

Appendix A

Welwyn Hatfield Community Infrastructure Levy Preliminary Draft Charging Schedule – Consultation Summary

Section 1: Introduction

	Main issues	Changes sought
Comments by key bodies	None	None
Comments by individuals and other bodies	Individuals <ul style="list-style-type: none">• Introduction of CIL supported	None

Section 2: Background to CIL

	Main issues	Changes sought
Comments by key bodies	None	None
Comments by individuals and other bodies	None	None

Section 3: Implementation of CIL

	Main issues	Changes sought
Comments by key bodies	None	None
Comments by individuals and other bodies	None	None

Section 4: Justification for charging CIL

	Main issues	Changes sought
Comments by key bodies	<p>Sport England</p> <ul style="list-style-type: none">• The Council's IDP in relation to community sports facilities is based on dated evidence. It is therefore inadequate to provide robust evidence of an infrastructure funding gap <p>Hertfordshire County Council</p> <ul style="list-style-type: none">• Unclear how the 'Total Infrastructure Cost' has been calculated• Concerned by inclusion of HCC contribution towards education provision• Unclear how residual Section 106 figure was derived	<p>Sport England</p> <ul style="list-style-type: none">• The IDP should be reviewed to account for priority infrastructure projects that emerge from the Council's forthcoming sports facilities strategy <p>Hertfordshire County Council</p> <ul style="list-style-type: none">• Information about how the 'Total Infrastructure Cost' has been calculated• Information about how the residual Section 106 figure was derived
Comments by individuals and other bodies	None	None

Section 5: Setting the CIL rates

	Main issues	Changes sought
Comments by key bodies	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> Concerned that education contributions in Strategic Sites Testing Update do not reflect figures previously supplied to WHBC 	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> HCC will provide updated figures to inform further testing of strategic site viability
Comments by individuals and other bodies	<p>Central Hertfordshire Green Corridor Group</p> <ul style="list-style-type: none"> There has not been sufficient scrutiny of the remediation costs relating to site WGC5 and the resultant impacts on the land value It is inappropriate to determine CIL based on viability CIL should cover the full infrastructure costs relating to new development It is unclear what the green infrastructure costs in the Strategic Sites Testing Update relate to <p>North Mymms District Green Belt Society</p> <ul style="list-style-type: none"> CIL must be set at a level which covers the full infrastructure costs of development being brought forward as part of the Local Plan <p>Tarmac</p> <ul style="list-style-type: none"> The viability of Birchall Garden Suburb has not been assessed as a whole (only the part of the site within Welwyn 	<p>Central Hertfordshire Green Corridor Group</p> <ul style="list-style-type: none"> Further information should be provided about the green infrastructure costs which are included within the Strategic Sites Testing Update <p>Tarmac</p> <ul style="list-style-type: none"> In order to assess whether the proposed CIL charge in Welwyn Hatfield is viable the assessment should consider Birchall Garden

	<p>Hatfield). The evidence does not demonstrate that the site would remain viable were the proposed charges adopted within Welwyn Hatfield.</p> <p>Mariposa</p> <ul style="list-style-type: none"> • The Strategic Sites Testing Update is lacking in detail and the sources for the assumptions are unclear • The proposed benchmark land value for land North East of Welwyn Garden City is inappropriate. The site is previously developed land. • Strategic sites will be subject to planning obligations which are proportionally much higher than smaller sites due to them having to contribute significant amounts to S106 as well as pay CIL. <p>Developer Consortium</p> <ul style="list-style-type: none"> • The viability testing of the proposed residential rates adopt incorrect assumptions which ultimately may cause an overestimation of the development viability. The key areas of concern relate to build costs, benchmark land values and the blended developers profit on Gross Development Value • The Council should use transactional evidence of land values to sense check 	<p>Suburb as a whole. The viability assessment should take account of the full range of infrastructure to be provided both in Welwyn Hatfield and East Herts and the differing affordable housing requirements of Welwyn Hatfield and East Herts.</p> <p>Mariposa</p> <ul style="list-style-type: none"> • Clarity is required about how the section 106 figures have been assessed/determined in the Strategic Sites Testing Update. WHBC must ensure it contains robust information. • The benchmark land value for North East Welwyn Garden City should be adjusted <p>Developer Consortium</p> <ul style="list-style-type: none"> • The Council should review a number of key assumptions within its viability assessments, particularly build costs, benchmark land values and developer profit • Further explanation must be provided to justify how the proposed rates have been calculated based upon the viability evidence. A minimum viability cushion of 40% should be adopted. • The Council should review historic Section
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	<p>their land values and ensure they are reflective of landowner expectations</p> <ul style="list-style-type: none"> • The assumption for opening up infrastructure costs for strategic sites is significant lower than it should be. • No allowance has been made within the typologies for abnormal development costs • A blended profit on 20% on GDV should be adopted across all viability appraisals as a minimum • Approach to the revenue obtained from affordable housing needs to be reviewed • Construction costs are not reflective of current BCIS figures and market conditions • Infrastructure and opening up costs have been under estimated within the appraisals for large typologies • It remains unclear how the results of the residential viability testing have been interpreted into the proposed CIL rates. Within the viability testing summary tables, the results highlight that a number of the typologies tested within the various value zones show no viability when compared against the Benchmark Land Values. • There has been no review of historic Section 106 contributions. The Council should ensure that a realistic figure is 	<p>106 contributions and include a higher, more realistic figure in its viability assessments</p> <ul style="list-style-type: none"> • Additional site specific testing should be carried out for smaller and medium sized sites
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	<p>included in its viability assessment. The assumption for residual Section 106 is too low</p> <ul style="list-style-type: none"> • There has not been any site specific testing for small and medium sized residential sites. • The Council needs to review its gross to net assumptions, particularly for larger sites, as the developable area assumed is too high <p>Aurora</p> <ul style="list-style-type: none"> • The build cost assumption is too low for Brookmans Park • The Council's developer profit assumption is too low • The differential CIL residential CIL rates are not justified. The much higher CIL rate for Zone 3 will undermine viability. <p>Royal Veterinary College</p> <ul style="list-style-type: none"> • It is unclear how the Council can demonstrate that the rates will not threaten the delivery of development when the content and adoption of the development plan is unclear and sites to come forward for development are not yet identified in full • The developer profit is too low and should be a blended rate of at least 20% on GDV 	<p>Aurora</p> <ul style="list-style-type: none"> • The Council's viability assessment should include higher build costs for development in Bookman's Park • The Council's should make provision for a higher developer profit • The Council should provide more justification for the differential in residential CIL rates across the borough <p>Royal Veterinary College</p> <ul style="list-style-type: none"> • The Council should review a number of key assumptions within its viability assessments, particularly build costs, benchmark land values and developer profit • Additional site specific testing should be carried out for smaller and medium sized sites • Further explanation must be provided to justify how the proposed rates have been calculated based upon the viability evidence. A minimum viability cushion of 40% should
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	Main issues	Changes sought
Comments by key bodies	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> • CIL rates should differentiate between retirement/care housing that is provided by private companies and that which is being provided by the public sector • Significant concerns that strategic sites North East Welwyn Garden City, Birchall Garden Suburb and Symondshyde are proposed to have a CIL charge • Unclear how WHBC can justify a CIL charge for strategic sites whilst other areas in Hertfordshire are unable to • Use classes should be added to the CIL Charging Schedule so that it is clear what forms of development charges relate to <p>Sport England</p> <ul style="list-style-type: none"> • The schedule does not provide clarity as to whether community sport/leisure facility related development will be subject to CIL. • Concerned that community sport/leisure facility related development is included within “All other uses” category and will be subject to a CIL charge 	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> • Not for profit retirement housing should be exempted from CIL • Further justification is required as to the ability of strategic sites to viably pay both Section 106 and CIL • The Council should add Use Classes to the Charging Schedule <p>Sport England</p> <ul style="list-style-type: none"> • Community sport/leisure facility related development should be exempted from CIL unless viability work clearly demonstrates that it can viably contribute to CIL

	<p>Theatres Trust</p> <ul style="list-style-type: none"> • The schedule does not provide clarity as to whether community and cultural facilities related development will be subject to CIL • Concerned that community and cultural facilities related development is included within “All other uses” category and will be subject to a CIL charge <p>Thames Water</p> <ul style="list-style-type: none"> • Sewerage/wastewater and water infrastructure buildings should be exempt from payment of CIL 	<p>Theatres Trust</p> <ul style="list-style-type: none"> • The CIL rate for the “All other uses” category should be set at nil • Use which have viability and will be charged CIL should be specifically identified <p>Thames Water</p> <ul style="list-style-type: none"> • The Charging Schedule should be amended to state that sewerage infrastructure buildings will be subject to a nil charge
Comments by individuals and other bodies	<p>Tarmac</p> <ul style="list-style-type: none"> • A consistent approach should be taken to the CIL charging for strategic sites. Disagree that North West Hatfield should be CIL exempt but Birchall Garden Suburb is not <p>Developer Consortium</p> <ul style="list-style-type: none"> • The Council should use Section 106 exclusively to manage infrastructure delivery relating to strategic sites 	<p>Tarmac</p> <ul style="list-style-type: none"> • A consistent approach should be taken to CIL charging across the strategic sites in the Local Plan <p>Developer Consortium</p> <ul style="list-style-type: none"> • The Council should exempt all strategic sites from CIL and collect infrastructure contributions through Section 106 only

	<p>McCarthy & Stone</p> <ul style="list-style-type: none"> • Clarification is required as to whether retirement housing and care homes are included in the “All other uses” rate • Clarity is required as to the definitions of retirement housing/care home/sheltered/extra care accommodation and whether these are included within the “all other uses” or “residential” charging categories. <p>Country Land and Business Association</p> <ul style="list-style-type: none"> • Rural dwellings erected for agriculture, horticulture and forestry purposes should not be included within the generic residential category. They should be separately assessed to establish their viability. • Separate consideration should be given to the viability of new rural shops, based on a suitable viability assessment <p>Plutus Estates</p> <ul style="list-style-type: none"> • The strategic site at Broadwater Road, Welwyn Garden City 	<p>McCarthy & Stone</p> <ul style="list-style-type: none"> • The Council should clarify which uses are included in the “All other uses” category of the Charging Schedule • The Council should provide clear definitions as to the types of development that will and won’t be subject to CIL <p>Country Land and Business Association</p> <ul style="list-style-type: none"> • Rural dwellings erected for agriculture, horticulture and forestry purposes should be separately assessed to establish their viability • Agricultural, horticultural and forestry development should be added as a separate development category and given a nil CIL rating • Separate consideration should be given to the viability of new rural shops, based on a suitable viability assessment <p>Plutus Estates</p> <ul style="list-style-type: none"> • The site should be categorised as an “identified site” and exempted
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	<p>(known as the former Shredded Wheat factory) cannot viably accommodate the proposed CIL charge due to its unique site characteristics and exceptional abnormal costs</p> <p>University of Hertfordshire</p> <ul style="list-style-type: none"> On-campus student accommodation and research and development activities of the University (Use Class B1b) should be excluded from the schedule <p>Individuals</p> <ul style="list-style-type: none"> All development should contribute some level of CIL to ensure that they provide funding towards related infrastructure CIL charges should be higher 	<p>from CIL.</p> <p>University of Hertfordshire</p> <ul style="list-style-type: none"> The Charging Schedule should be amended such that on-campus student accommodation and research and development activities of the University (Use Class B1b) are excluded from CIL
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Section 7: Relationship between CIL and S106

	Main issues	Changes sought
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Comments by key bodies	<p>Sport England</p> <ul style="list-style-type: none"> It will be necessary to prepare a Planning obligations SPD or similar guidance to facilitate the effective and complementary operation of CIL and Section 106 	<p>Sport England</p> <ul style="list-style-type: none"> Clarity should be provided on whether in tandem with the adoption/preparation of the CIL, a planning obligations SPD (or similar guidance) will be prepared
Comments by individuals and other bodies	<p>Tarmac</p> <ul style="list-style-type: none"> The proposal for Welwyn Hatfield to introduce a CIL charge for the part of Birchall Garden Suburb falling within their borough when East Herts is not proposing to introduce one within its district will result in an inconsistent and complex approach towards infrastructure delivery. <p>Developer Consortium</p> <ul style="list-style-type: none"> Details of the relationship between CIL and Section 106 post adoption are unclear <p>Lands Improvement</p> <ul style="list-style-type: none"> The Council has not set out the approach to be had to emerging development proposals which have been subject of detailed negotiations around the package of benefits which will be delivered as part of the completed scheme. 	<p>Tarmac</p> <ul style="list-style-type: none"> A consistent approach should be taken to the funding and delivery of infrastructure at Birchall Garden Suburb in the interests of transparency, equity and pragmatism for this cross-boundary site <p>Developer Consortium</p> <ul style="list-style-type: none"> The Council should publish further information around its intended approach to operating CIL and Section 106 together <p>Lands Improvement</p> <ul style="list-style-type: none"> The Council should incorporate adequate transitional arrangements in order to ensure that packages of benefits which have been the subject of detailed negotiations and which have fully taken into account viability

	<p>The scale of benefits which has been negotiated on such schemes may not be achievable if a CIL charge was also levied.</p>	<p>considerations are not discarded in favour of a new system for securing infrastructure payments.</p> <ul style="list-style-type: none"> • Similar considerations may need to be taken into account when subsequent phases of a development come forward and which are tied to benefits secured through previous S106 agreements
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Section 8: Collection of CIL

	Main issues	Changes sought
Comments by key bodies	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> • Welcomes the implementation of a CIL instalment policy <p>Historic England</p> <ul style="list-style-type: none"> • Encourages the Council to adopt discretionary relief for exceptional circumstances where development which affects heritage assets and their settings and/or significance may become unviable if it was subject to CIL 	None
Comments by individuals and other bodies	<p>Developer Consortium</p> <ul style="list-style-type: none"> • The Council should adopt an exceptional circumstances relief policy • Council's intention to introduce an Instalments Policy is welcomed <p>Lands Improvement</p> <ul style="list-style-type: none"> • Supports the Council's proposal to allow the payment of CIL in instalments <p>Metropolitan Housing Trust</p> <ul style="list-style-type: none"> • Advocates that Exceptional Circumstances Relief be made available and put in place prior to the adoption of the Charging 	None

	<p>Schedule</p> <p>North Mymms Parish Council</p> <ul style="list-style-type: none">• A significant proportion of CIL should be required upfront in the CIL instalment process	
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Section 9: Spending of CIL

	Main issues	Changes sought
Comments by key bodies	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> The schedule does not contain any details in regards to governance and management arrangements for deciding on which projects will receive CIL funding. It is crucial that WHBC collaborates with HCC in setting priorities for how the levy is spent <p>NHS England and East and North Herts CCG</p> <ul style="list-style-type: none"> It is uncertain whether the required amount of CIL will be made available for identified health infrastructure 	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> The Council should enter into dialogue with HCC as part of the process of establishing CIL governance and management arrangements <p>NHS England and East and North Herts CCG</p> <ul style="list-style-type: none"> The Council should provide clarification as to CIL governance and management arrangements, particularly as relate to health infrastructure
Comments by individuals and other bodies	<p>Little Heath Action Group</p> <ul style="list-style-type: none"> The Charging Schedule does not make clear how CIL receipts will be allocated It is uncertain whether the required amount of CIL will be made available for infrastructure needed to support development in Little Heath The schedule provides no information as to how CIL receipts relating to developments with 	<p>Little Heath Action Group</p> <ul style="list-style-type: none"> The Council should provide clarification as to CIL governance and management arrangements, particularly as relate to Little Heath

	<p>cross-boundary infrastructure impacts will be distributed</p> <p>Welwyn Parish Council</p> <ul style="list-style-type: none"> • The Council cannot justify keeping 5% of revenues towards administration and set-up costs 	
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Regulation 123 List

	Main issues	Changes sought
Comments by key bodies	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> • HCC has concerns regarding the wording of the early year education section of the list • HCC has concerns regarding the wording of the primary education facilities section of the list • Assurance required as to funding strategy for new secondary school at Birchall Garden Suburb which will be within East Herts district • HCC has concerns regarding the wording of the secondary education facilities section of the list • Ambiguity regarding funding strategy for community facilities • The transportation elements of the list are very generic • Definition of green infrastructure is incomplete <p>Dacorum Borough Council</p> <ul style="list-style-type: none"> • Advise based on experience of administering CIL that the Council amend the Regulation 123 List in relation to open space 	<p>Hertfordshire County Council</p> <ul style="list-style-type: none"> • Amend Regulation 123 List to address concerns relating to early years education, primary education facilities, secondary school facilities • Addition of new exclusion in emergency services section of the list relating to on-site fire hydrants • Youth facilities should be included in the list of social and community infrastructure which will be funded by CIL • Greater consideration must be given as to how strategic mitigations might be secured having regard to Section 106 pooling restrictions and the potential that CIL might be a better mechanism to secure funding towards transport infrastructure • Definition of green infrastructure should be expanded to include Local Wildlife Sites and Ecological Networks <p>Dacorum Borough Council</p> <ul style="list-style-type: none"> • Recommend the Regulation 123 List make explicit that “the replacement of open space lost as a result of development, where

	<p>Sport England</p> <ul style="list-style-type: none"> • The inclusion of indoor and outdoor sports facilities on the Regulation 123 List together with leisure facilities and other community facilities is welcomed in principle • However generic references to types of facility should be avoided as this limits the potential use of planning obligations to secure such infrastructure. <p>NHS England and East and North Herts CCG</p> <ul style="list-style-type: none"> • Question why North West Hatfield is on the Regulation 123 List if it is 	<p>appropriate” will be secured under a S106 agreement. The Council may wish to consider the meaning of open space in this context and make this subject to a footnote to the List.</p> <ul style="list-style-type: none"> • An alternative may be to introduce a payment in kind policy to cover the transfer of open space. <p>Sport England</p> <ul style="list-style-type: none"> • General statements of facilities should be replaced by site specific facility/facilities in the Regulation 123 List derived from the IDP which in turn should be based on strategic priority projects derived from the Council’s evidence base • In addition, it should be made clear that CIL will be used to fund the specific facilities on the Regulation 123 List but that Section 106 will still be used to fund facilities or improvements to facilities which are not included on the list and that there is a link between the development and the facility, which meets the section 122 tests. <p>NHS England and East and North Herts CCG</p> <ul style="list-style-type: none"> • Information should be provided as
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	<p>a nil charge site</p> <ul style="list-style-type: none"> • There is no information provided as to how the Council will liaise with infrastructure stakeholders to review the Regulation 123 List 	to the process of reviewing the Regulation 123 List
Comments by individuals and other bodies	<p>Developer Consortium</p> <ul style="list-style-type: none"> • Further clarity is required in the Regulation 123 List relating to transport, green infrastructure and education • Challenge whether economic development, adult care and utilities should be included on Regulation 123 List <p>Gascoyne Cecil</p> <ul style="list-style-type: none"> • Maximum benefit can only be accrued if a long-term vision is in place to which CIL funding can be allocated 	