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<i>Date</i>	30 October 2014	<i>Email</i>

**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