1D 3QB

Telephone: -

Telephone:

Email: -

Email:

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# Gosport Community Infrastructure Levy Draft Charging Schedule

## consultation:

Please use a separate form for each representation

1. Do you consider that the CIL rates proposed in the draft charging schedule for different types of development are appropriate for Gosport Borough?

Please tick

Yes  No

If No please state reasons below:

SEE ACCOMPANYING STATEMENT.

Other comments:

SEE ACCOMPANYING STATEMENT.

2. If your representation is seeking a change, do you consider it necessary to participate at the Examination?

No I do not wish to participate in the examination hearings  
 Yes I do wish to participate in the examination hearings

3. If you wish to participate, please outline why you consider it necessary.  
(please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination).

TO ALLOW A FULL AND THOROUGH DISCUSSION OF THE ISSUES RAISED IN THIS REPRESENTATION.

4. Do you wish to be notified at the address/email stated on page 1 of any of the following:

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Continued from Question 1 2 3 Other comments

30<sup>th</sup> October 2014**GOSPORT BOROUGH COUNCIL: DRAFT COMMUNITY INFRASTRUCTURE LEVY CHARGING  
SCHEDULE (SEPTEMBER 2014)****REPRESENTATION ON BEHALF OF MILLN GATE GOSPORT LLP****Introduction**

1. We act on behalf of Milln Gate Gosport LLP ("Millngate") and have been instructed to submit the following representation in response to the Draft Charging Schedule ("the Schedule") consultation.
2. As you will be aware from our ongoing discussions, Millngate owns land known as Brockhurst Gate in Gosport ("the Site") and is currently formulating a mixed-use regeneration development on the Site. The Site is partly allocated for Economic Development in the emerging Local Plan (see Policy LP9B) and will make an important contribution to job creation and inward investment in the Borough.
3. The submission of this representation by Millngate follows the submission of their November 2013 representation to the Preliminary Draft Charging Schedule and a subsequent meeting with Gosport Borough Council's (GBC) viability advisor, Adams Integra ("AI") in June 2014. The representation focuses on those aspects of the Schedule and the associated evidence base where there has been no change, together with any new and additional evidence that has been introduced by GBC and AI as part of this process.
4. Millngate continues to be acutely aware of the economics of development in the Borough. This includes an understanding of how values and costs have changed in the 12 months since their representation to the Preliminary Draft Schedule. In preparing this representation, Millngate has continued to take advice from Lambert Smith Hampton (leading local retail agents) and Rex Procter & Partners (suitably qualified and experienced quantity surveyors). Millngate has also sought up-to-date views from regional and national house builders. Millngate therefore has important and relevant experience of local market conditions which form appropriate evidence to supplement the Schedule's evidence base.
5. Millngate has welcomed the updated appraisal carried out by AI and GBC. Following a review of the Schedule and the associated and updated Evidence Base, Millngate does however continue to object to the proposed Schedule on the following grounds:
  - The proposed 'Retail Warehouse and Supermarkets' Rate cannot be justified based on the Evidence Base.
  - The proposed 'Residential' Rate cannot be justified based on the Evidence Base. This relates specifically to Charging Zone 3 where the Site is located.
  - The Evidence Base is not reasonably related to actual development across the Borough.

- The Charging Schedule is not sufficiently flexible.
  - Compliance generally with the CIL Regulations.
6. The proposed Retail and Residential Rates are both unrealistically high and not justified based on the available evidence. As proposed, they will have a significant impact on the economic viability of these forms of development and undermine important regeneration schemes such as Brockhurst Gate contrary to the CIL Regulations and NPPF paragraph 173. The approach to setting the Rates is also inconsistent with advice provided in the Community Infrastructure Levy Guidance, February 2014 ("the Guidance").
7. To improve viability and ensure compliance, Millngate believe the proposed Retail and Residential Rates should be reduced. This will also ensure that a more appropriate balance is struck between the need to secure funding for infrastructure and the delivery of development. We expand upon these grounds below.

### **Evidence Base Justification**

#### ***Approach***

8. The proposed CIL Rate is informed by evidence produced by AI for the Borough Council (entitled "CIL Viability Report" (July 2013)) ("the Report") and the Addendum Report in Response to the Consultation (July 2014) ("the Addendum"). As recommended by the Guidance, the viability appraisal should be fit for purpose and contain relevant evidence. Support from local developers is also encouraged. As a Hampshire based developer, Millngate's evidence and position on the Schedule and Evidence Base should be given weight based on the experience and knowledge they have of the area and the Site.

#### ***Valuation Methodology***

9. At paragraph 11.2 of the Addendum Report, AI concedes that a residual appraisal model has been developed that is: "*simple to understand and avoids the more detailed and complex residual appraisal software used elsewhere in the industry*". Millngate is concerned about the simplistic approach taken by AI in applying their residual appraisal methodology to the GBC area.
10. It is acknowledged that there is no specific methodology or appraisal software that is recommended or stipulated for use in the Guidance (see Section 2:2:2:4, page 16). An appraisal should however be sufficiently detailed and complex in order to achieve an appropriate level of accuracy in order to determine viability in a given area for a certain land use. This would also reflect the degree of scrutiny applied to development viability by developers and investors. The weaknesses of the overly simplistic approach taken by AI and the impact this has on the viability findings are highlighted by Millngate's observations on the appraisal inputs and assumptions. These comments are outlined overleaf under the two land uses subject of this representation.

### ***Retail Warehouse and Supermarkets***

11. The Addendum includes a series of updated Development Appraisals (see Appendix 4) for Retail Warehouses and Supermarkets to justify the proposed Rate. These Appraisals and the explanatory comments made by AI in the Addendum have been reviewed afresh by Millngate. From this review, Millngate continued to consider the Appraisals to be unrealistic based on significant and material inadequacies in the inputs and assumptions. The following explains the main points of difference between Millngate and AI:

- **Site Value:** Millngate continues to be concerned about the very limited evidence of non-residential land transactions in the Borough to reach an adequate judgement for the different use categories. This is reflected in an absence of updated samples in the Addendum Report. In this regard, GBC will be aware that 'appropriate available evidence' is to be used to inform the Schedule. As per paragraphs page 16 of the Guidance, a Charging Authority should draw on available existing data and an appropriate sample of sites across the administrative area. The approach and findings of the Report are clearly at odds with the Guidance. In the absence of existing data, the conclusions reached on Existing Site Value within all appraisals are not justified and thus not sound.

Millngate agrees with AI's conclusions on the demand for discount food retailers. The assumption on threshold site values is however inaccurate in Millngate's view as these retailers generally require a store of between 1,600-1,700 sq.m GIA and not the 2,323 sq.m identified at paragraph 11.4.1 of the Addendum. This figure should be adopted in the Evidence Base appraisal as a more realistic reflection of the market requirement.

- **Rental Levels:** AI does not reveal the source of its research into discount supermarket rents in order to justify the assumption presented at paragraph 11.4.2 and the Appendix 4 Appraisals in the Addendum. In Millngate's experience, the quoted rental level is too high as it fails to consider the area-specific factors that may influence the level of rent that a discount retailer would be expected to agree together with a discount for the rent-free period. Millngate therefore recommends a rate of £151 per sq.m as a more appropriate and locally representative figure for a Supermarket.

Millngate disagrees with AI on the rental level quoted for a standalone Retail Warehouse scheme of £162 per sq.m This is because it fails to reflect the rental level that a retailer would be willing to agree in the current market and adequate allowance also needs to be made for the incentives that a Developer would provide as part of the rental package in order to attract a potential occupier to a town and scheme. This continues to be relevant as the market conditions in the Food Retail and Retail Warehouse sectors remain challenging so incentives are an important part of any agreement to ensure the investment can be secured. The rental level will also be influenced by the type of scheme to come forward. In this regard, there is no prospect of a 'stand alone' or 'solus' unit scheme proceeding as per the example used in the Appraisal. Instead, it is far more likely that a terraced scheme would proceed, whereby a number of retailers would occupy a scheme in order to encourage linked trips to underpin their attraction. Millngate would not disagree

with a rent of £162 per sq.m on a terraced scheme.

- **Building Costs & External Works:** the assumption on building costs and external works remains too low for the type of scheme that is being assessed. This is particularly relevant given building costs have increased significantly since the July 2013 Report which has exceeded the nominal increase allowed for in AI's Addendum. In Millngate's experience, a rate of £1,194 per sq.m (inclusive of external works) for a Retail Warehouse scheme and £1,363 per sq.m (also inclusive of external works) for a Supermarket scheme would be more realistic.
  - **Development Duration:** in Millngate's experience, the duration for retail warehousing is unrealistically low and should be consistent with that for supermarkets. Development finance is secured on both the pre-application, application and construction phases of a development. Due to the complicated and lengthy periods that such forms of development can attract, an allowance of at least 36 months should be allowed for both forms of retailing.
12. Following this review, there remains key areas of difference on the approach to the Appraisals that render the Evidence Base unsound. Consequently the proposed Retail Warehouse & Supermarket Rate cannot be justified.

### ***Residential***

13. We note the Addendum provides additional evidence to respond in part to our original representation. The comments and updated Appraisals have been reviewed and there remain a number of assumptions that Millngate disagrees with. This affects the outcome of the Appraisals.
14. The position is summarised below:
- **Sales & Marketing Costs:** we note there has been no adjustment to the quoted sales and marketing rate from the unrealistically low level of 3% (see the Addendum Report, paragraph 4.3.4). Millngate's continue to conclude that this cost should be increased to 6%, which is consistent with the HCA EVA toolkit guidelines.
  - **Professional Fees:** we note the assumption remains unchanged (see the Addendum Report 4.3.8). Millngate continue to conclude that the allowance for professional fees within the appraisals is too low and generalised given the differing scale of scheme that could occur throughout the Borough. As per the previous representation, this should be increased to 12% to make appropriate allowance for the costs of promoting development, particularly for larger strategic projects. An upwards adjustment would also be consistent with the position taken by AI in relation to Retail projects (see the Addendum Report, paragraph 11.4.4).
  - **House Types:** Millngate continue to conclude that the mix quoted in the appraisals is unrealistic. In Millngate's experience this should also include a wider variation of mixes and

scheme types including lower density schemes providing predominantly 3 and 4 bedroom units. This offers a more realistic profile of the type of schemes that will be delivered in the local area to meet market requirements during the Local Plan and CIL periods.

- **Development Profit:** Millngate disagrees with the continued approach taken in relation to affordable housing (see the Addendum Report, paragraph 4.3.9). The level of developer's profit in the appraisals remains too low as a result of differentiating affordable from private market housing and applying a lower profit level to the former. A financial institution will only accept a 20% profit on GDV for any form of development whether it is private or affordable housing. The assumption that Registered Providers (RPs) of Affordable Housing accept a lower profit on GDV remains outdated and should not be justified based on a Viability Study undertaken for another Local Planning Authority in 2011. A lower profit level was accepted and originally set by RPs to assist in preparing bids for HCA Grant Funding. Such Funding has now been removed and in light of the risks associated with development, RPs now generally seek a 20% profit level in order to secure an acceptable level of viability and development funding. Given the level of affordable housing that will be sought in schemes in the Borough, this should be reflected in the appraisals.

15. Millngate welcomes the updated appraisal carried out by AI and GBC in relation to the residential assumptions. Following their review of the Addendum, elements of the Evidence Base cannot be justified. Without adjustment, this renders the proposed Residential Rate unsound.

### General Compliance

16. To comply with the CIL Regulations, the consultation stages should also address the following:
- **Discretionary Relief:** the Schedule should provide details of discretionary relief for exceptional circumstances (see CIL Regulation 55).
  - **Payment:** the Schedule should provide details of the phasing of CIL payments (see CIL Regulation 69).
17. These areas are not covered fully or referred to in the Draft Schedule. To comply with the CIL Regulations, these need to be incorporated in the next version particularly given the comments we have made in relation to viability and deliverability.

### Summary & Conclusion

18. Millngate objects to the Draft Charging Schedule on the following grounds:
- The proposed 'Retail Warehouse and Supermarkets' Rate cannot be justified based on the limitations of the Evidence Base.
  - The proposed 'Residential' Rate cannot be justified based on the limitations of the Evidence Base.



- The Charging Schedule fails to offer any guidance on Discretionary Relief for Exceptional Circumstances and Phasing Payments.
19. Millingate wishes to attend the Examination to explain their position further and reserves the right to provide additional evidence as necessary to justify their position. In the meantime, we look forward to receiving acknowledgement of this representation marked for the attention of Mark Harris ([mark.harris@bartonwillmore.co.uk](mailto:mark.harris@bartonwillmore.co.uk)).
20. We would be happy to meet Borough Council Officers and Adams Integra again to discuss our comments. Otherwise, we would be grateful if you could continue to keep us notified of the Schedule's progress and arrangements for the Examination.

Dear Sir/Madam,

Thank you for consulting Sport England on the above document. Apologies for not using the online electronic form, but I had problems formatting the text within the pdf. Please find below Sport England's formal comments on the document.

In commenting on Gosport Borough Council's CIL Charging Schedule it is necessary to consider its evidence base. In particular Sport England will comment on the Infrastructure Delivery Plan, the Reg 123 List and Gosport Playing Pitch and Sports Facility Assessment (PPSFA) April 2014.

In choosing what is included on the Reg 123 list the Council identify strategic priorities from the infrastructure identified in the IDP. It is regrettable that the IDP does not carry across the needs and recommendations for sport identified in the Playing Pitch and Sport Facility Assessment. Sport England would like to see the IDP amended to include all of the recommendations of the Playing Pitch Strategy and Sports Facility Assessment. Below is a summary of the recommendations for pitches made in the PPSFA:

### **Football**

*F1. Maintain and protect the unsecured community use pitches that exist currently football pitches for future community use including the Civil Service Sports Ground, MOD sites and school and college sites, this will allow for the expansion of the new Gosport, Fareham and Solent League.*

*F2. Ensure that 10% of Council owned pitches are rested on a regular basis.*

*F3. The quality of Stokes Bay pitches need to be improved, including increasing improve the carrying capacity of the pitches and providing much needed changing facilities. Improvements at Privett Park may be considered a priority to enhance the quality of facilities at this site. This could be carried out by use of Developer Contributions.*

*F4. Developer contributions off site could refurbish changing rooms to accommodate male and female and improve drainage at some Council sites in the future*

### **Cricket**

*C1. Existing Cricket pitches should be protected by Planning Policy and the cricket pitch at the Civil Service Sports ground should be retained due to its quality and brought back into use.*

*C2. The Rowner Field cricket outfield requires drainage improvements. Off site developer contributions would assist in rectifying this issue.*

*C3. Developer contributions should be used to refurbish Privett Park Pavilion.*

### **Rugby**

*R1. There is a future requirement in 2021 for 2 additional junior rugby pitches. Developer contributions could help Gosport and Fareham Rugby Club improve the quality of its pitches by providing drainage and levelling or discussions could be held with Bay House School on the development of its two rugby pitches for future use to meet demands of Gosport and Fareham Rugby Club.*

### **Hockey**

*H1. There will be a future requirement for an additional Sand Based AGP for hockey as the Hockey Club develops this is envisaged to be beyond 2021.*

*H2. Off site developer contributions would assist in replacing the current St Vincent's AGP carpet in the future.*

### **Artificial Grass Pitches**

*AGP1. The demand modelling identifies a need for 2.65 pitches in 2013 and 2.65 pitches in 2021.*

*AGP2. There is currently a sand dressed artificial grass pitch at St Vincent's College which is used for hockey and football. Bridgemary School will be providing a 3rd generation artificial pitch in Gosport.*

*AGP3. Where possible the Council should support the replacement / refurbishment of the St Vincent's College carpet on the sand dressed ATP.*

*AGP4. Additional AGP sand based would help meet future demands on hockey which will be required beyond 2021.*

### **Recommendations for Tennis**

*T1. Retain the current provision of tennis courts and work with key partners, the Lawn Tennis Association and Gosport clubs to maintain quality and improve access for potential new participants*

*T2. Ensure Gosport Council owned public courts have appropriate fencing, quality nets and posts – all weather nets where appropriate, markings are clear and surfaces are clean and free of debris.*

*T3. Gosport Council to encourage tennis clubs in the development of club facilities and courts to increase participation and quality of facilities.*

Whilst it is useful to note these needs, without them being set out in the IDP or other planning policy there is no security of them being delivered by either CIL or S106 agreements. The first section of the playing pitch and sports facility assessment comments on the need for built facilities. This section is not comprehensive and Sport England do not support the findings as it is unclear what methodology was used how these conclusions have been reached. Sport England would highly recommend that the Council thoroughly assess the needs and opportunity for sporting provision in Gosport. Sport England provides comprehensive guidance on how should a study and strategy should be undertaken: Assessing needs and opportunity for sports provision (Indoor and Outdoor) <http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/assessing-needs-and-opportunities-guidance/>

The following is the list of development identified in Gosport IDP June 1014. It is clear that that the recommendations and needs identified in the PPS have not be included in the IDP. The list is relatively short. Out of a list of four projects one is already completed, one has commenced and the other is likely to have had funding secured because it relates to a school site. In summary the IDP does not specify any particular projects that could be funded in part or full by either CIL or S106 agreements.

- *Bay House School – replacement sports hall and multi-use artificial turf pitch. School facility with some public usage (planning permission granted and no information given on when it is expected to be completed)*
- *Re-provision of sports pitches at Grange Lane and Stokes Bay to replace senior pitches at Gosport Leisure Park- Completed 2013 as part of the redevelopment of Gosport Leisure Park.*
- *Bridgemary School- new 3G floodlit synthetic sports pitch for school and community use- school facility work commenced Feb 2014*
- *Other small-scale schemes to be identified by GBC- Funding to be provided through developer contributions*

Paragraph 73 of the National Planning Policy Framework (NPPF) states “Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area”. The Council will need to think quite strategically and plan effectively for sports infrastructure delivery in the future linking development sites with specific projects to meet identified sporting needs. If the Council have identified the strategic needs for sport across the district it would be more beneficial to gather funds for such via CIL. However at this stage it is unclear if the Council have any strategic sporting developments in the pipeline.

Gosport Planning Obligations and Development Contributions Strategy (July 2014) states that indoor sports, leisure and recreation facilities will most likely be provided through CIL although planning obligations may be required for major site. It also advised that outdoor sports facilities and pitches are most likely to be funded by CIL. Despite this, the IDP does not identify any indoor sports, leisure and recreation facilities requirements. These two documents do not 'talk' to each other and neither actually caters for indoor sports, leisure and recreation facilities. The result of this is that there is actually no document which clearly supports the needs for financial contributions towards sports provision. The Council therefore leave itself exposed and will likely be challenged by developers who will have strong grounds to oppose contributions towards sporting provision. Sport England we recommends that the Council sets out very clearly what specific projects will be funded via CIL and those which are to be funded via S105 (pulled from up to 5 housing projects).

Sport England would advise the Council to prepare a robust evidence base to then inform the Reg 123 list and planning obligations and developer contributions strategy. The Council must be very clear about what provision is needed, how it will be funded and how it is likely to be delivered.

Kind regards

**Heidi Clarke**  
Planner

Sport England's London office has moved to 1st Floor, 21 Bloomsbury Street, London, WC1B 3HF



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CIL-REP13



**Hampshire**  
County Council

CIL-REP13  
30/10/2014

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Enquiries to	Mrs E V Howbrook	My reference
Direct Line		Your reference
Date	30 October 2014	Email

**BY EMAIL ONLY**

Dear Sir,

**Community Infrastructure Levy – Draft Charging Schedule Consultation  
(September 2014)**

Thank you for consulting the County Council on the Draft Charging Schedule prepared by the Borough Council. As you are aware, the County Council is keen to work in partnership on such matters in order to ensure that the infrastructure required to support development continues to be funded and delivered in the most appropriate way in the future.

**Extra Care Housing**

The County Council is pleased to see in the Draft Charging Schedule (section 8.4) the recommendation not to charge a CIL rate for Extra Care accommodation on the grounds of viability. This reflects the specific floorspace requirements and provision of care services associated with this type of development, whereby funding needs to be assembled from a range of public and private sources, of which the County Council will be one.

For the avoidance of doubt, the County Council suggests the Charging Schedule (table 2) is explicit about Extra Care accommodation as a development type, and clarifies that the Viability Report recommendations have been taken forward. The use of footnotes and an agreed definition of Extra Care accommodation may assist with this, and the County Council's Strategic Commissioning Manager for Extra Care will be able to advise. A clear and specific definition for Extra Care would also help to avoid a situation whereby (viable) private sector residential care homes are inadvertently financially advantaged by setting a nil charge for Extra Care.

*Director of Economy, Transport and Environment  
Stuart Jarvis BSc DipTP FCIHT MRTPI*

The County Council does remain concerned that only the Extra Care accommodation within Use Class C2 would be exempt from the residential CIL charge. Schemes can combine a range of tenures and, as such, the limited number of private units provides essential cross-subsidy to the affordable element of the schemes to enable overall scheme delivery. It is likely that a modest proportion of Extra Care development could therefore fall within Class C3. The County Council considers that those residential schemes recognised by the Borough Council and the County Council as being in accordance with the requirements and guidance for Extra Care housing should be subject to a nil rate in order to ensure they are viable.

### **Draft Regulation 123 List - Education**

The Regulation 123 list includes education as an infrastructure type for which CIL funding could be spent on. The item *excludes* 'any specific identified measures required to serve a major development'. The County Council agree there is still a legitimate role for development specific planning obligations to enable the Borough Council to be confident that the impact of major development on education infrastructure can be mitigated. It is important to note however that funding towards education provision to serve major development will be an area where developers will be able to negotiate with reference to viability, and there is a risk that the level of income secured will not be sufficient. Further, paragraph 97 of the statutory CIL guidance states that:

*'Where the Regulation 123 list includes a generic type of infrastructure (such as 'education' or 'transport'), section 106 contributions should not be sought on any specific projects in that category. Site-specific contributions should only be sought where this can be justified with reference to the underpinning evidence on infrastructure planning which was made publicly available at the charging schedule examination'.*

If the Borough Council wishes to direct CIL funds towards this infrastructure type, it is also important to note paragraph 95 of the statutory CIL guidance which states: *'there should be no actual or perceived 'double dipping', with developers paying twice for the same item of infrastructure'*. The Regulation 123 list would preferably include more specific education schemes, based on evidence, such that developers have a clear and transparent understanding about what site-specific developer contributions may be sought.

Table 1 in the Draft Charging Schedule includes School Education as an infrastructure category and notes a requirement has been identified in South Gosport to support expected development. As such, it may be appropriate to exclude improvements to the Alverstoke Infant and Junior Schools from the education item on the Regulation 123 list, in order to allow section 106 developer funding to be secured as necessary. The County Council is therefore keen to work closely with the Borough Council to amend the

Regulation 123 list to ensure it is consistent with this guidance and avoids the perceived risk of 'double dipping'.

In summary, on-going discussions between the County Council and Borough Council will be essential to continually assess the education needs in Gosport and how to maximise developer contributions in future in light of the changing funding regime.

### **Transport**

The County Council's transport officers responsible for the Gosport area have been consulted on the Draft Charging Schedule and supporting draft Regulation 123 List. They are satisfied that the comments made at the Preliminary Draft Charging Schedule consultation have been taken into account and have no further comments. In particular, the County Council supports the approach to listing specific transport schemes on the Regulation 123 List, in collaboration with HCC as the Highways Authority. Indeed, paragraph 107 of the statutory guidance states that in two-tier areas charging authorities should '*discuss and seek to agree their intentions with the highway authority prior to publishing their infrastructure list*'. The County Council is keen to continue to work with the Borough Council in any future reviews of the Regulation 123 list therefore.

If you have any queries or wish to discuss any aspect of this response in more detail please do not hesitate to contact me.

Yours sincerely,

Laura McCulloch  
Strategic Infrastructure Planning Manager