

Selby District Council



Agenda

Meeting: **Executive**
Date: **5 June 2014**
Time: **4pm**
Venue: **Committee Room**
To: Councillor Mark Crane, Councillor Mrs Gillian Ivey, Councillor Cliff Lunn, Councillor John Mackman and Councillor Chris Metcalfe

1. Apologies for absence

2. Minutes

The Executive is asked to approve the minutes of the meeting held on 3 April 2014. Pages 1 to 5 attached.

3. Disclosures of Interest

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

4. Start times of meetings.

The Executive is asked to agree the start time of its meetings for the 2014/15 municipal year.

5. Housing Development Strategy Phase 1 progress report

Report E/14/1 provides the Executive an update on Housing Development Strategy Phase 1 sites. Pages 6 to 10 attached.

6. Housing development at Landing Lane, Riccall – outline business case

Report E/14/2 provides the outline business case for the development of affordable housing on the SDC garage site at Landing Lane, Riccall. Pages 11 to 22 attached.

7. Information Governance – Arrangements and Policies

Report E/14/3 asks the Executive to approve the Information Charter, ICT Acceptable Use Policy, the Information Risk Management Policy and the Data Protection Breach Policy. Pages 23 to 55 attached.

8. Five year Housing Land Supply

Report E/14/4 updates Executive on the monitoring position and timetable for the 5 year housing land supply 2014. Pages 56 to 64 attached.

9. Community Infrastructure Levy Update

Report E/14/5 provides the Executive with details of the Community Infrastructure Levy progress. Pages 65 to 140 attached.

10. Car Park Fees and Charges

Report E/14/6 asks the Executive to consider the latest information of Selby District's car parks. Pages 141 to 164 attached.

11. Executive Representation on Outside Bodies

Report E/14/7 asks the Executive to consider its appointment to Outside Bodies for 2014/15. Pages 165 to 167 attached.

**Mary Weastell
Chief Executive**

Executive
5 June 2014

Dates of next meetings
17 June 2014 - Executive Briefing
3 July 2014 Executive

Enquiries relating to this agenda, please contact Glenn Shelley on:

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Selby District Council



Minutes

Executive

Venue:	Committee Room, Civic Centre, Selby
Date:	3 April 2014
Present:	Councillor M Crane (Chair), Mrs G Ivey, C Lunn, J Mackman and C Metcalfe.
Officers present:	Chief Executive, Deputy Chief Executive, Director – Community Services, Solicitor to the Council, Business Manager (ES), and Democratic Services Officer.
Also Present:	Councillor J Crawford
Public:	25
Press:	0

NOTE: Only minute numbers 96, 97, 98, 99 and 100 are subject to call-in arrangements. The deadline for call-in is 5pm on the 15th of April 2014. Decisions not called in may be implemented on the 16th of April 2014.

92. Apologies for Absence

None were received.

93. Minutes

The minutes of the meeting on 6 March 2014 were submitted and agreed as a correct record and signed by the Chair.

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94. Disclosure of Interest

Councillor J Mackman declared that he had registered as an “other interest” his role on the Selby and District Housing Trust. He stayed in the room during the consideration but did not vote on minute number 100 (Retail Development at 43 Kirkgate, Tadcaster).

95. Selby Skate Park Petition

A number of skate park users formally presented a petition for the Selby Skate Park. The petitioners outlined details of the ‘Save our Skate Park’ campaign and circulated a document to the Executive which outlined the benefits of having a Skate Park for Selby.

Councillor M Crane stated that it was recognised that the petitioners represented a number of people who wished to have a skate park in Selby and confirmed that there would be a skate park in Selby once the Leisure Centre had been completed, however the type, style, design and whether the facility would be indoors or outdoors or both remained to be determined and the Council would welcome an opportunity to involve the petitioners or their representatives in the design process.

Resolved:

To receive the petition

Reason for the decision:

In compliance with the Council’s Procedure rules on petitions.

96. Provision of Traveller Sites in the District - Position Statement

The Business Manager presented the report which provided a position statement and the options available to the Council in drawing down the HCA grant offer towards the provision of traveller pitches. The Business Manger explained that a planning application for traveller pitches at Burn Airfield had been refused and the authority had decided to look for another site. It was explained that the HCA had set a deadline for the Council to confirm, by the end of April 2014 that it could deliver a site by March 2015. It was explained why this deadline could not be met.

The Chair allowed Juliette Atkinson, Parish Councillor for Hensall Parish Council to speak in relation to the potential of Hazel Old Lane, Hensall to be a possible location for the development of a Gypsy and Traveller site. Ms Atkinson raised queries concerning the consultation process, the exact location of the site, land contamination and concerns that a decision might be rushed to meet the deadline.

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Councillor M Crane explained that before any application was considered by Planning Committee, the Parish Council and local residents would be notified and given an opportunity to provide any comments, they would also have every opportunity to respond as part of any planning process. The report was seeking a decision on further feasibility works on potential sites in order to enable subsequent consultation and communication to take place before any decisions were taken. In addition, detailed investigations around the suitability of the site, including issues of potential contamination would take place.

Concerns were raised over whether the landowner had given permission for the site to be listed as a possible site for Gypsy and Traveller development. It was stated that this needed to be clarified. Councillor M Crane concluded by saying that the Council had a duty under legislation to provide for the needs of Gypsy and Travellers in the district. Whichever site was chosen was likely to be opposed. However, if the need was not addressed planning permission would be easier to obtain in otherwise unsuitable locations.

Resolved:

- i. To note the report**
- ii. To inform the HCA that the Council is not in a position to confirm that a traveller and gypsy site is deliverable by March 2015 and as a result the conditions of the grant offer can't be met.**
- iii. To investigate and carry out public consultation on the potential of any sites outside the Sites and Policies Plan (SaPP) process.**
- iv. To continue to seek sites through the Sites and Policies Plan and if and when a site has received planning permission explore alternative funding packages.**
- v. To clarify whether the landowner for the site at Hazel Old Lane, Hensall was willing to have the site considered for development as a possible Gypsy and Traveller site.**

Reasons for the decision:

To identify a scheme to deliver a 5 year supply of pitches.

97. Access Selby Service Level Agreement

The Director of Community Services presented the report on a revised Service Level Agreement (SLA) with Access Selby. It was clarified that paragraph 17.2 should be deleted from the report.

Clarification was sought over SLA_019 and whether this referred to council tax debt recovered within the financial year, also SLA016 regarding the number of high risk enforcement issues.

A number of proposals were made to stretch the proposed performance targets and it was suggested that the feasibility of the proposed changes should be discussed with Access Selby before the SLA was finalised.

Resolved:

To give delegated authority to the Leader of the Council to finalise the SLA following further discussions with Access Selby on the clarification of the above targets.

Reason for the decision:

To have an extended SLA in place for 2014/15.

98. Housing Support Service – ‘Assisted Living’ Equipment Procurement

Councillor C Lunn presented the report on the procurement options available to Access Selby from October 2014 and this sought the agreement to proceed with the outright purchase of new ‘Assisted Living’ equipment without a service contract.

Clarification was sought over call centre costs. It was explained that the call centre costs were outside of this procurement exercise and a contract for that had already been agreed with Ryecare.

Resolved:

- i. To endorse the decision to tender for the outright purchase of new ‘Assisted Living’ equipment without a service contract.**
- ii. To fund the purchase (up to £150,000) from the Access Selby Reserve.**

Reasons for the decision

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To allow officers to proceed with the procurement of new 'Assisted Living' equipment to ensure service continuity beyond October 2014.

99. New NNDR Reliefs

Councillor C Lunn presented the report on the policy which has been drawn up to cover the operation of the new retail reliefs.

Resolved:

- i. To endorse the new NNDR Reliefs Policy**
- ii To include charity within the remit of the policy.**

Reasons for the decision

To adopt a policy for the implementation of the retail reliefs

100. Retail Development at 43 Kirkgate, Tadcaster

Councillor C Metcalfe presented the report which sought the funds to develop the retail space at 43 Kirkgate, Tadcaster, this would subsequently be rented out as part of the Council's assets.

Resolved:

To agree the allocation of funds to enable the development of the ground floor of 43 Kirkgate, Tadcaster, to be marketed and let for the Council on an ongoing basis as retail space.

Reason for the decision:

The council has prioritised work to unlock the potential of Tadcaster as part of 'Tackling the Tough Stuff', one of the Five Big Things in the Corporate Plan 2011-15. Since then, retail, the provision of housing and improving the environment of our town centres have all been identified as major work streams in the council's Programme for Growth.

The meeting closed at 6:00pm

Executive
3 April 2014

Selby District Council

REPORT

Reference: E/14/1

Public – Item 5



To: The Executive
Date: 5 June 2014
Status: Key Decision
Report Published: 28 May 2014
Author: Eileen Scothern
Executive Member: Councillor Crane
Lead Officer: Karen Iveson

Title: Housing Development Strategy Phase 1 progress report

Summary:

After further investigation on the five Phase 1 sites including legal consideration, housing mix of existing housing stock, potential demand and from experience gained in preparing business cases for the Tadcaster Pilots and Riccall Phase 1 site, this report provides an update on Housing Development Strategy Phase 1 sites.

Recommendations:

- i. **Riccall scheme to be progressed as a stand-alone site**
- ii. **Bundle Eggborough and Byram Phase 1 sites and explore additional sites in the locality**
- iii. **Bundle Sherburn and Tadcaster Phase 1 sites and explore additional sites in the locality**
- iv. **Progress with the Eggborough and Byram in year 1 and carry out detailed investigation on potential additional sites and defer Tadcaster and Sherburn package to year 2.**

Reasons for recommendation

To maximise the delivery of the objectives and targets set out in the Housing Development Strategy.

1.0 Introduction and background

- 1.1 The Council has adopted a Housing Development Strategy with the aim to deliver new build development to provide quality homes which meet modern standards.
- 1.2 In terms of location for new affordable development, the Council has prioritised a number of sites, land and garage blocks in its ownership, and in doing so has considered current usage, the current condition and repair requirements, and any adjacent opportunities such as small pockets of land.
- 1.3 A list of potential sites, most in the council's ownership, has been drawn up for appraisal. The initial prioritisation of the sites to be progressed was agreed at Council in 2013.

2.0 The Report

- 2.1 Council on 23 September 2013 agreed first 5 sites to take forward to feasibility/outline business case to deliver a total of 25 units at
 - East Acres, Byram
 - Site 3 Westfield Avenue, Eggborough
 - Landing Lane, Riccall
 - Highfield Villas, Sherburn
 - Austerbank View, Tadcaster
- 2.2 Since Council in September last year, each site has been subject to detailed investigation, which has confirmed all have development potential. However, as evidenced by the Riccall report, due to the small scale and complexity of the of SDC garage sites they are expensive to develop. If affordable homes are to be maximised, the majority will require a subsidy either from HCA or through S106 commuted sums or an element of market housing. To introduce cross subsidy or to minimise the grant/subsidy required, officers have explored whether spreading the sites across the District is the most cost effective approach or whether bundling developments together would achieve better economies of scale for both HRA and the Housing Trust. This report considers the options and recommends where possible the bundling of sites in close proximity, for development.
- 2.3 Current investigations show that on the sites identified, only 16 -18 units can be achieved rather than the previously predicted 25 units. This report looks at whether this bundling approach and the inclusion of other SDC sites in the locality can achieve the annual target of 25 units.
- 2.4 In preparing the financial business cases for the two pilot schemes in Tadcaster and the Riccall Phase 1 Garage site, rising construction costs and labour costs at a rate higher than rental levels means that to achieve

even greater efficiency we are seeking to reduce contractor overheads by bundling sites more closely together. The Council do not own any other sites in Riccall therefore a business case has been developed as a stand-alone proposal and is subject to a separate report on this agenda. In the other villages there are additional Council owned sites worth considering.

- 2.5 In Byram, there is a potential of adding an additional garage site and bringing forward the reconfiguration/redevelopment of hard to let accommodation at Woodlea/Byram Park Road. Depending on the final option there might be no net increase of units but development could provide either the HRA or Housing Trust with a stock which is more suited to current needs/demand and easier to let, with lower turnover and void costs. The hard to let bedsits business case will require extensive consultation and is more complex than the garage sites. However, in delivering homes that are required it is suggested the Byram sites are included in Year 1 but with the potential of decoupling if the Woodlea/Byram Park Road site consultation increases the risks of non-delivery at Eggborough and East Acres. Overall it is envisaged 9 units can be provided in Byram on two sites.
- 2.6 In Eggborough there are 4 garage sites in the Westfield Estate and the maximum each site can accommodate is 5 units, although there is pressure by ward councillors for at least 2 sites to be retained for Residents' car parking purposes. One site, whilst not impossible to develop would be more difficult and could be retained for off street car parking, the other 3 sites are more suitable for residential development and a steer is required on the balance of affordable housing and off street parking provision. As part of the Asset Management Strategy, officers will be exploring the increasing demand for parking provision in Council estates and potential solutions. Eggborough Parish Council is currently opposed to affordable housing and further consultation will be required with the Parish Council and the local residents before the outline business cases can be submitted to the Executive. The 2009 Strategic Housing Market assessment identified an annual need of 48 dwellings in the Southern area of the district and the Council currently has 78 individuals/families on Choice Based Letting database identifying Eggborough as a preferred location. The sites are potentially developable and it is therefore recommended that the Eggborough sites are considered further. Assuming at least three out of the four garage sites are developed, up to 15 units could be delivered.
- 2.7 Sherburn ward councillors are supportive in principle of affordable housing at Highfield Villas and 1 councillor has suggested that a parcel of area adjoining green could be used (subject to this area being

gardens) to increase the number of units to accommodate 5 – 10 units (depending on whether bungalows/houses or flats). In addition there is the potential of including 2-3 additional sites within the settlement providing a further 4 -10 units. This investigation work is at a preliminary stage and therefore, it is recommended that sites in Sherburn are deferred to year 2, however the indications are up to 14 units may be provided over 4 sites.

- 2.8 At Tadcaster, in addition to the Phase 1 site, land adjacent to Edgerton Lodge has been identified by the Tough Stuff Board as suitable for affordable housing and capable of delivering 5 additional units. However, as part of the Asset Management Review, an assessment of whether the building is required and fit for purpose as homeless accommodation is due to be completed by the end of 2014. The findings of the review may change the potential mix of any development and therefore it is recommended the Tadcaster sites are deferred to year 2, however the initial indication is 7 units over 2 sites might be possible.

3.0 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The title searches on the Phase 1 sites have been requested and results might impact the number of units that can be accommodated on the sites. If the packaging of sites as set out in this report is supported, request for title searches will be made and a report including outline business cases will be brought back to the Executive on whether the sites can provide the additional units required.

3.2 Financial Issues

- 3.2.1 The Riccall scheme has identified that providing affordable homes on brownfield backland requires a grant of approximately £6 – 25.6 K per unit depending on the preferred option. As construction prices are increasing at a higher rate than the rental potential, the funding shortfall will continue to increase. By bundling sites in close proximity the Council may receive a more competitive package and reduce the levels grant/subsidy required and/or the numbers of properties which may need to be sold to provide a cross-subsidy.
- 3.2.2 Potentially bidding for HCA funding for the levels of subsidy shown as being required by the Riccall scheme is realistic, as under the previous affordable housing programme (AHP) (2011 – 2015) the average subsidy per unit ranged from £22k to £28k (excluding rural premium) and which allowed cross subsidy from S106 contributions. The new AHP (2015-2018) does not permit cross-subsidy from S106 properties/schemes/funding and so it is possible that the average subsidy per unit may increase. Packaging sites in close proximity will not eliminate the high costs of developing small, tight sites with

affordable units completely. Such packaging however may make them more attractive to developers and reduce the subsidy/grant sought from the HCA or S106 commuted sum contribution.

4.0 Risk Management

- a. Ensuring value for money on small brown field developments will be an on-going challenge and procurement will be an important part of the process. The Council and the Housing Trust are looking at achieving a cheaper build cost price by procuring a single developer or using a 'framework' approach for the next five years.
- b. The packaging of sites may create a delay in delivery as all the preparation work on all sites will need to be completed prior to procurement. Monitoring of progress will take place and if necessary decoupling will be presented to the Executive as part of the potential risk in the outline business case for the schemes and any mitigation action required as part of the programme.
- c. No investigations have been undertaken on the potential additional sites in Sherburn and Tadcaster and this work might discount the sites for affordable housing.
- d. The costs of developing the majority of the garage sites will require either a grant/subsidy or a bid for funding from commuted sums, to minimise the risk of the sites not providing value for money it is recommended that the sites are packaged into appropriate bundles.
- e. Conflicting opinions and requirements – schemes will be based upon evidence of need. Where possible we will seek to address and/or respond to the concerns expressed by the residents and elected members.

5.0 Conclusion

- 5.1 Detailed site investigations have indicated that Phase 1 sites will provide between 16 - 18 units, looking at the options that minimise costs. It is envisaged through bundling both packages could deliver up to 21 units each.

Contact Officer:

Eileen Scothern
Business Manager
Selby District Council

Selby District Council

REPORT

Reference: E/14/2

Public - Item 6



To: The Executive
Date: 5 June 2014
Status: Public
Report Published: 28 May 2014
Author: Sally Rawlings, Housing Development Manager
Executive Member: Cllr Mark Crane
Lead Officer: Karen Iveson, Executive Director

Title: Housing development at Landing Lane, Riccall – outline business case

Summary:

This report provides the outline business case for the development of affordable housing on the SDC garage site at Landing Lane, Riccall.

Recommendations:

It is recommended that:

- i. **Subject to the preferred option to be determined by the Executive, the Council make an offer to Selby & District Housing Trust (SDHT) for the development of the garage site at Landing Lane, Riccall for general needs housing;**
- ii. **The Executive agree in principle to the transfer of the freehold of the garage site at Landing Lane, Riccall from the Council to SDHT within the Assets Transfer Policy – approval of the transfer, including the value, being delegated to the s151 Officer in consultation with the Lead Member for Resources and the Solicitor to the Council;**
- iii. **Subject to recommendation i, the Executive agree in principle to the transfer of the freehold of the site at less than market value provided that the development begins not less than three years after the transfer (this can be extended); the local authority are not, under any agreement or other arrangement made on or**

before disposal, entitled to manage or maintain any of the housing accommodation to be developed on that land.

- iv. Subject to the acceptance of the development offer and confirmation of the capital cost, the Executive approve a loan to SDHT to purchase the freehold interest in the garage site at Landing Lane, with agreement on the final sum and terms being delegated to the s151 Officer in consultation with the Lead member for Resources and the Solicitor to the Council.**

Reasons for recommendations

- To increase the provision of general needs affordable housing in Selby District Council area (as identified in the evidence supporting the Core Strategy) - and in particular in Riccall.
- To maximise the use of an under-utilised site.

1. Introduction and background

Landing Lane, Riccall

- 1.1 The Council own the garage site at Landing Lane Riccall which was approved to be brought forward in Phase 1 of the Housing Development programme by Council at their meeting of 13 September 2013.
- 1.2 The site houses 18 garages of which 11 are currently in use. The site also comprises grassed open space which is currently used as a turning circle. Overall, the site area is approximately 1048m², as detailed in the plan in appendix 1.
- 1.3 The access to the site is not wide enough to become adopted highway, so this limits the number of dwellings which can be developed on the site to a maximum of five, to comply with highways policy requirement for access off a 'private drive'.

2. The Report

Housing Needs

- 2.1 The SHMA and the Core Strategy identify that 5.5% of the district's affordable need is in the North East sub-area. The SHMA 2009 concluded that a variety of affordable housing should be provided, with particular emphasis on delivering affordable housing for general needs.
- 2.2 The data available from HomeChoice shows that there are 120 bidders who expressed their first preference for Riccall and Escrick. Of these 74% are aged between 18 and 59 years, and so are eligible for general needs housing.

- 2.3 This data also shows that 52.5% of households are looking for a minimum of 1 bedroom properties, 32% are looking for a minimum of 2 bedroom properties and 15.5% are looking for a minimum of 3 bedroom properties (and over).
- 2.4 Whilst there is a clear majority of those on the lists for Riccall and Escrick preferring a single bed-roomed property past experience has shown that over the longer term, single bed-roomed properties become 'hard to let' in rural areas. This may well be different going forward due to the spare room subsidy, however there is a risk that this policy may be subject to change and if single roomed properties were to be built they may need redevelopment prior to the end of their useful life.
- 2.5 Bearing in mind the above results and the Council's remaining stock in Riccall (23 x 3 bed houses; 6 x 2 bed houses and 24 x 2 bed bungalows), it is proposed to further develop the feasibility for building the following properties on the site:
- **5 x 2 bed houses**

Consultation

- 2.6 Local consultation about the use of the site for affordable housing, the type of affordable housing which might be located on the site and its impact is currently underway. This consultation has included the Ward Councillors and the Parish Council (at their meeting on 28 April 2014). It is also intended to undertake a consultation with the local residents (Viking Drive and Chestnut Close).
- 2.7 Key issues raised include site lines, over development; retention of existing vehicular accesses to properties in Chestnut Close and car-parking for residents who currently use the garage site. These issues will be responded to as part of the consultation process.
- 2.8 The Parish Council have expressed an interest in having some bungalows on the site. This could be justified as 20 households aged over 60 are on the list for this location, however the data also shows that there is a greater need for general needs housing than bungalows.
- 2.9 Other impacts of the proposed scheme include a positive impact on the levels of affordable housing available in Riccall; a neutral impact on equality and diversity and a neutral impact on the environment as this is a brownfield site. Financial impacts are covered in paragraph 3 below.

Options

- 2.10 Three options for the development of this site for affordable housing are presented (based upon the latest HCA space standards):
- a) Disposal of the site to SDHT for the development of five 2b/4p houses for affordable rent - at 77m² each;

- b) Disposal of the site to SDHT for the development of three 2b/4p houses for affordable rent and two 2b/4p houses for sale at 77m² each;
 - c) Disposal of the site to SDHT for the development of four 2b/4p houses for affordable rent and one 2b/4p house for sale at 77m² each.
- 2.11 Option a) has the benefit of providing the maximum number of homes for affordable rent on the site. The disadvantage is that subsidy is required in order for the scheme to break even (see paragraph 3.10).
- 2.12 Option b) has the benefit of requiring the lowest level of subsidy (see paragraph 3.11), but provides the lowest level of housing for affordable rent (i.e. 60%).
- 2.13 Option c) provides a higher level of housing for affordable rent with some cross-subsidy from selling a property, at the lowest land value – thus meaning that the levels of public subsidy required for the scheme are at a relatively low level (see paragraph 3.12).
- 2.14 As all three options require an element of subsidy in addition to the loan being taken out and the cross-subsidy achieved from any houses for sale on the site, the Council could also consider the disposal of the site at less than market value to SDHT.
- 2.15 If the offer is made (and accepted) with a funding gap and SDHT need to bid for funding to the Homes and Communities Agency (HCA) for subsidy (or alternative funders), then in addition to the actual funding risk, there is also some risk to timescales with regard to the bidding process and potentially the Trust becoming a registered provider.
- 2.16 However, in the case of HCA funding, ‘continuous market engagement’ bidding process is likely to open in September 2014 and bids will be considered on a monthly basis and will take about six weeks to process, which means that the bidding process itself should not add to the required timescales.
- 2.17 SDHT is in the process of completing its application for registered provider status with the HCA and whilst this cannot be guaranteed at this stage, the lead in time for this project should provide sufficient scope to complete the registration process before funding needs to be drawn down.

3. Legal/Financial Controls and other Policy matters

Legal Issues

- 3.1 The ownership of the site is with the Council although not all of the site has been registered with the Land Registry. This is in the process of being rectified.

- 3.2 Several of the adjacent properties have created accesses from the garage site for either pedestrians or vehicles – or both. Following consultation with the Highways Authority, it is understood that as the proposed use of the site for five new dwellings with existing four properties which also use the access is less than the current use of the access to service 18 garages, this would be deemed to be acceptable on the existing access.
- 3.3 Two of the adjacent properties have created pedestrian accesses which, if they remain in place, will negatively impact on the potential layout of the scheme. Again, work is in progress to determine whether these are legitimate or not. If not, then notice will be served on the residents (both of which are Council owned) to prevent the accesses from being further used.
- 3.4 Not all of the access to the site is shown as being in the Council's ownership. A strip across the junction of the access with Landing Lane is outside the Council's title, as is the pavement to the rear of Chestnut Terrace. It is probable that these have been adopted by the Highways Authority and hence will not pose a problem. This is also being investigated.
- 3.5 If the site is to be disposed of at less than market value the consent of the Secretary of State is required. The Secretary of State has issued some general consents which are subject to certain terms and conditions. If the disposal is within those terms and conditions then no application for a specific consent is required. It is possible to dispose of the site at less than market value under General Consent AA – the general consent under section 25 of the Local Government Act 1988. This consent was revised in April 2014 to provide additional flexibilities to councils who wish to dispose of their assets for new housing to any body or organisation excluding wholly or partly owned local authority organisations.
- 3.6 This consent (which is applicable in this report) is deemed to have been given by the Secretary of State provided that the benefit is for the development of the land as housing accommodation/facilities to benefit mainly the occupiers of housing accommodation, provided that the disposal is by transfer of the freehold or a lease for the minimum of 99 years; the development begins not less than three years after the transfer (this can be extended); the local authority are not, under any agreement or other arrangement made on or before disposal, entitled to manage or maintain any of the housing accommodation to be developed on that land.

Financial Issues

- 3.7 Impact of loss of garages
- 3.7.1 SDC garages generate a net annual rental of £355.20 per year per garage. Across the district, 349 garages are let out of a district wide total of 393 – at a rate of 70%. The letting rate for

the 18 Riccall garages is 61% - slightly lower than the district average.

3.7.2 The loss to the housing revenue account would be £6,400 per year if they were fully let. Currently only £3,907 per year is being received. The condition of the Council's garage stock is being reviewed as part of the wider stock condition survey later on this summer and the impact of the loss of garage sites will be factored into the revised HRA Business Plan.

3.7.3 The number of displaced garage tenants may increase the car-parking requirement locally, and this provision will also be assessed as part of the wider asset management strategy review.

3.8 Increases in construction and finance costs are negatively impacting on the financial viability of this scheme (and are likely to negatively impact on the remaining Phase 1 garage site schemes), hence the consideration of selling properties and/or bidding for funding to fund this scheme. Any cash subsidy from the Council would need to be funded by the Programme for Growth.

3.9 Following investigations into the housing market in Riccall the best return on a property for sale will come from a 2 bedroom home. This should achieve a value of approximately £156k (net of sales fees).

Outline Business Case - Financial summary

3.10 Option a)

Build five properties for affordable rent with the expectation that SDHT will bid for subsidy from the Homes and Communities Agency (HCA).
Five 2b/4p houses for affordable rent at 77m² each.

Freehold purchase	£36,000
Capital works (inc. demolition and fees)	£580,486
Contingency	£35,574
Capitalised interest	£17,729
<i>Sub-total</i>	<i>£669,789</i>
Less subsidy required	£128,000
Loan required	£541,789
Net receipt to SDC	£nil

1. Cost estimates subject to tender

2. Assumed rental value per unit = £126.11 per week (80% of market rent)

3. Assumed value of property for sale = £156,000 each (as at May 2014)

4. Assumed land value is at market value (If land value was nil then the required subsidy would be £92,000)

3.11 Option b)

Sell two 2b x 4p properties to subsidise three 2b/4p affordable rented properties at 77m².

Freehold purchase	£21,600
Capital works (inc. demolition and fees)	£348,291
Contingency	£21,344
Capitalised interest	£10,638
<i>Sub-total</i>	<i>£401,873</i>
Net sale income from 2 units	£46,638
Net cost of build	£355,235
Subsidy required	£30,150
Loan funding required	£325,085
Net receipt to SDC	£nil

1. Cost estimates subject to tender
2. Assumed rental value per unit = £126.11 per week (80% of market rent)
3. Assumed value of property for sale = £156,000 (as at May 2014)
4. Assumed land value is at market value (If land value was nil then the required subsidy would be £nil and a net receipt of £14,538 would be generated for SDC)

3.12 Option c)

Sell one 2b x 4p property to subsidise four 2b x 4p properties for affordable rent at 77m² each.

Freehold purchase	£28,800
Capital works (inc. demolition and fees)	£464,388
Contingency	£28,459
Capitalised interest	£14,184
<i>Sub-total</i>	<i>£535,831</i>
Net sale income from 1 unit	£27,819
Net cost of build	£508,012
Subsidy required	£74,570
Loan funding required	£433,442

1. Cost estimates subject to tender
2. Assumed rental value per unit = £126.11 per week (80% of market rent)
3. Assumed value of property for sale = £156,000 (as at May 2014)
4. Assumed land value is at market value (If land value was nil then the required subsidy would be £38,565)

3.13 A construction costs benchmarking exercise has been undertaken and the results have been evaluated confirming that, whilst the SDC feasibility costings have been cautious, they have been consistent with those provided by organisation A (a construction cost management firm) and organisation B (a local authority building new homes to add to

their housing stock) with a maximum overall variation of 1.2% between all three organisations for the estimated costs.

- 3.14 The District Valuer has valued the site on the basis of each of the three options listed above. The total value given for options a) and c) is £36,000 which is the current use value of the site as the garages provide an income. The value given for option b) is £45,000. This is higher than options a) and c) as the sale of two houses is deemed to provide an element of profit whereas the sale of one property is not deemed to provide any element of profit.
- 3.15 As this is an outline business case being undertaken at feasibility stage, the financial model has assumed estimated costs within the benchmark of a 5.54% internal rate of return (IRR) over 30 years. The loan interest rate has been estimated at the current PWLB annuity rate plus 1% giving an interest rate of 5.04%. The actual terms of the loan will be subject to confirmation following acceptance of the offer by SDHT and officer endorsement of SDHT's detailed business case, and the agreed contract sum. All of the options meet the Council's viability output tests (see Appendix 2) although option b shows a marginal negative Net Present Value (i.e. -£3.06) but this is not significant.

4. Conclusion

- 4.1 This scheme (along with most of these 'garage schemes') has viability issues which can be resolved in several different ways. This report provides business cases for three options – all of which are achievable with differing elements of subsidy.
- 4.2 Should the Executive wish to make SDHT an offer with no requirement of cash subsidy then option b, with the land being transferred at less than market value would provide for 3 affordable homes for rent subsidised by 2 market sales.
- 4.3 Alternatively the Executive could make an offer to include the land at market value with either the required subsidy being met by the Council (from the Programme for Growth) or with an expectation of HCA subsidy, which could in turn increase the number of affordable homes delivered.

5. Background Documents

Report to Council dated 13 September 2013

Contact Details: Sally Rawlings
Housing Development Manager
01757 292237

Appendices:

- Appendix 1 Site Location
Appendix 2 Financial Appraisal summary

Appendix 1

Site Location



Garages located at Landing Lane, Riccall

1:1,250

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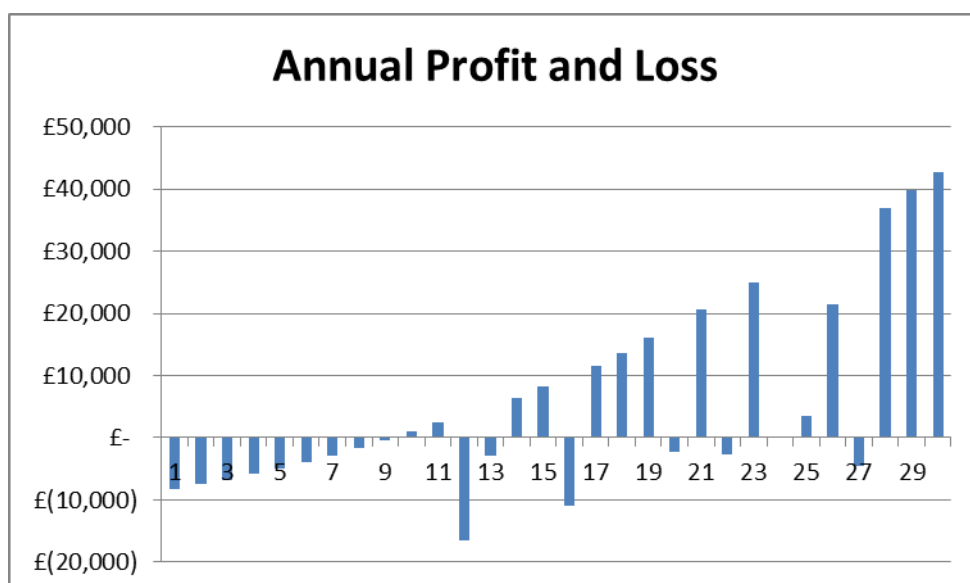
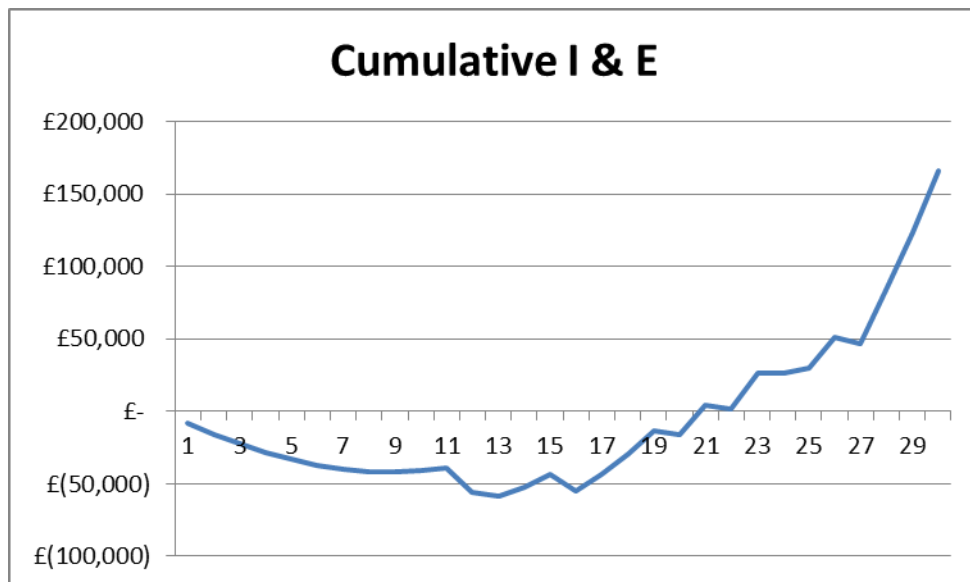


Appendix 2

Financial appraisal summary – option a)

Five 2b/4p houses for affordable rent at 77m²

	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	£15.99	0	Output>Benchmark	PASS
60 Year Net Present Value (£)	£309,717.80	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	5.54%	5.54%	Output>Benchmark	PASS
60 Year IRR%	7.76%	5.54%	Output>Benchmark	PASS

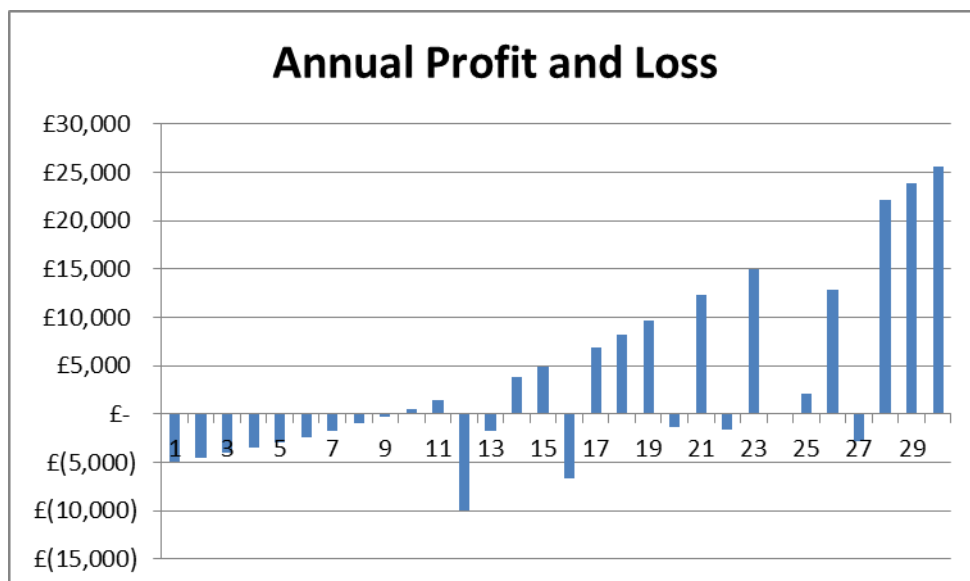
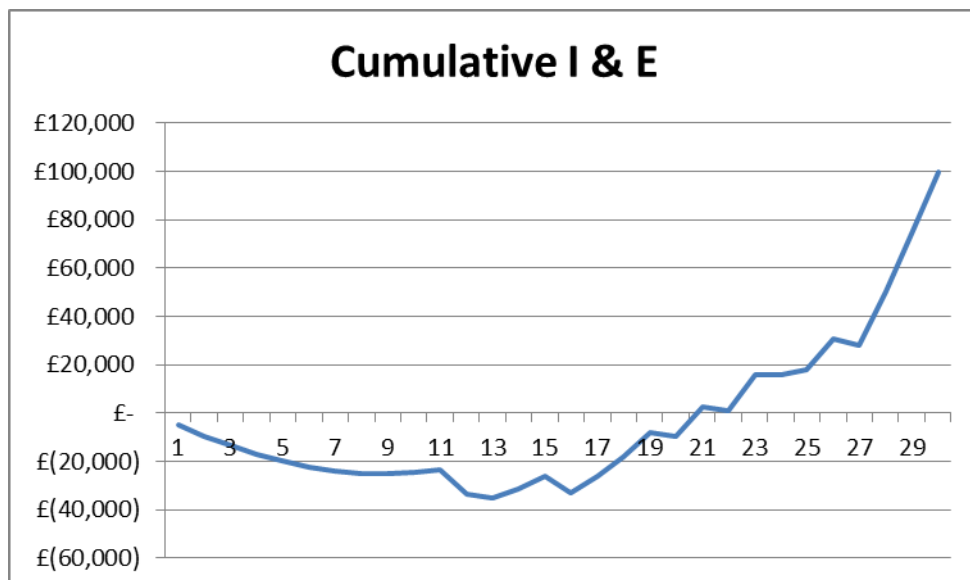


Appendix 2

Financial appraisal summary – option b)

Three 2b/4p houses for affordable rent and two 2b/4p houses for sale – all at 77m²

	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	-£3.06	0	Output>Benchmark	FAIL
60 Year Net Present Value (£)	£187,116.60	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	5.54%	5.54%	Output>Benchmark	PASS
60 Year IRR%	7.77%	5.54%	Output>Benchmark	PASS

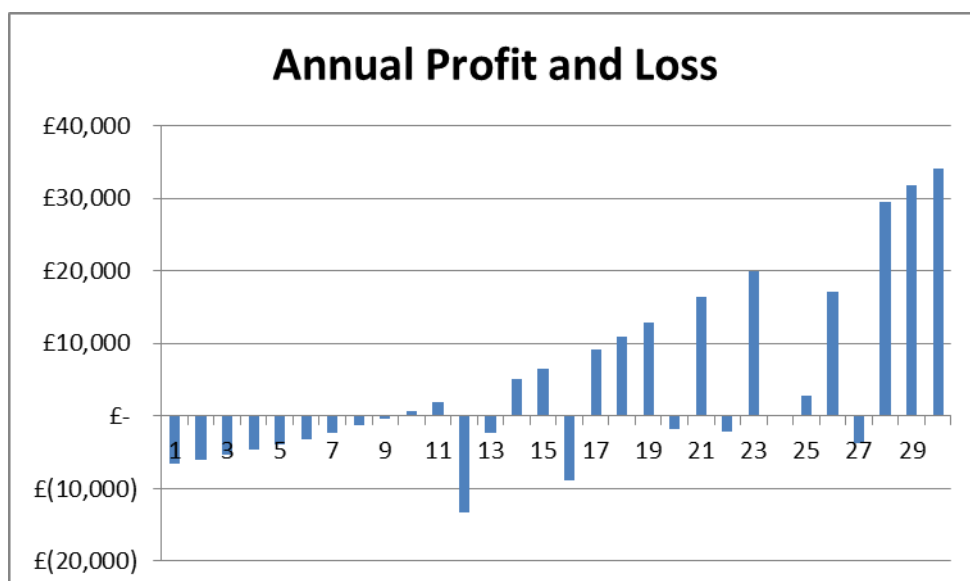
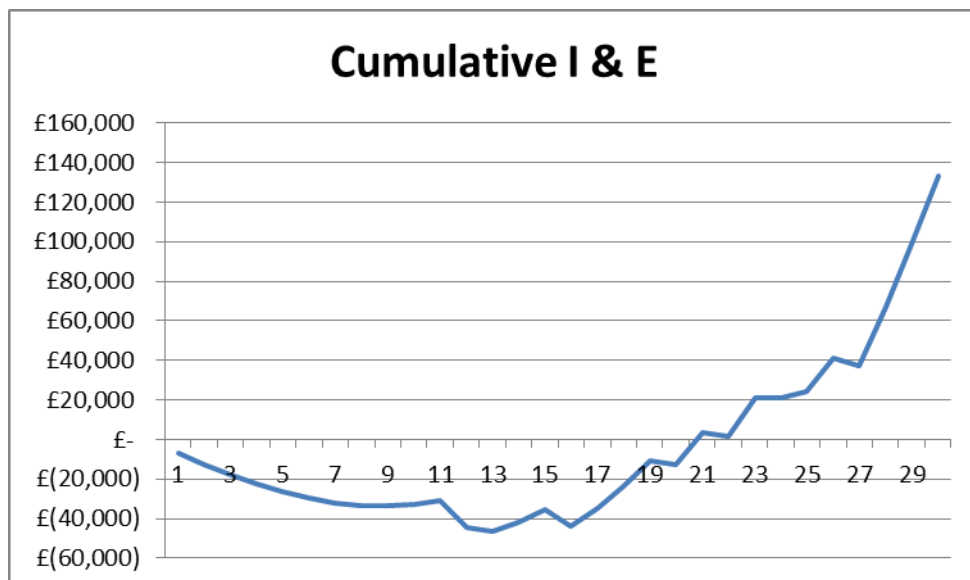


Appendix 2

Financial appraisal summary – option c)

Four 2b/4p houses for affordable rent and one 2b/4p house for sale – all at 77m²

	Output	Benchmark	Test	Pass/Fail
30 Year Net Present Value (£)	£1.29	0	Output>Benchmark	PASS
60 Year Net Present Value (£)	£249,494.18	0	Output>Benchmark	PASS
Payback Year	30	30	Output<Benchmark	PASS
30 Year IRR%	5.54%	5.54%	Output>Benchmark	PASS
60 Year IRR%	7.77%	5.54%	Output>Benchmark	PASS



Selby District Council

REPORT

Reference: E/14/3

Public – Item 7



To: The Executive
Date: 5th June 2014
Status: Non-key decision
Report Published: 28 May 2014
Author: Michelle Dinsdale - Policy Officer
Executive Member: Cllr C Lunn – Lead Member for Finance and Resources
Lead Officer: Karen Iveson – Executive Director (and s151)

Title: Information Governance Framework (IGF)

Summary: This report provides information relating to the IGF - the overriding objective of which is to keep the Council's information safe. The policies within the framework include the Information Charter, the ICT Acceptable Use Policy, the Information Risk Management Policy, the Data Protection Breach Policy and the Document Retention Policy. This report seeks the approval of these policies (with the exception of the Document Retention Policy, which was approved by the Executive on 9th January 2014). It also seeks the approval of the appointment of specific roles, in line with best practice, of a Senior Information Risk Officer (SIRO) and Information Asset Owners (IAOs). The implementation of the IGF will ensure consistency across the Council, establish a culture of individual responsibility and ensure that the Council is able to deliver its legal requirements relating to information governance.

Recommendations:

- i. **Approve the Information Charter, ICT Acceptable Use Policy, the Information Risk Management Policy and the Data Protection Breach Policy**
- ii. **Approve the appointment of the Executive Director - Section 151 Officer to the role of SIRO**
- iii. **Approve the appointment of Lead Officers and relevant senior managers to the role of IAOs**

Reasons for Recommendations

- i. To ensure that there is a robust framework relating to the obtaining, recording, housing, using, sharing and destruction of all data records held or used by the Council. To ensure that relevant and accurate information is available where and when it is needed to improve service delivery to customer. To ensure that measures are in place to prevent/reduce the occurrence of breaches in information security.
- ii. The appointment of these roles will ensure compliance with best practice and assist the Council in its objective to keep the information it holds safe and secure.

1. Introduction and Background

- 1.1 Information is a vital asset for the Council, supporting both day to day operations and the effective management of services and resources. Information is also important in regard to improvements to service delivery and how the Council is able to respond to changing customer needs and demands. The Council is furthermore in a position of trust, holding on to personal and sensitive information from individuals. Therefore it is essential that all Council information is managed effectively within a robust governance framework.
- 1.2 Within recent years it has been increasingly recognised by many organisations, including local authorities, that there is a need to have robust data protection practices in place. This is not only to ensure that data is handled and processed to high standards to comply with the Data Protection Act and to deliver excellent services to customers, but to avoid significant monetary penalties which can be imposed if data breaches occur.
- 1.3 'Information governance' describes the approach within which accountability, standards, policies and procedures are developed, implemented and maintained to ensure that all types of information used by the Council are sourced, held and used appropriately, securely and legally.
- 1.4 Information governance is relevant to all staff and elected Members and it is essential that officers are aware of their responsibilities and that information governance and data security are embedded appropriately in the Council's culture.

2. The Report

2.1 The Framework

The IGF sets out the legal requirements which the Council is obliged to follow with regard to information governance and confirms the Council's commitment to these requirements.

A suite of policies have been developed which aim to provide staff and elected Members with a clear understanding of the importance of information governance, set out individual responsibilities, and detail how information should be managed appropriately. The most important responsibility for elected Members is to adhere to the ICT Acceptable Use Policy when accessing Selby District Council's information systems.

2.2 **Information Charter** (Appendix 1)

The Information Charter sets out the standards that anyone who has dealings with the Council, whether through correspondence, involvement in public policy consultations or for other reasons, can expect when the Council asks for or holds personal information and what is asked of the individual, to help ensure that the information held is up to date.

2.3 **ICT Acceptable Use Policy** (Appendix 2)

The Council is committed to ensuring its information and information processing systems are used in an appropriate manner. The ICT Acceptable Use Policy aims to promote the professional, ethical, lawful and productive use of the Council's information systems. It clearly defines unacceptable use and sets out users' responsibilities.

2.4 **Information Risk Management Policy** (Appendix 3)

The Information Risk Management Policy sets out the Council's commitment to the management of information risk. It also sets out what the Council's 'delivery partners' and third party suppliers should do to manage information risk. In doing so, this policy supports the Council's strategic aims and objectives and enables employees throughout the organisation to identify an acceptable level of risk and, when required, use the correct risk escalation process.

2.5 **Data Protection Breach Policy** (Appendix 4)

Principle 7 of the Data Protection Act 1998 states that organisations which process personal data must take 'appropriate technical and organisational measures against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data'.

The Council holds large amounts of personal and sensitive data and every care is taken to protect data and to avoid a data protection breach. In the unlikely event of data being lost or shared inappropriately, it is vital that appropriate action is taken to minimise any associated risk as soon as possible. The Data Protection Breach Policy sets out the procedure to be followed by all Council staff if a data protection breach takes place.

2.6 Roles and Responsibilities

In order to demonstrate the Council's high level commitment to information governance, as expected by the Information Commissioners Office (ICO), named officers will be appointed to the roles of Senior Information Risk Officer (SIRO) and Information Asset Owners (IAOs). It is recommended that the Executive Director - Section 151 Officer be appointed to the role SIRO, with assistance from designated Lead Officers from each service area, who will be appointed to the role of IAOs.

The SIRO is accountable for Information Governance, fosters a culture for protecting and using data, provides a focal point for managing information risks and incidents and is concerned with the management of all information assets.

The IAOs are responsible for the day-to-day use of information, which includes who has access to the information and risk management of their information. They are Lead Officers, other senior managers and the named officers from areas without a lead. They are also responsible for making sure their business areas, delivery partners and third party suppliers with whom they work, have in place the arrangements needed to implement and maintain an effective information risk management policy.

The SIRO will receive an annual report on the operation of the information governance framework. That report will be shared with and scrutinised by the Audit Committee.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

Information Governance is underpinned by a number of legislative requirements. Failure to adhere to these requirements could result in potential financial penalties, criminal prosecution and/or an inability to deliver key services. A failure to maintain personal and sensitive data securely and to manage it effectively can lead to breaches under the Data Protection Act 1998. Potentially, the Council could be fined up to £500,000 by the ICO if it was found to be in breach of the Data Protection Act 1998.

3.2 **Financial Issues**

There are no financial implications arising directly from this report.

4. **Conclusion**

The implementation of the IGF and the appointment of the SIRO and IAOs will ensure that the Council is able to deliver the requirements relating to information governance and that a culture of individual responsibility is established. It will ensure consistency across the organisation and enable the Council to comply with the relevant legislation in relation to information governance.

5. **Background Documents**

None

Contact Details - Michelle Dinsdale - Policy Officer
mdinsdale@selby.gov.uk

Appendices: Appendix 1 - Information Charter

Appendix 2 - ICT Acceptable Use Policy

Appendix 3 - Information Risk Management Policy

Appendix 4 - Data Protection Breach Policy



Information Charter

This Charter is for anyone who has dealings with Selby District Council whether through correspondence, involvement in public policy consultations or if for any other reason we hold personal information about you.

The Charter sets out the standards you can expect when we ask for or hold your personal information and what we ask of you, to help us keep information up to date.

Information Charter

We need to handle personal information about you so that we can provide better services for you. This is how we look after that information. When we ask you for personal information, we promise:

- to tell you why we need it;
- to ask only for what we need, and not to collect too much or irrelevant information;
- to protect it and make sure nobody has access to it who shouldn't;
- to let you know if we share it with other organisations to give you better services – and if you can say no;
- to make sure we don't keep it longer than necessary; and
- not to sell personal information about customers or citizens to commercial organisations.

In dealing with your personal information, we will also:

- value the personal information entrusted to us and make sure we respect that trust;
- abide by the law when it comes to handling personal information;
- consider the privacy risks when we are planning to use or hold personal information in new ways, such as when introducing new systems;
- provide training to staff who handle personal information and respond appropriately if personal information is not used or protected properly.

In return, we ask you to:

- give us accurate information; and
- tell us as soon as possible if there are any changes, such as a new address.



Selby District Council

ICT Acceptable Use Policy

May 2014

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1. Information Security within Selby District Council

Principles of Information Security:-

- Information is an asset. Like any other business asset it has a value and must be protected.
- The systems that enable us to store, process and communicate this information must also be protected.
- 'Information Systems' is the collective term for our information, and the systems we use to store, process and communicate it.
- The practice of protecting our information systems is known as 'Information Security'.

Selby District Council have implemented an Information Security Management System (ISMS) in order to manage and continually improve information security over time. The ISMS is sponsored and owned by the Management Teams of Selby District Council. It is maintained from day to day by the ICT Shared Services Manager.

2. General Principles

Things to know

- ① Information Security is every member of staff's responsibility.
- ① Our information systems are provided for business use.
- ① Use of any Council information system for personal reasons (including email and the web) is only permitted in accordance with the guidance in this policy.
- ① The Council reserves the right to monitor any aspect of its information systems in order to protect its lawful business interests. Information gathered from such monitoring may be used to instigate or support disciplinary proceedings.
- ① You should have no expectation of privacy when using the Council's information systems.
- ① Breach of this policy may result in disciplinary action. Depending on the severity of the breach, this may include:-
 - An informal warning from a manager
 - A formal verbal or written warning for misconduct
 - Dismissal for gross misconduct
 - Criminal proceedings
 - Civil proceedings to recover damages
- ① This policy refers in several places to things that "Others may find offensive". These include but are not limited to:-
 - Pornographic or sexually explicit material
 - Racist, sexist or homophobic material
 - Tasteless material (such as depiction of injury or animal cruelty)

Things to do

- ✔ Exercise care and common sense in your use of information systems.
- ✔ Report any security-related incident to your line manager and relevant Lead Officer in line with the Council's Data Protection Breach Policy.
- ✔ Refer to the glossary at the back if you need a definition of any term in this document.
- ✔ Leave all ICT related requests/incidents to be resolved by the ICT Shared Service Team.

Things not to do

- Do not do anything illegal
- Do not do anything that contravenes this policy
- Do not do anything that will harm the commercial interests, reputation or business objectives of Selby District Council.
- Do not use personal devices for storing or sending council information
- Purchase ICT hardware/software for work purposes without permission from the ICT Shared Services Team
- Do not agree to ICT maintenance or upgrades using third party suppliers without permission from the ICT Shared Services Team
- Do not attempt to relocate ICT equipment; this task must always be carried out by a member of the ICT team (5 days prior notice required).

3. Your Computer

Things to know

- “Your” computer is the property of Selby District Council and has been prepared by the ICT Shared Services Team for use on the Council’s networks.
- Data cannot be saved to a local drive (i.e. C: drive) on your laptop or desktop computer. Do not attempt to do this. Data saved to your desktop will not be backed up, and will be **lost** if your computer breaks, is stolen or is replaced. All data should be saved to a personal drive (P:) or shared drive (S:).
- The Council may at any time and without prior notice:-
 - Audit your computer to ensure compliance with policy
 - Require the return of your computer and any associated equipment

Things to do

- Lock your workstation (Ctrl+Alt+Del) when you are away from it.
- Save data to your personal (P:) drive where it will be automatically backed up for you.
- Ensure that files received from anywhere outside the Council are virus checked before you open them. This includes files on CD or USB drive. If in doubt, ask the ICT Shared Services Team to scan it for you.
- If you suspect that you may have a virus, leave your computer on, unplug the network cable and call the ICT Shared Services Team.
- Turn your PC and monitor off at night to save energy unless there is a specific reason to leave it on.
- Log any requests/issues with the ICT Service Desk via email, phone or the Self Service function (not verbally).

Things not to do

- Do not allow anyone else to use your computer while you are logged in. You will be held personally responsible for anything carried out under your username.
- Do not allow third parties to access your computer remotely.

- ❌ Never install software on your computer. This should only be done by the ICT Shared Services Team. Things that you should never attempt to install include but are not limited to:-
 - Screen savers
 - Games
 - iTunes or other music download software
 - MSN messenger, Yahoo messenger or other messaging software
 - Skype or other telephony software
 - Utilities that claim to remove spyware or viruses
 - News readers or ticker-tape services
- ❌ Do not disable or uninstall any of the software that is installed on your computer.
- ❌ Never connect devices you own to your Council computer. These include, but are not limited to:-
 - USB memory devices (also known as pen drives or memory sticks)
 - MP3 players (including iPods)
 - Mobile phones and cameras
- ❌ Do not play music CDs. These can sometimes install unwanted software on your computer.
- ❌ Do not use fax for transmitting personal data.

4. Portable Computers

Things to know

- ① You should read and understand this section even if you do not normally use a portable computer. You may need to do so at some point in the future.
- ① You are responsible for the care and safe storage of any computer equipment that has been issued to you.
- ① The term 'portable computer' covers any council-owned mobile computing device including:-
 - Laptops
 - Tablets (including iPads)
 - PDAs (also known as Pocket PCs, Palms)
 - Smartphones (including Blackberry devices)

Things to do

- ✅ Always consider the physical security of your portable computer:-

In an unlocked office	Secured with a cable or kept in a locked drawer
In the car	Concealed from view. Ideally in a locked boot or glove compartment
At home	Concealed from view. Ideally within a locked work area or a locked drawer
In a hotel	Concealed from view. Ideally locked in a suitcase
Travelling	Keep the computer on your person and out of sight at all times

- ✅ If you work at home, prepare your work area as follows :-
 - Where possible, set aside a lockable room for council use. Otherwise:-
 - Minimise and control interruptions from family and visitors
 - Ensure that your computer and papers are concealed from view when not in use
 - Ensure that your computer screen cannot be overlooked.

- Do not take paperwork away from the office unless it is absolutely essential.
- Ensure that any papers can be covered in the event of an interruption.

Things not to do

- Do not view sensitive information on the train, plane or in any public area. This provides an opportunity for onlookers.
- Do not allow family, friends or anybody else to use the computer.
- Do not leave portable computers in the car unless absolutely necessary.
- Do not use whilst driving unless you are using a compatible Bluetooth or hands-free device.

5. Your Password

Things to know

- You can change your password at any time (from the Ctrl+Alt+Del menu).
- If you need to grant shared access to files, a diary or email account, this can be arranged by the ICT Shared Services Team. You do not need to share passwords.
- The access rights associated with your user account may be changed or revoked should your employment change or become terminated.

Things to do

- Set a password or phrase. Make it as secure as you can by using some or all of the following techniques:-
 - Use two unrelated words or a short phrase
 - Include at least one number
 - Include at least one upper case character
 - Include at least one symbol
- Change your password if you suspect that someone else may know it.

Things not to do

- Do not use one of the 'top 5 predictable passwords':-
 - The name of a family member
 - The name of a pet
 - Your football team
 - A rude word
 - An item or brand name that you can see from your desk
- Do not disclose your password to anyone, even ICT staff.
- Do not use anyone else's password.

6. Email

Things to know

- Our email systems are provided for business use. Reasonable personal usage is permitted, and is defined later in this policy.

- ① The Council monitors all email to ensure compliance with policy.
- ① General email is not a secure method of communication. Once a message is sent you have no further control over who reads it.
- ① Email is admissible in court and carries the same weight as a letter on Council-headed paper.

Things to do

- ✔ Use the same care when drafting an email message as you would when writing a letter or memo on Council-headed paper.
- ✔ Make sure that your message is concise, relevant and sent only to the people that need to read it.
- ✔ Use the telephone or face to face conversation instead of email where this is possible and appropriate.
- ✔ Clear out old and unwanted messages from your Inbox/ Archives/Sent items and Deleted items.
- ✔ If emailing sensitive or confidential information to government bodies external to Selby District Council (e.g. the Police Force, NHS, government departments, and other district councils), you will need to set up a secure (GCSx) connection. You will need to ask the HR Lead Officer before getting set up.
- ✔ Always double check the recipient's address before sending.
- ✔ Use Bcc if you don't want to reveal address of others.
- ✔ Verify the identity of the person emailing before giving out personal information.

Things not to do

- ✘ Never supply banking or payment details in response to an email message. This is a well-known method of fraud. Your bank will never request security details by email.
- ✘ Do not send or forward anything that:-
 - Others may find offensive
 - May be defamatory (about an individual or organisation)
 - Is covered by a copyright
- ✘ Do not circulate non-work-related material. This includes, but is not limited to:-
 - Jokes
 - Chain letters
 - Virus warnings
 - Software
 - Music, pictures or video
- ✘ Do not disclose any information about a person that you would object to being disclosed about yourself.
- ✘ Never use email to rebuke, criticise or complain about somebody. You may say something that you regret, and the record will be permanent.

7. Web Access

Things to know

- ① Web access is provided for business use. Reasonable personal use is permitted, and is defined later in this policy.
- ① The Council monitors and records all web access to ensure compliance with policy.

- ① Access to certain web sites may be blocked in order to protect you and the organisation. This does not imply the suitability of sites that are not blocked. You must always use your discretion along with the guidance below when visiting web sites.

Things to do

- ✔ Inform the ICT Shared Services Team if access to a legitimate and business-related website is blocked.
- ✔ Inform the ICT Shared Services Team if you believe you have a virus or spyware infection on your computer. This is a routine occurrence; it does not indicate irresponsible browsing, and you will not be disciplined. Do not attempt to remedy the infection yourself.

Things not to do

- ✘ Do not view or download anything that others may find offensive.
- ✘ Do not download anything that is likely to be covered by copyright. This includes, but is not limited to:-
 - Music
 - Pictures
 - Software
- ✘ Do not visit the “high-risk” site categories shown below. Although their content appears to be free, it is often funded by installing spyware on your computer.
 - Free music downloads or ringtones
 - Free screensavers and smileys
 - Free software and serial numbers
 - Adult material
 - Torrents

8. Printing

Things to know

- ① Colour printers cost much more per page than black and white ones. Even if there is no colour on the page.
- ① Printers are provided for business use only.
- ① The majority of users are required to use PIN activation for printing.

Things to do

- ✔ Wherever possible use PIN activation.
- ✔ If PIN activation is not available, pick up your printing immediately after sending to print and check you only have your documents.
- ✔ If you find documents on the printer that have not been collected then dispose of them securely.
- ✔ Be selective about what you print. Print only when necessary and only the necessary pages of a document.
- ✔ Print double sided to save paper where possible.
- ✔ Keep the area around printers tidy.

Things not to do

- Do not print to a colour printer unless colour conveys important information in your document that would be lost in black and white.
- Do not resend your print job if nothing happens. Instead, check the following:-
 - Is the print job still listed in the queue?
 - Did you send it to the right printer?
 - Is the printer switched on?
 - Is the printer in an error state because:-
 - There is a paper jam
 - It is out of paper
 - It is out of toner or ink

9. Use of Resources

Things to know

- Implementing the small changes described on this page can make a big difference to the organisation's costs, and also to the environment.
- Phone chargers and AC adapters consume a small amount of power even when nothing is connected to them.

Things to do

- Shut your computer down at the end of your working day rather than just logging off. The energy saved over a year is enough to boil 60 tonnes of water.
- Turn off your monitor before you leave rather than leaving it in standby (1.5 tonnes).
- Unplug or switch off phone chargers and AC adapters when they are not in use.

Things not to do

- Do not turn off computer equipment on behalf of someone else. There may be a good reason why it has been left on.
- Do not turn off fax machines.

10. Personal Use

The Council recognises that personal access to email and the web at work helps employees to maintain a positive work-life balance.

Limited and 'reasonable' personal use of email and the web is permitted. Reasonable use is defined below. Personal use of all other systems is prohibited.

Email and web access for personal use have been provided at a cost to the council. The Council asks that employees make sensible and conscientious use of these facilities in return.

All email and web access is monitored to ensure compliance with policy. Employees that choose to make personal use of council systems do so in acceptance of the monitoring measures outlined in this policy.

Personal use of these systems is a privilege. The Council reserves the right to withdraw it either individually or globally at any time without notice or explanation.

Reasonable Use

Reasonable personal use of council systems is that which:-

- Is lawful and ethical.
- Is in accordance with this policy.
- Takes place during authorised breaks or outside of your working hours.
- Does not adversely affect your productivity.
- Does not make unreasonable use of limited council resources.

Unreasonable Use

Unreasonable personal use of council systems includes but is not limited to:-

- Contravention this policy in any way, but including the sending, viewing or downloading of:-
 - o Material that others may find offensive
 - o Unauthorised software
 - o Material covered by copyright, such as music, videos or games
- Personal use that can reasonably be described as excessive within the context of a professional working environment.
- Use for business other than that of the Council and its associated businesses.

11. Legal Responsibilities

Things to know

- You are personally responsible for ensuring that your use of information systems is lawful. Failure to do so may result in any or all of the following:-
 - o You being personally liable to criminal prosecution.
 - o You being personally sued for damages in a civil court.
 - o Members of the Council Management being personally liable to criminal prosecution.
 - o The Council being sued for damages in a civil court.

Things to do

- Comply with software licences, copyrights and all other laws governing intellectual property.
- If you process personal data (data that identifies a living individual) in the course of your work, you must do this in accordance with the Data Protection Act 1998. Your line manager can provide you with job-specific guidance on The Act.

Things not to do

- Do not borrow or copy Council software for use at home or elsewhere.
- Do not write or say anything defamatory or potentially libellous about another individual or company.

12. Monitoring

The Council owns the Council's information systems and any information that resides on them. It reserves the right to monitor any council system at any time.

You should have no expectation of privacy when using Council information systems, whether for business or personal use.

Monitoring of systems is carried out in order to:-

- Detect and prevent unlawful use of systems
- Detect and prevent misuse of council systems
- Maintain the effective operation of systems
- Protect the reputation of Craven and Selby District Councils
- Protect Craven and Selby District Councils from legal liability

Raw monitoring data will be viewed and analysed only by the ICT Shared Services Manager and his or her nominated representatives.

On instruction of the ICT Shared Services Manager, the data may be passed as necessary to any of the following to Senior Management.

13. Enforcement

Breach of this policy may be considered to be misconduct and, as such, would be dealt with under the Council's disciplinary procedure.

14. Contacts

In the event of a security breach (this includes a Data Protection Breach) immediately contact the ICT Shared Services Manager, the Audit Manager and the Council Solicitor:

Data Protection Officer/ICT Shared Services Manager: Graeme Thistlethwaite - GThistlethwaite@selby.gov.uk

Selby District Council Audit Manager: John Barnett – john.barnett@veritau.co.uk

Council Solicitor: Gillian Marshall – gmarshall@selby.gov.uk

For ICT Incident escalations contact the ICT Service Desk Manager: Joe Snee – jsnee@selby.gov.uk

Advice and support for anything ICT contact the ICT Service Desk Manager: Joe Snee – jsnee@selby.gov.uk
Or the ICT Shared Services Manager: Graeme Thistlethwaite – GThistlethwaite@selby.gov.uk

Decision on referrals to the ICO and legal advice contact the Council Solicitor – Gillian Marshall
gmarshall@selby.gov.uk

15. Glossary & Definitions

Chain letters	These are email messages or slideshows that encourage you to 'pass this on to all your friends' or 'pass this on to six people today'
Ctrl + Alt + Del	<p>Pronounced as Control Alt Delete, this abbreviation represents pressing all three of the Ctrl, Alt and Delete keys simultaneously.</p> <p>Using Ctrl + Alt + Del when you are logged in will display a menu on the screen. Options include:-</p> <ul style="list-style-type: none"> • Lock Computer (to prevent unauthorised access) • Change Password
Personal drive	An area on the company's server that is set aside exclusively for your work. It appears on your computer as a drive letter (usually P:)
Software	<p>Any program that can be installed on your computer. Examples include:-</p> <ul style="list-style-type: none"> • Microsoft Word • An Antivirus program • A game • A screensaver
User	<p>Any user granted access to Selby District Council's information systems. Including:-</p> <ul style="list-style-type: none"> • Employees • Temporary staff • Voluntary staff • Employees of partner organisations • Contractors and subcontractors • Agents • Work experience placements
You	You are defined as a user of Selby District Council's information systems.

16. Acceptance

You are now asked to sign this policy in order to provide a record that you have read, understood and agreed to it.

If you do not understand or are unhappy with any part of this policy, please raise this with your manager or the ICT Shared Services Manager.

Otherwise, please tick the boxes next to each statement and sign below.

- I confirm that I have read and understand this ICT Acceptable Use Policy.
- I agree to abide by the conditions set out in this policy.

Signed	
Print Name	
Department	
Date	

As line manager, I realise and accept that it is my responsibility to ensure this user, whilst employed within my service unit must follow the ICT Acceptable Use Policy at all times when using the Selby District Council Network and ICT equipment. I accept that any infringement of these regulations could result in disciplinary action.

Signed	
Print Name	
Post Title	
Date	

Please complete and return this page to the ICT Shared Services Team

Thank You.



Selby District Council

Information Risk Management Policy

May 2014

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1. Introduction

Information is a valuable asset which the Council has a legal and moral duty to protect. Effective information risk management ensures this protection by dealing with threats to the confidentiality, integrity and availability of our data.

Confidentiality:	Integrity:	Availability:
Means preventing unauthorised access to data.	Means safeguarding completeness and accuracy of data.	Means granting appropriate, authorised access to data when it is needed.

Information risk is a type of business risk, and should be managed within the existing framework of risk management in Selby District Council. This policy sets out the Council's commitment to information risk management. It applies to any person or group of people who have access to the Council's information systems, including employees, temporary staff, Councillors, contractual third parties, partners, suppliers or agents of the Council.

In particular, Information Asset Owners and the day-to-day Users of the Council's information systems must be familiar with this policy.

This policy fits into Selby District Council's Information Governance Framework, which encompasses this and other policies, as shown in Figure 1.

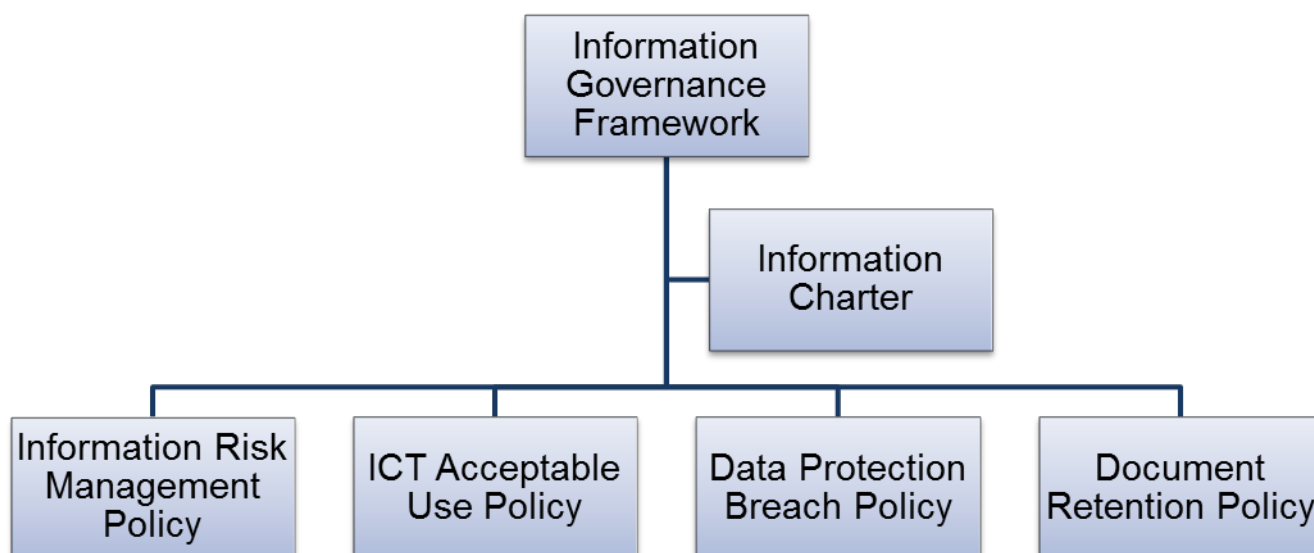


Figure 1

2. Information Systems

'Information Systems' is the collective term for our information, and the systems we use to store, process and transfer it. The Information Governance Framework, and this policy, applies to information in all forms and media, including:-

Hard Copy (Paper)	Printed documents, handwritten notes, published
Electronically stored data	On desktop computers, laptops, portable devices, removable media
Communications	Post, courier, email, fax, electronic file transfer and verbal communication

3. Information Risk Management

Managing information risks at Selby District Council involves a range of activities which promotes accountability, good communication and clear documentation. It is the process of identifying information risks, assessing the impact of risks to the Council's information systems, and potentially reducing, avoiding or mitigating these risks.

Risks to our information systems are managed by assigning clear roles and responsibilities within the Council, and putting in place measures to escalate risks appropriately. However, information security depends upon a positive risk culture throughout the organisation where risks are discussed regularly and either accepted as a necessary part of conducting business or actively managed to prevent or reduce the severity of disruptions or impacts to business objectives.

“Information Risk Management promotes accountability, good communication and clear documentation.”

It is important to manage these risks for a number of reasons. Our legal and statutory obligations pertain to the Data Protection Act 1998, Freedom of Information Act 2000 etc. The Information Commissioner's Office (ICO) also has the power to fine councils up to £500,000 for breaches of the Data Protection Act. Good practice

in our management of information risk carries with it the benefit of enabling the effective use of data for the public benefit.

4. Information Risk Register

Information assets and risks to information systems should be identified with their owners and included in the Corporate Risk Register.

“The Information Risk Management Policy fits within the organisation’s overall business risk framework; information risk need not be managed separately from other business risks.”

Selby District Council undertakes the commitment to review its strategy for risk management and fully incorporate information risks into the Risk Register.

By way of example, information risks in Selby District Council could include the loss or compromise of staff and payroll details, personal details of members of the public, benefits records etc. Another type of risk might be inaccessibility of important information following a personnel change or IT systems upgrade. Some things you may identify as information risks could include use of unencrypted USB sticks, passwords being shared or written down in obvious places, and correspondences being sent to incorrect recipients.

IAOs and Users are expected to exercise extra care when they are dealing with information or data from third parties, which are protectively marked as “OFFICIAL – SENSITIVE”, as they will contain personal and/or sensitive information.

5. Roles and Responsibilities

Senior Management has overall responsibility for managing the risks within their own service areas, and all employees are expected to contribute to risk management initiatives in their area of work. In addition, the Local Government Data Handling Guidelines identify some specific roles in the context of information risk management. These are the Senior Information Risk Owner (SIRO), and Information Asset Owners (IAO). These roles will work together with the Council Solicitor and the ICT Shared Services Manager to achieve the overall objective of protecting the Council's information.

SIRO	<p>Senior Information Risk Owner (Executive Director – Section 151 Officer)</p> <p>The SIRO is familiar with information risk and Council's response to them. This role has overall responsibility for information assets in Selby District Council and ensures that Information Asset Owners are complying with the Information Risk Management Policy.</p>
IAO	<p>Information Asset Owners (Lead Officers and relevant senior managers)</p> <p>IAOs are responsible for the information systems in their service areas. Their role is to understand what information is held, how it is used and transferred, and who has access to it and why, in order for business to be transacted within an acceptable level of risk.</p>
User	<p>Employees, temporary staff, contractors and suppliers who access and process data on the Council's information systems.</p> <p>Users are required to feedback to IAOs on what information their service area holds, and how it is being managed. As part of a positive risk culture, they should also be 'risk aware'; discussing information risks and potential threats to data with the IAOs and fully comply with the ICT Acceptable Use Policy.</p>

6. Risk Management Decisions and Escalations

If you believe you have observed a risk which has not yet been identified, you should let the relevant IAO know. Discussions about risk, including information risk should be a regular part of team meetings and updates.

The IAO will assess the risk, according to the methodology used for the Corporate Risk Register. This involves a five-point scale assessing both the likelihood of the risk occurring, and the impact it would have if it did occur. This is then plotted on a matrix like the one in Figure 2.

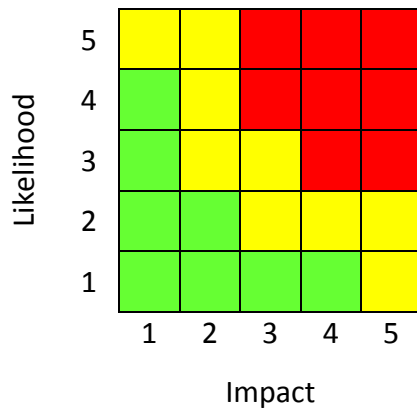


Figure 2

The lowest priority risks (i.e. those in the lower left green cells, with a score of 1–4) can usually be managed at the service level. Higher risks (i.e. the yellow band, with a score of 5–10) should be escalated to the SIRO. The highest risks (i.e. the upper right red part of the matrix, with a score greater than 11) should be escalated to the Senior Management Team and included on the Corporate Risk Register.

7. Information Risk in the Workplace

Risk management has become an important focus in recent years. For organisations like Selby District Council it can be a powerful tool to help us make more informed decisions and constrain threats to our ability to deliver services. Information risk in particular can lead to heavy fines from the ICO if not managed effectively.

Ultimately, information risk is in the hands of our information system users. It requires management of risk to be a part of the everyday activities of users and managers throughout the organisation. In order to embed these practices in our work culture, we require that all IAOs have specific training on our Information Governance Framework, and have a compulsory online training package for all users. Information Governance is part of the induction process for new starters, and refresher training takes place from time to time.

8. Compliance

We will monitor compliance to ensure that this policy is reflected in working practices. Non-compliance could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary

services to our customers. Failure to comply will be dealt with through the Council's disciplinary procedure. In extreme cases, individuals may be fined up to £50,000 by the ICO, and may be dismissed from the Council.

9. Review

This policy will be reviewed annually, or as appropriate and in response to changes in legislation or Council policies, technology, increased risks and new vulnerabilities or in response to security incidents.



Selby District Council

Data Protection Breach Policy

May 2014

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1. Data Protection – Legal Context

The Data Protection Act 1998 makes provision for the regulation of the processing (use) of information relating to individuals, including the obtaining, holding, use or disclosure of such information.

Principle 7 of the Data Protection Act 1998 states that organisations which process personal data must take “appropriate technical and organisational measures against the unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data”.

2. Scope

This policy applies to all personal and sensitive data held by Selby District Council.

3. Types of breach

Things to know

Data protection breaches can be caused by a number of factors. Some examples are:

- ① Loss or theft of data or equipment on which data is stored
- ① Inappropriate access controls allowing unauthorised use
- ① Equipment failure
- ① Human error
- ① Unforeseen circumstances such as fire or flood
- ① Hacking
- ① ‘Blagging’ offences where information is obtained by deception

4. Immediate Containment and Recovery

Things to do

- ☑ The person who discovers/receives a report of a breach must inform the relevant Lead Officer (and Line Manager, if different). If the breach occurs or is discovered outside normal working hours, this should begin as soon as is practicable.
- ☑ The relevant Lead Officer must ascertain whether the breach is still occurring. If so, steps must be taken immediately to minimise the effect of the breach. An example might be to shut down a system, or to alert relevant staff (e.g. ICT Shared Services).
- ☑ The relevant Lead Officer must inform the Council Solicitor as soon as possible.

- ✓ The Council Solicitor will be able to advise whether it is necessary to inform the individuals whose data has become compromised, and in some cases the police.
- ✓ The relevant Lead Officer must quickly take appropriate steps to recover any losses and limit the damage. Steps might include:
 - a. Attempting to recover lost equipment.
 - b. Contacting the Council’s Contact Centre, Benefits or other relevant Council Departments, so that they are prepared for any potentially inappropriate enquiries ‘phishing’ for further information on the individual concerned. Consideration should be given to a global email. If an inappropriate enquiry is received by staff, they should attempt to obtain the enquirer’s name and contact details if possible and confirm that they will ring the individual making the enquiry back. Whatever the outcome of the call, it should be reported immediately to the relevant Lead Officer.
 - c. Contacting the Marketing and Communications Team so that they can be prepared to handle any press enquiries.
 - d. The use of back-ups to restore lost/damaged/stolen data.
 - e. If bank details have been lost/stolen, consider contacting banks directly for advice on preventing fraudulent use.
 - f. If the data breach includes any entry codes or passwords, then these codes must be changed immediately, and the relevant agencies and members of staff informed.

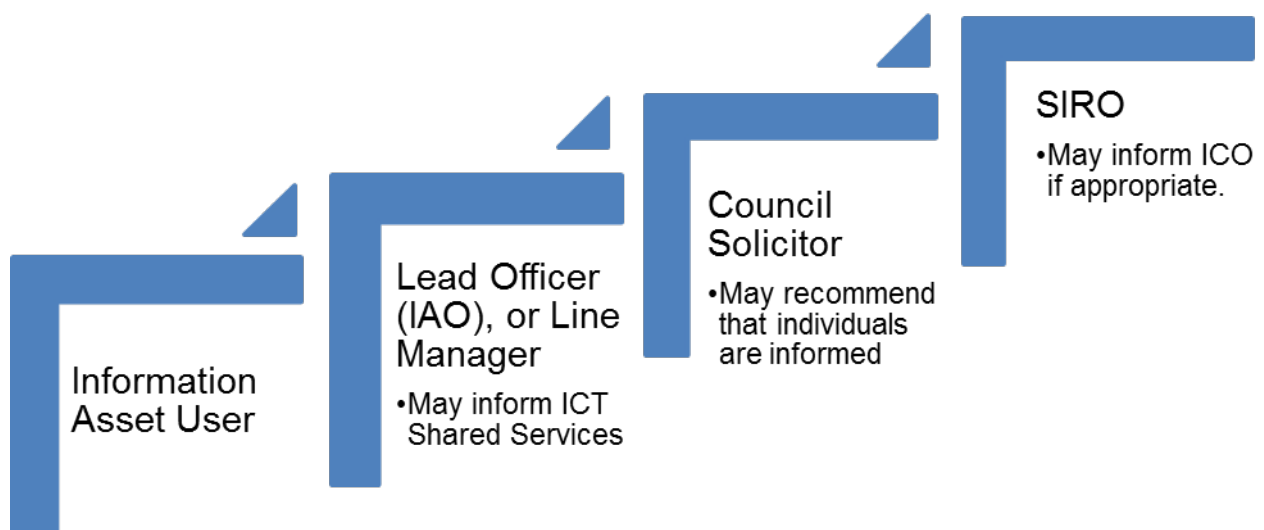


Figure 1 - How to escalate a data protection breach

5. Investigation

Things to do

- ✓ In most cases, the next stage would be for the relevant Lead Officer to fully investigate the breach. The Lead Officer should ascertain whose data was involved in the breach, the potential effect on the data subject and what further steps need to be taken to remedy the situation.
- ✓ The investigation should consider the type of data, its sensitivity, what protections are in place (e.g. encryption), what has happened to the data, whether the data could be put to any illegal or inappropriate use, how many people are affected, what type of people have been affected (the public, suppliers etc) and whether there are wider consequences to the breach.
- ✓ A clear record should be made of the nature of the breach and the actions taken to mitigate it.
- ✓ The investigation should be completed urgently and wherever possible within 24 hours of the breach being discovered/reported.
- ✓ A further review of the causes of the breach and recommendations for future improvements can be done once the matter has been resolved.

6. Notification of the ICO

Things to know

- ① This section refers to the notification of the Information Commissioner's Office (ICO). The relevant Lead Officer and the Council Solicitor should always be informed immediately in the event of a data protection breach or potential breach situation. In some cases, it may be necessary to notify individuals whose data has become compromised.

Things to do

- ✓ The Lead Officer should, after seeking legal advice, decide whether anyone should be notified of the breach. In the case of significant breaches, the ICO should be notified. Every incident should be considered on a case by case basis.

The following points will help you to decide whether and how to notify:

- a. Are there any legal/contractual requirements to notify?
- b. Will notification help prevent the unauthorised or unlawful use of personal data?
- c. Could notification help the individual – could they act on the information to mitigate risks?
- d. If a large number of people are affected, or there are very serious consequences, you should notify the ICO. The ICO should only be notified if personal data is involved.
- e. There is guidance available from the ICO on when and how to notify them, which can be obtained from the ICO website (<http://ico.org.uk>).

- f. Consider the dangers of over-notifying. Not every incident warrants notification and over-notification may cause disproportionate enquiries and work.
- g. The notification should include a description of how and when the breach occurred and what data was involved. Include details of what you have already done to mitigate the risks posed by the breach.
- h. When notifying individuals, give specific and clear advice on what they can do to protect themselves and what you are willing to do to help them. You should also give them the opportunity to make a formal complaint if they wish.

7. Review and evaluation

Things to do

- ✔ Once the initial aftermath of the breach is over, the Lead Officer should fully review both the causes of the breach and the effectiveness of the response to it. A report should be written and sent to the next available Business Management Group meeting for discussion. If the data protection breach occurred within the Core, the report should be sent directly to the SIRO.
- ✔ If systemic or on-going problems are identified, then an action plan must be drawn up to put these right. If the breach warrants a disciplinary investigation, the manager leading the investigation should liaise with Human Resources for advice and guidance.
- ✔ This policy may need to be reviewed after a breach or after legislative changes, new case law or new guidance.

8. Contact emails

ICT Shared Service Manager - GThistlethwaite@selby.gov.uk

ICT Service Desk Manager - jsnee@selby.gov.uk

Audit Manager - john.barnett@veritau.co.uk

Council Solicitor - gmarshall@selby.gov.uk

SIRO – kiveson@selby.gov.uk

Selby District Council

REPORT

Reference: E/14/4

Public – Item 8



To: The Executive
Date: 5 June 2014
Status: Non Key Decision
Report Published: 28 May 2014
Author: Jessica Dewar, Policy Officer
Executive Member: Councillor John Mackman
Lead Officer: Keith Dawson Director of Community Services

Title: Implementing the Core Strategy and implications for the 5 Year Housing Land Supply 2013/14.

Summary:

Following the Adoption of the Core Strategy and early indications of housing monitoring, this report:

1. Updates Executive on the monitoring position and timetable for the 5 year housing land supply 2014
2. Informs Executive of the emerging changes in national guidance and the implications for housing monitoring
3. Recommends that the Council continues to progress work on housing delivery and look at ways the Council can support development in the District

Recommendations to Executive:

- i. Note the changes in national guidance in advance of the 5 year housing land supply 2013/14
- ii. Note the issue of under-delivery and that action is required
- iii. Note the investigation into appropriate actions to deal with under delivery across the Council

Reasons for recommendation

In line with Policy SP6 (Managing Housing Land Supply) of the adopted Core Strategy, early housing monitoring figures for the 2013/14 year suggest that there is a shortfall in housing delivery within the District and the Core Strategy housing target of 450 per annum is not being achieved. The issue of under delivery now requires action by the Council and the shortfall will need to be accounted for within the Council's Authorities Monitoring Report (AMR) and 5 Year Housing Land Supply 2013/14, due for publication in December 2014.

1. Introduction and background

- 1.1 The new planning system places the housing target at the core of the Development Plan. The need to deliver housing is paramount nationally; after record lows of house building across the country, the Government recognises that the housing crisis needs to be addressed through significantly boosting housing supply.
- 1.2 The Council recently adopted the Selby District Core Strategy Local Plan (the Core Strategy) which plans to meet the objectively assessed housing needs for our District. It sets our 450 dwellings per annum requirement. The 5 Year Housing Land Supply (5YHLS) is the mechanism for demonstrating the delivery of this housing requirement.
- 1.3 The Core Strategy AMR December 2013 sets out the Council has a 5.3 year housing land supply. In simple terms there are enough sites and permissions available in the District to supply the housing target requirement of 450 dwelling per annum x 5 (450x5=2250 houses).
- 1.4 Although the 5YHLS is strong, the record of delivery (i.e. actual number of homes being built) is weak. Although construction of houses is largely outside the Council's control, the Authority is now tasked with ensuring delivery (through the 2012 Planning Reforms brought in by the Coalition Government). The issue is one of under – delivery – not under-supply.
- 1.5 Indicative housing completion figures for the 2013/14 monitoring year suggest that there has been a shortfall of housing delivered to meet the Core Strategy minimum housing target, which requires action by the Council in line with Policy SP6 of the Core Strategy.
- 1.6 There have been significant changes over the past year through various planning appeals, and more recently even since the adoption of the Core Strategy, through the recently published National Planning Policy Guidance (NPPG, 2014) which supplements the national policy in the National Planning Policy Framework (NPPF, 2012). This paper sets out the changes in national guidance and sets out the implications and options for the Council in dealing with shortfall of delivery within the 5 YHLS.

2. The Report

- 2.1 The National Planning Policy Framework (NPPF) sets out a number of paragraphs in relation to housing needs and delivery, and the new National Planning Policy Guidance (NPPG), provides further guidance in relation to dealing with the 5 year housing land supply. However it is frequently ambiguous and light on detail, which is leading to significant difficulties in Local Plan Inquiries and appeals. It is a time of confusion, nationally.
- 2.2 In terms of the Council's position the Council adopted the NPPF compliant Core Strategy on 22 October 2013. This sets a minimum housing target of 450 dwellings per annum over the plan period between 2011 and 2027 based on a range of evidence to determine the objectively assessed need. Although the Council has the adopted Plan, it is not immune to these national shifts and must continually monitor and manage housing supply.
- 2.3 Paragraph 49 of the NPPF states '*Housing applications should be considered in the context of the presumption in favour of sustainable development.*

Relevant policies for the supply of housing should not be considered up – to – date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’

- 2.4 Housing delivery and supply is monitored annually in the Core Strategy AMR, and early indication for the 2013/14 monitoring year indicates the Council is facing the issue of under delivery on the ground and an actual shortfall in meeting the Core Strategy housing target.
- 2.5 Work is currently on-going, but initial indications suggest that, although completions for the 2013/14 year are higher than the previous year, the number of homes built over the last year are still short of the 450 per annum housing target.

Shortfall in annual delivery and remedial action

- 2.6 Core Strategy Policy SP6 (Managing Housing Land Supply) Part A sets out the action which the Council will take to ensure the provision of housing is broadly in line with the target:
 - 1. *Monitoring delivery of housing across the District*
 - 2. *... 'Identifying land supply issues which are causing or which may result in significant under-delivery or performance and/or which threatened the achievement of the Vision, Aims and Objectives of the Core Strategy' and*
 - 3. *'investigating necessary remedial action to tackle under-performance of housing delivery. ...'*
- 2.7 Policy SP6 Part B defines under-performance as:
 - 1. *Delivery which falls short of the quantum expected in the annual target over a continuous 3 year period; or*
 - 2. *Where there is less than a 5 year housing land supply'.*
- 2.8 Because annual monitoring has identified under-performance over a continuous 3 year period as defined in B1, action under Part A, sections 2 and 3 is now required by the Council in order to tackle the expected shortfall.
- 2.9 Further to the above actions required under Policy SP6, there have also been changes in national best practice in terms of accounting for under delivery to ensure the total housing numbers are reached as planned. There are two methods, known as the 'Sedgefield' or 'Liverpool' methods of handling the shortfall.
- 2.10 The 'Sedgefield approach' is to front load the provision of this backlog within the first five years, the shortfall is added to the 5 year housing land supply which would additional dwellings per year for the next 5 years on top of the 450, but thereafter (assuming delivery target is met and the number of completions increases), revert back to 450dpa.
- 2.11 The 'Liverpool' approach is to seek to meet the shortfall over the whole plan period, over the 16 year Core Strategy period. It is also known as the residual approach.
- 2.12 It was widely discussed at the Core Strategy Examination in Public that the short term issues of deliverability in Selby District were related to the downfall

in the housing market. Indeed, the Core Strategy (housing trajectory) sets out that it anticipates a shortfall in the early years due to the market depression.

- 2.13 It should be noted that, although the numbers of homes being built is below the target, in terms of land supply in Selby District, there are the sites available and with the release of the Phase 2 sites in 2011, there are planning permissions coming forward within the system. However these are yet to come into fruition in the annual completion figures. The Authority is doing its part in supply, but the market is not responding quickly enough to deliver.
- 2.14 As part of the remedial action identified above, The Policy & Strategy Team now have a programme of work to undertake the following;
- Implement Policy SP6 to investigate what are the issues in terms of sites coming into fruition in terms of housing delivery on the ground. To this end, officers are currently undertaking a detailed developer intentions questionnaire on each individual site within the 5 year housing land supply. (Appendix A includes a copy of the Survey)
 - Evaluate the appropriate approach to addressing the shortfall using national best practice (either the Sedgefield/Liverpool method).

What else can the Council do to assist housing delivery?

- 2.15 It is important that the Council recognises the shift in its planning obligations and functions. No longer simply the regulator of development, the Council is expected to actively encourage, facilitate and assist delivery through a range of interventions beyond policy making and allocation of sites.
- 2.16 As set out above, the Council's Core Strategy Policy SP6 sets out the requirement for the Council to investigate necessary remedial action to tackle under-performance of housing delivery.
- 2.17 There is therefore an immediate need to implement this policy to address the issue of under delivery which officers consider, can only be achieved by working across the Council. Whilst the first steps to collecting the intelligence on the underlying reasons for under-delivery are being taken forward by the Policy Team (through the developer intentions questionnaire), the Council is also hosting an event with developers and agents planned for the 4 June 2014 to look at the issues surrounding housing delivery in the District.
- 2.18 Once the Council is able to ascertain any problems which are causing the low level of house building in the District compared to the target, it will then be able to scope potential solutions and identify specific areas in which the Council may be able to give direct support / assistance or provide a facilitating role in order to help increase house building.
- 2.19 The Core Strategy (para 5.54) already provides that if delivery is failing then the Council will assess the underlying causes and act appropriately to remedy the situation. It states that this may involve simple measures such as negotiating and/or arbitration with partners to overcome impasses, or more complex measures such as exploring joint funding options, facilitating land assembly, or by using its statutory powers such as compulsory purchase of land.

2.20 Further work is therefore needed to investigate the way forward and a further report will come back to the Executive in due course with further information, potential options (see section 4) and if applicable, financial implications.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

3.1.1 Paragraph: 033Reference ID: 3-033-20140306 of the National Planning Policy Guidance highlights that *'Demonstration of a five year supply is a key material consideration when determining housing applications and appeals.'*

3.1.2 The outcome of the work being undertaken by Policy & Strategy Team will have a likely impact on planning applications. If, in dealing with the shortfall, the Council does not have a 5 year housing land supply, there is a high risk of unplanned development within the District on sites that may not otherwise have come forward.

3.2 Financial Issues

3.2.1 There are no financial implications as a direct result of this report. The work with developers to understand the issues contributing to the lack of housing delivery is covered within existing budgets.

3.2.2 However any subsequent interventions to be considered by the Executive will require the associated cost and funding implications to be clearly identified.

3.2.3 Under the current local government finance system, the lack of housing delivery within the District has an impact on the level of New Homes Bonus received by the Council. Conversely, action which would result in increased housing delivery will increase New Homes Bonus.

3.2.4 The Council's Financial Strategy assumes a level of New Homes Bonus to be achieved each year and allocates this to support the General Fund revenue budget. Failure to achieve the assumed estimate will add further pressure to the Council's savings requirement.

3.3 Other Policy matters

3.3.1 There is a need to provide both market and affordable housing to meet the needs of the District. Affordable Housing is directly affected by non-delivery on market schemes and as such action to increase house building will support the Council's policy to provide affordable housing.

3.3.2 A major part of delivering affordable housing is as a proportion of market schemes; not delivering market schemes has a detrimental impact on delivering the affordable housing needed in the District in line with the Core Strategy and the Council's wider priorities. Not delivering affordable housing compounds housing need throughout the District.

4. Conclusion/Way forward

4.1 In light of the above the following timetable has been proposed with further reports programmed to come back to the Executive when further information is available and potential actions can be identified.

Task	Key dates 2014
Data assessment of figures	March – May
Developer Intentions Survey	April – June
Corporate Stakeholder Working Group with developers and agents	4 June 2014
Executive	5 June
Analysis of delivery issues and options	June / July
Further work and assessment 5YHLS	June – July
Further analysis of delivery issues and formulation of options	July / August
Executive	4 September
Publication of AMR & 5YHLS	December

- 4.2 It should be noted that this report is intended to give early warning and identify the challenges the District is facing in delivering housing in the District. By recognising these challenges now provides an opportunity to manage the situation and act now.
- 4.3 However, continued under-delivery in subsequent years will exacerbate the problem of un-met housing need and not achieve the vision set out in the Core Strategy. There is a risk that the situation will lead to unplanned development in the District and loss of status of the Core Strategy if the Council does not take action.

Contact Details:

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Appendices:

Appendix 1 Copy of Developer Intentions Survey Questionnaire

Appendix A

Developer Questionnaire



Dear Developer/Agent,

As required by national government, the Council is currently assessing its 5 year housing land supply for the April 2013/ March 2014 monitoring year. In order to realistically project the expected housing numbers to be included in the assessment we are contacting developers and agents to provide information on expected site delivery.

This time last year you kindly supplied us with information regarding the anticipated housing completions on your housing site for this year, and the next 4 years.

I would be very grateful if you could now refresh this data up to 2018. Please complete the attached form and return to us by **Friday 9th May.**

As well as providing information on expected completions on your site, as part of the 5 year supply assessment we would also be interested to know the current market interest in your site, and your views on the current state of the housing market in the area – for example if market conditions are improving or if there are any barriers to delivery.

We have therefore set out a few questions on the form for you to consider and we would be grateful if you would please provide any comments you may have on this matter as part of your response.

We will also be revisiting the Stakeholder Working Group to discuss the 5 year supply methodology in more detail over the next few months. In addition, we will be hosting an event with Developers/Agents towards the end of May and we will be inviting you to talk to us about whether there are any barriers to development in the District and how we as an authority can help boost housing delivery. If you would like to be part of this Stakeholder Group and/or would like to attend the event please let us know, by indicating on the form below.

For any further information please contact the Policy Team on 01757 292228 or by email at ldf@selby.gov.uk

Yours faithfully

The Policy Team

Site Information FORM 2013/14 to 2017/18

1. Site Details

Site Name	
Location	
Planning Permission Reference Number	
Site Owner / Agent	
Developer	
Total site capacity	
Number of dwellings already completed by 31 March 2013	
Outstanding Plots as at (date)	

2. Current delivery programme

Please complete the table below indicating the number of market dwellings you have built or have programmed to build per annum We also need to know about expected affordable housing delivery within the 5 year supply, so please include these details too.

Year	April 2013- March 2014	April 2014- March 2015	April 2015- March 2016	April 2016- March 2017	April 2017- March 2018	POST March 2018
Market Housing						
Affordable Units						
First-time buyer offer*						
Total number of units						

*Expected units First time buyer offer provided directly by house builder (e.g. Home Buy etc).

Please turn to page 2

3. Landowner / Developer Views on Delivery and Market Conditions

It would be helpful if you would explain any answers that you provide so that we may explore any emerging key themes and tailor the planned event

How confident are you in delivering the programme you have provided in the table above?
Are build rates and/or sales generally increasing, about the same or falling?
Are there any technical, financial or other barriers to completing the whole site?
Do you expect to build out the site as permitted or do you consider it will be necessary to submit amendments to the scheme? if yes, why and when?
Do you plan to release the site in phases?
Do you offer any incentives to buyers? (e.g. deposit assistance, government backed schemes, part exchange)
Do you sell properties off-plan or do you build them speculatively before buyers are committed?
Any other comments

Would you like to be part of the Stakeholder Working Group? YES /NO

Would you like to attend the planned event? YES / NO

Contact Name:	
Company:	
Email:	
Phone Number:	

Thank you

REPORT

Reference: E/14/5

Public – Item 9



To: The Executive
Date: 5 June 2014
Status: Non Key Decision
Report Published: 28 May 2015
Author: Andrew McMillan Policy Officer
Executive Member: Cllr Mark Crane Leader of the Council
Lead Director: Keith Dawson Director Community Services

Title: Community Infrastructure Levy (CIL)

Summary:

This report provides the Executive with details of the Community Infrastructure Levy progress. Consultation on the Preliminary Draft Charging Schedule has ended and Officers have reviewed the responses made. In partnership with Peter Brett Associates, CIL material has been updated where appropriate in response to those comments made and now must be published for further consultation as the Draft Charging Schedule.

Recommendations:

- i. To note the content of this report
- ii. To agree the consultation material for the Draft Charging Schedule. In particular note:
 - a. The base rate for “all other chargeable development” be changed from £10sqm to £nil
 - b. To continue with a 2-zone charging system for housing development
 - c. The draft instalments and exemptions policies
 - d. The indicative Regulation 123 List of spending priorities
- iii. To grant delegated authority to the Director of Community Services in consultation with the Leader of the Council to agree minor amendments and final wording to the consultation material is necessary.

Reasons for recommendation

- a) To inform Executive of the process and progress of the Community Infrastructure Levy, as part of the Core Strategy Implementation process.
- b) To steer the development of the CIL project and to authorise the next stage of the CIL community participation in line with the Regulations.
- c) To enable Officers to carry out the next stage of CIL preparation in a timely fashion.

1. Introduction and background

- 1.1 Selby has commissioned specialist consultants Peter Brett Associates (PBA) to undertake the CIL work on our behalf. The CIL will be subject to its own Examination in Public and formal adoption.
- 1.2 The Selby CIL Preliminary Draft Charging Schedule (PDCS) was made available for 6-week consultation between 14 January 2014 and 28 February 2014 in accordance with the Regulations. Following a mailshot to over 2000 contacts and local advertising in the press and on the website, 37 individual responses were received. Respondents include
 - 4 neighbouring authorities (to demonstrate Duty to Cooperate, although it is not required for CIL)
 - 5 Parish Councils/ Ward Councillors
 - 8 private individuals / companies
 - 6 Government agencies / infrastructure partners
 - 7 Developers /agents
 - 3 Supermarket operators
 - 4 interest groups
- 1.3 Appendix 1 shows a schedule of the consultation responses together with a draft Council response.
- 1.4 A summary of the key issues raised in the consultation, together with Officer/PBA responses is set out below. The report sets out the reasoning behind the recommendations above.

Principle of CIL

- 1.5 Numerous responses misunderstand elements of the proposed CIL, or have not read the consultation material where many answers are found. There are several calls for CIL to be scrapped, and/or for it to not apply to smaller scale developments (under 10 units). However, CIL is intended to capture ALL development for Strategic infrastructure improvements that up to now have been missed through the S106 arrangements, as numerous small developments have the same cumulative impact as a single large development.
- 1.6 Several responders made representations about CIL preventing development, particularly when tied in with affordable housing

contributions and S106 payments, but few were able to provide evidence.

Housing zones

- 1.7 The “Heat maps” in the Economic Viability Appraisal (reproduced in Appendix 2) show the sales values of recently built developments (not values of *all* houses in the wards). These maps show broadly higher values in the north than in the south. Therefore, the PDCS proposes a higher and lower (corresponding north/south) split across the District. Support was expressed for this approach by many, however some responses call for alternative zones, as follows:

A single charging zone

- 1.8 A single district-wide zone. The Executive discussed and rejected this option in December 2013 for the reasons set out in the *Frequently Asked Questions* (FAQ) document that accompanies the CIL PDCS. Officers consider that the reason for rejecting this option remain valid.

A 3-zone charge

- 1.9 A new middle zone is also proposed with an objector stating that Sherburn in Elmet is a key location for development to take place, but one that the heat maps show is slightly less viable than in nearby Tadcaster (the same Local Service Centre level in the Core Strategy hierarchy). As such it is claimed that the middle zone would balance the competitiveness of house building between the two Local Service Centres.

- 1.10 Having considered the heat maps, Officers consider that although Sherburn Ward is slightly less viable than Tadcaster, it can withstand the higher zone charge given that charge rates for each zone are based on the ‘lowest common denominator’ viability findings. Geographically, Sherburn Ward is also surrounded by higher value areas and there is a marked difference from the wards further south - as demonstrated by the heat maps. By singling out Sherburn (and potentially other wards such as Hemingbrough), there could be “islands” of zones created. Officers recommend that the CIL remains as a 2-zone charging system for residential development as it is robustly supported by the heat map evidence, and will be a simpler system to administer upon adoption.

A more fine-grained approach to multiple zones

- 1.11 A Ward AND house type matrix to reflect the heat maps is also promoted. This option is considered to be unnecessarily complicated with potentially up to 6 levels of charge in 20 Wards. The Council could therefore have anything between 1 and 120 zones. Officers and PBA consider that the evidence supports a 2-zone approach proportionately. By introducing additional zones, the evidence becomes less compelling as it relies on fewer examples in each category. The Executive must also consider the complexity of administering the CIL upon adoption were it to have multiple charging

zones. The Executive may also consider the likely impact on CIL receipts compared with the additional costs of implementing it which will be negligible. In short, it is unnecessarily complicated when there is a simple, reasonable 2-tier system available and can be robustly demonstrated using existing proportional evidence.

“All other chargeable development” category – base rate of £10

- 1.12 There are several requests that certain forms of development should attract a nil charge, and/or that “all other chargeable development” category should be £Nil instead of £10. Such proposals include agricultural development, specialist housing for the elderly, theatres and other facilities that they consider to be “community uses”. Officers consider that some uses would actually be businesses and therefore should be charged, unlike for example a village hall whose primary function is community as opposed to commercial. As such, exemption should not be automatic.
- 1.13 However, there have been developments in the national CIL best practice and EIP experiences that finds that a “base charge” such as that proposed by the PDCS is not justifiable, and therefore Officers advise that the “all other chargeable development” category should be changed to £Nil.
- 1.14 From the projected CIL revenue table in the PBA Economic Viability Appraisal, the CIL revenue would fall £95,000 in the plan period (less than £7,000 per annum).

Supermarket costs

- 1.15 Two of the “big four” supermarkets objected to the CIL but raised little evidence against the proposed CIL charge. In addition, a budget supermarket operator challenged the viability model as it does not reflect their business model and as such they could not withstand a charge. However, it is not possible to set different charges for different operators within the same use of development, and whilst the value of discount supermarkets may be somewhat lower than those of the major operators, build costs and land acquisition costs are likely to be lower. These factors are therefore likely to balance one another out. In any case, charge rates are set well below the identified theoretical maximum to allow for variances in viability between developments within the same category.

Housing levy rate

- 1.16 Some evidence was presented to challenge the statistics, assumptions and model that PBA have used to calculate the viability of CIL charge. As such, some revisions to the modelling have been undertaken. These revised viability assessments show that the charge rates previously proposed remain viable and as such no changes are proposed to the CIL rates for houses. The consultant’s Addendum Report clarifies that apartments will be charged at £nil on the basis that this form of development is not currently viable.

Infrastructure projects

- 1.17 The Council is required to set out in its Regulation 123 List (R123), an indication of what it intends to fund through the CIL money. The R123 list is not subject to examination, but the Examiner needs to be satisfied that the Council will use the money appropriately. The Council may change the spending priorities at any time post-adoption (subject to light-touch consultation), so Officers advise that a simple Indicative R123 list is established for the purposes of the Examination.
- 1.18 A small number of comments were raised with regard to the infrastructure projects currently identified. In essence there is a lot of variety of support for the different types of infrastructure identified, with no clear consensus as to what the Council should fund through the R123 List. For this *Draft Charging Schedule* stage of consultation, the accompanying material shows that the Council will support the broad topics, A64 Strategic Road Network highway infrastructure, education, Green Infrastructure, and flood risk.
- 1.19 The viability modelling for CIL includes a large S106 contribution as an average of previous S106 receipts for different types of development. Recreation Open Space contributions form the large part of those negotiations, and therefore it is proposed to add ROS on to the R123 list because a) this will mean that there is more viability/flexibility in the model to support to proposed rates, and b) this will free up significant Planning and Legal Officer time in a reduced quantity of S106 negotiations.
- 1.20 Officers are continuing to work with infrastructure providers to develop the Infrastructure Delivery Plan (IDP) further to gathering more information regarding costs and other potential funding sources to make the R123 List as robust as it can be, and to ensure that the principle of the CIL's introduction is justified. The indicative R123 list may then be refined as the CIL progressed to EIP.

Exemptions Policy

- 1.21 There is support for an exemptions policy, and like the R123 List although it is not subject to Examination, it is good practice to set out a draft policy. A draft policy is therefore included in Appendix 3. The Council must satisfy itself that by granting relief or an exemption it is not breaching State aid rules

Instalments Policy

- 1.22 Views were mixed with regard to an instalments policy (which is also not subject to Examination). The balance must be struck between generating up-front funds for infrastructure to support development, with easing the burden on developers who must pay CIL before many sales can be made. Where no instalment policy is in place, payment is due in full at the end of 60 days after development commenced. Regulation 70 does not require an instalments policy, but Officers

consider that in order to demonstrate flexibility and viability considerations at the EIP, an instalments policy is appropriate.

- 1.23 Other CIL authorities have introduced an instalments policy. Accordingly, CIL best practice has been used to inform the draft Instalments Policy in Appendix 3.

2.0 CIL next steps

- 2.1 Officers will continue to work with infrastructure providers to firm up the IDP. A range of Evidence Base studies have been / are due to be commissioned by the Policy & Strategy Team to inform the forthcoming Sites And Policies Plan (SAPP). The findings of these studies may where appropriate inform the CIL in due course.
- 2.2 Due to the timing of committee schedules, it is proposed that the Director of Community Services agrees any minor changes to the *Draft Charging Schedule* consultation material with the Leader of the Council on behalf of the Executive under delegated authority.
- 2.3 The Draft Charging Schedule consultation will start on Friday 13 June 2014, ending on Friday 25 July 2014

3 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

- 3.1.1 As set out in the report The Executive meeting of 5 December 2013,
- The CIL will be subject to an Examination in Public to hear objections before anticipated Adoption by March 2015 to meet the Government's requirements.
 - The CIL will replace a lot of Section 106 negotiations where those issues are listed on the Regulation 123 List, but other issues will still be subject to Section 106 agreements.
 - The Authority will be the Charging Authority for the purpose of CIL Regulations, but may not necessarily be the Spending Authority. Its responsibilities therefore may be more limited in the actual spending of the CIL levy money.
- 3.1.2 The responders to the CIL consultation are likely to challenge the introduction of the CIL through an EIP. There will be an opportunity for Legal Challenge upon the adoption of the CIL.

3.2 Financial Issues

- 3.2.1 As set out in the report The Executive meeting of 5 December 2013, the CIL
- PBA work on the CIL has been provided for through the LDF budget. In the short term officers will investigate 'spend to save' options to set up the CIL processes, given that the scheme will generate income to cover administrative costs once adopted.

- The Council is required to report spending of the CIL levy annually, including for 3rd party spending. However, the Authority is not responsible for under-spending, failure to spend, or any subsequent challenge for refunds or similar claims of those 3rd parties.
- The implementation of CIL (upon adoption) will require a dedicated Officer resource. It is envisaged that the CIL will fund the post through the 5% top slicing.

3.2.2 Overall, CIL continues to be viable and appropriate in both planning and economic terms.

4. Conclusion

Despite the wide consultation, the CIL consultation has not generated many significant or challenging objections. Officers consider that based on the responses and the ongoing updates to CIL evidence, that the Authority should proceed with the development of the CIL, as no “showstoppers” have been raised. There will always be objections to the CIL as with any levy, but it is intended to fund essential infrastructure for the benefit of everyone, and the experience of some individuals/organisations should not divert attention away from that objective.

Having considered the representations Officers consider that introducing CIL is appropriate, even in the context of a depressed housing market, and shortfall of delivery in housing. Shortfall is short term until the country’s economy recovers, and having CIL in place for when it does recover will maximise its effectiveness and help bring forward infrastructure.

Despite suggestions of alternative methods of applying the CIL across the District, Officers remain of the view that the simple 2-zone higher and lower (north/south) approach for housing is the most appropriate for Selby District.

5. Background Documents

- Agenda and Minutes of Executive meeting of 5 December 2013
- Preliminary Draft Charging Schedule consultation material (www.selby.gov.uk/cil)
- DCLG Community Infrastructure Guidance note, February 2014 http://www.planningportal.gov.uk/uploads/cil/cil_guidance_main.pdf

Contact Details: Andy McMillan Policy Officer 01757 292092, amcmillan@selby.gov.uk

Appendices

Appendix 1: Schedule of the PDCS consultation responses

Appendix 2: Copy of the “Heat maps” shown in the Economic Viability Appraisal

Appendix 3: *Draft Charging Schedule* consultation material

- a. Map of zones and revised charging schedule
- b. Draft instalments policy

c. Draft exemption policy

d. Indicative *Regulation 123 List* of spending priorities

Appendix 4: PBA Selby CIL Addendum Report

Appendix 1: Schedule of the PDCS consultation representations and Council response

Q1 viability evidence comment	SDC response
<p>Anthea Whitton I am concerned in particular that this proposal appears to make no distinction between the small private developer eg someone who is undertaking a self-build or building a bungalow or small house in their garden (perhaps for their parents to live in so that they can be cared for within the family) and commercial development. I note the levy only applies on development over 100 square metres which may help to alleviate this. It's not clear from the charging table but it would seem sensible if the levy applied only on the amount in excess of 100 square metres.</p>	<p>The Regulations in 2014 para/section set out that self build development is excluded from CIL liability.</p> <p>The levy is generally applied to the whole development where it is in excess of 100sqm, not just that amount over 100sqm.</p> <p>CIL does not apply to self builds following the 2014 Regulations amendment.</p>
<p>Brian Percival The evidence from York is that the expenditure against the raised sums has been less than 20%.</p>	<p>No evidence is supplied or links to verify. The experience of York is unrelated as the viability, market conditions, stage of plan preparation etc are all different.</p>
<p>Wm Morrisons PLC we are concerned about the viability of the proposed £110/sqm CIL rate [for supermarkets]. A levy of this level is likely to have a significant adverse impact on the overall viability of future large scale retail developments, particularly when taking in to account other costs for local infrastructure works and other contributions required as part of a typical S106 agreement (such as highway works which are typically expensive to ensure large scale retail developments function well). We consider that the proposed charge will put undue risk on the delivery of food retail proposals, and will be an unrealistic financial burden which is likely to pose a significant threat to potential new investment and job creation in Selby, particularly at a time of low levels of development activity.</p>	<p>No information is presented to challenge the proposed rate. In the calculations the EVA considers development costs such as those set out in the response, and makes allowances for them (and other costs).</p>
<p>National Farmers Union Agricultural developments place no or in a few cases a very limited extra burden upon infrastructure. The CIL is essentially a levy on the enhanced value of development land. There is no enhanced land value with agricultural development and therefore the CIL would have to be paid from revenue making all/most agricultural development unviable.</p>	<p>The Council proposes to amend the CIL rates to only charge on: residential development (other than flats), supermarkets retail warehouses</p>
<p>Sainsbury's Supermarket LTD SSL's comments relate specifically to the assessment of viability of retail development uses within the CIL (September 2013) Economic Viability Assessment (EVA).</p> <p>The EVA states that retail uses will be differentiated into four categories for viability assessment; 'high street comparison retail', 'retail warehouses', 'supermarkets' and 'neighbourhood retail' within Selby. Hence, upon deciding an appropriate CIL rate for a development it will be necessary to differentiate between developments that constitute 'supermarkets' and those constituting 'neighbourhood retail'.</p> <p>However, the EVA does not present any viability assessment of 'neighbourhood retail' nor presents any explanation for this oversight – despite its inclusion in the descriptions under paragraph 7.1.1.</p> <p>As a result, it is unclear as to the viability of 'neighbourhood retail' development. It is therefore assumed Neighbourhood retail is included within the base charge of £10 per sqm. A rate of £110 per sqm is proposed for 'supermarkets'.</p> <p>However, in justifying this differential rate, no detail is provided as to the scale of the developments appraised and no locally specific evidence used to inform this, the threshold chosen (i.e. what scale of development constitutes a 'supermarket'?) or the impact of the above factors upon viability. The viability assessment assumes that the single appraisal for 'supermarkets' is representative of the market across the entire charging area. This is not considered 'fine-grained' viability evidence.</p>	<p>The Council proposes to amend the CIL rates to only charge on: residential development (other than flats), supermarkets retail warehouses</p> <p>A neighbourhood convenience retail assessment is included in the Addendum Report</p> <p>Definitions of each retail use, including references to scale where appropriate, are included within the Addendum Report. Evidence is considered an acceptable level of detail for the purposes of CIL.</p> <p>The definitions set out the Addendum Report are considered clear and unambiguous, and have been found sound at examination.</p>

Q1 viability evidence comment	SDC response
<p>Moreover, without assessment of 'neighbourhood retail' development, the clear and fine-grained viability evidence required to distinguish between and justify differential retail uses as per the definitions within the EVA is absent from the Council's evidence base. This risks non-compliance with the CIL Guidance (2013) and CIL Regulations 2010 (as amended).</p> <p>There is also considerable ambiguity between the definitions set for 'supermarkets' and 'neighbourhood retail'. SSL would request that the Council provides evidence about the point at which a development becomes a 'supermarket' and incurs the proposed CIL liability of £110 per sqm, as opposed to the 'neighbourhood retail' rate assumed to be £10 per sqm. Evidence should also be presented to justify the decision for this threshold and appropriate robust definitions put in place. This is considered necessary by SSL to ensure that CIL charging is applied consistently when considering all applications.</p> <p>On a final note, the CIL Preliminary Draft Charging Schedule (PDCS) includes an asterisk alongside both 'supermarkets' and 'retail warehouses', however there is no definition stated or clarification as to what this is to refer to. SSL advises that this should be resolved prior to publication of the CIL draft Charging Schedule for consultation.</p>	
<p>Wakefield Council We confirm that the proposed CIL charges are suitable and determined in accordance with your evidence on viability.</p>	Support welcome
<p>Stephenson and Son The economic viability assessment should not apply to agricultural buildings. A charge proposed will make most agri buildings uneconomical to develop. The buildings themselves do not impose a significant cost on the council.</p>	The Council proposes to amend the CIL rates to only charge on: residential development (other than flats), supermarkets retail warehouses
<p>David Sykes Electrical The viability assumptions conclude that it is not viable to make a charge for office accom yet the recommendations are that the base charge should be £10/sqm. This charge should be ZERO as the Council should be encouraging the development of employment opportunities, not putting yet more barriers in the way of new development. This has increased over years –planning fees, costs associated with production of planning access statements, wildlife surveys etc. I thought the council's role was as an enabler to act as catalyst for development - to encourage the private sector to provide jobs and homes. We are located in the north of England, not prosperous London and South East. We have yet to recover from the recession - see the reduction in development that has taken place over last 5 years. The private sector needs assistance not tax.</p>	The Council proposes to amend the CIL rates to only charge on: residential development (other than flats), supermarkets retail warehouses
<p>Church Commissioners for England Land Value Reference within the EVA acknowledges that the value of land to a developer will vary significantly from one site to another and that there is a lack of data on land values within Selby. Reference is also made to discussions that have taken place with developers and local agents active in the local market in order to help inform assumptions made about land prices, albeit no approaches appear to have been made to landowners within the District who are the key element in any development. The Church Commissioners, as a major land owner within Selby District have not been approached to comment.</p> <p>Evidence of the local market provided by the Commissioners' land agent, Smiths Gore suggests that the assumptions made within the EVA, including applying a multiplier of 15 on the value of agricultural land, are not considered to provide a valid measure in considering the development value of land as it does not take account of a range of factors including site location, potential sales values, etc. Smiths Gore point to the fundamental valuation principles laid out by the RICS for residual valuations where the starting point is the end use value as opposed to the base use value. On this basis, the figures quoted at paragraph 5.6.17 are considered to be too low and that a value of £850,000 per hectare for serviced land quoted for the High Value areas would be an acceptable land value for the lowest value, unserviced sites based upon sales where similar house prices are achieved.</p> <p>Developer's Profit</p>	<p>The Council held a Developer Forum presentation/meeting to which developers, land owners/agents etc were invited to comment upon some early assumptions and baselines. Not all developers/ agents/ landowners etc were present, but a useful representative sample were in attendance.</p> <p>Evidence on land value is drawn from a variety of sources, including consultations with developers. We note the general agreement of all parties at the Workshop in respect of the land value assumptions, which are net of the cost of meeting all policy requirements in full.</p> <p>The revised assessments in the Addendum assume margins as a percentage of GDV. Support for 20% of GDV as measure for developer profit is welcome.</p>

Q1 viability evidence comment	SDC response
<p>Whilst the EVA makes reference to the use of both 20% of costs and 20% of GDV in its appraisals, we support the use of the latter in calculating the proposed rates as detailed at Table 9.1.</p> <p>In support of this approach, guidance within 'Viability Testing Local Plans' (June 2012) states at pages 36-37 that "the great majority of housing developers base their business models on a return expressed as a percentage of anticipated gross development value". Whilst it recognises that a higher gross margin will be required on schemes with high upfront capital costs in order to improve the return on capital employed, it concludes by stating that:</p> <p>"This sort of modelling – with residential developer margin expressed as a percentage of GDV – should be the default methodology, with alternative modelling techniques used as the exception" (our underlining).</p> <p>We also refer to the Examiner's Report for the Greater Norwich Development Partnerships Draft Charging Schedule, published on 4th December 2012. The issue of developer's profit was debated during the Examination and as such, it was conceded by the Council's consultant that a rate of 20%-25% on GDV was the usual approach for basing developer profit.</p> <p>More latterly, the Shinfield appeal decision (APP/X0360/A/12/2179141) also debated this matter and there was common ground between the parties that developer's profit should be assessed at either 25% of costs or 20% of GDV, the Inspector concluding that 20% of GDV was reasonable.</p> <p>We also note that in the work undertaken by PBA in support of the emerging Charging Schedule within Hambleton District that they have reverted from the use of 20% cost in the earlier Preliminary Draft Charging Schedule to 20% of GDV within the current consultation on the Draft Charging Schedule, indicating this is a more robust approach</p> <p>Section 106 Costs</p> <p>Paragraph 15 of the 2013 CLG guidance requires that charging authorities should set out known site-specific matters where section 106 contributions may continue to be sought, the principal purpose being to provide transparency on what the charging authority intends to fund in whole or part through the levy and those known matters where Section 106 contributions may continue to be sought. Paragraph 22 also now requires that Charging Authorities should provide information about the amounts raised in recent years through Section 106 Agreement, as background evidence. Paragraph 29 requires that in preparing their evidence to inform their proposed levy rates, charging authorities should also show how they have taken into account other development costs arising from existing regulatory requirements in order to demonstrate that the proposed rates will not threaten the delivery of the relevant Plan.</p> <p>We note that no such evidence appears to have been collated. This is evidenced by reference to paragraph 4.7.2 which acknowledges that the authority is not sufficiently advanced in the infrastructure plan to develop their thinking on infrastructure and that over the coming months it will begin the process of distinguishing the collection mechanism between section 106 and CIL. On this basis, for the purposes of the EVA, the assessment has assumed a 'residual' S106 contribution of £500 per dwelling.</p> <p>We consider that due to the lack of evidence currently available, the assumptions made about residual S106 contributions has the potential to have serious implications for proposed development as it does not accurately take account of other potential development costs which could therefore seriously threaten the delivery of development proposed by the Core Strategy. Further work is essential to fully account for other development costs and an assumption based on £500 per dwelling is considered to be far too low based on likely on-going requirements for site-specific mitigation, infrastructure, the provision and maintenance of public open space and other community related facilities for instance, that would not be covered by the levy.</p> <p>Build Costs</p> <p>Evidence of the local market provided by Smiths Gore suggests that the Build Cost</p>	<p>More detailed analysis of the Council's data on S106 receipts has been gathered and analysed. Typically, contributions have been sought for waste and recycling (c£50 per dwelling typically), recreational open space (c£900 per dwelling typically) and, for larger applications, contributions towards education. The Council will revise its Developer Contributions SPD in due course, but it is the intention that open space, and education issues will be dealt with through CIL, rather than S106. As such, only the recycling contributions of £50 per dwelling are likely to remain. Nonetheless, we have retained the allowances of £500 per dwelling on scenarios of 1ha or less, and £2,500 per dwelling on larger site scenarios.</p> <p>Further information on S106 costs is set out and applied in the viability assessment in the Addendum Report</p> <p>Build costs are taken from the industry standard BCIS database. Any suggestion to deviate from this would require very robust evidence to support it, which is not provided as part of this or any other representation.</p> <p>· Servicing costs and land values are treated differently in the Addendum Report. Refer to that document for further information.</p>

Q1 viability evidence comment	SDC response
<p>assumptions made at Paragraph 5.6.33 are too low and that a figure of £970 per square metre should be adopted.</p> <p>Other Assumptions</p> <p>Paragraph 5.6.35 of the EVA refers to on site secondary infrastructure assumptions for small and large sites at £150,000 per hectare and £250,000 per hectare respectively. Research undertaken by the HBF/Savills referred to in representations to the Mid Devon Draft Charging Schedule indicated that in respect of large sites, average site servicing costs equated to approximately £250,000 per net developable acre (or £617,500 per hectare), or otherwise £20,000 per dwelling. Evidence of the local market provided by Smiths Gore suggests that at the very least, these costs should be £400,000 per hectare.</p> <p>Conclusions</p> <p>In light of the above comments, we consider that the various assumptions made and utilised within the viability appraisals would suggest that overall, the perceived residual value of development and the ability to withstand the level of CIL proposed by the suggested rates has been overestimated. The result would therefore seriously bring into question the viability of development proposed within the relevant Plan as a whole.</p>	
<p>McCarthy & Stone and Churchill Retirement Living</p> <p>The effect of the imposition of CIL will be to constrain land supply. This is a particularly significant threat to land with a high existing use value and therefore to the delivery of retirement developments, which due to the nature of residents are required to be sited in close proximity to town and local centres. It is hoped that the CIL schedule can be adopted in a way that does not constrain this much needed form of development.</p> <p>The CIL guidance Dec 2012 states consistently that “in proposing a levy rate charging authorities should show that the proposed rate would not threaten delivery of the relevant plan as a whole (para 29)”</p> <p>The CIL guidance also stresses the importance of this principle to individual market sectors that play an important role in meeting housing need, housing supply and the delivery of the Development Plan, such as specialist accommodation for the elderly. This is relevant in the context of Para 37 of the Guidance. “However, resulting charging schedule should not impact disproportionately on particular sectors or specialist forms of development and charging authorities should consider views of developers at an early stage.”</p> <p>Where the provision of specialist accommodation for the elderly plays a clear role in meeting housing needs in the emerging or extant Development Plan, as it does in the context of Selby as discussed below, by not properly considering the effect of CIL on this form of development the Council would be putting the objectives of the Development Plan at risk and thereby contravening Gov Guidance. It is therefore of clear importance that the emerging CIL rate accurately assesses the development of specialist accommodation for the elderly in the Borough.</p> <p>The NPPF stipulates that the planning system should be supporting strong, vibrant and healthy communities and highlights the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local Planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...such as...older people”.</p> <p>The “what homes where toolkit” developed by HBF uses statistical data and projections from the ONS and DCLG to provide useful data on current and future housing needs. The table provided is replicated from the toolkit and shows the projected change to the dem profile of Selby 2006-2026. In line with the rest of the country, this toolkit demonstrates that the demographic profile of the area is projected to age, with the proportion of popn aged 60+ increasing from 21.4% to 29.6%. the most significant popn increases are projected of the frail elderly, those aged 75 and over, who are more likely to require specialist care and accommodation.</p> <p>Selby Core Strategy reflects this by identifying that the demographic profile of the area</p>	<p>Introduction of CIL has not constrained land supply in areas where CIL is already in place.</p> <p>Apartment development is proposed to attract a £0 charge in the Draft Charging Schedule. Given that retirement schemes are almost universally apartments, rather than houses, it is our view that specialist housing for the elderly would be constrained by CIL as proposed in Selby. Furthermore, however, there is little or no recent comparable market data on which viability assessments for retirement developments could be based. Therefore, it is neither necessary nor plausible to have a separate category within the Charging Schedule for this kind of development.</p> <p>Notwithstanding the above, we do not accept that CIL charges based on robust viability evidence would constrain land supply in any way.</p>

Q1 viability evidence comment	SDC response
<p>is ageing and raising concerns over the future provision of adequate support and accommodation for the growing elderly popn. The provision of suitable housing to meet diverse needs of the popn is addressed in Para 5.76 "The Council wishes to consider the accommodation requirements of specific groups as part of creating sustainable mixed communities and as such, needs to assess and plan for the housing needs of the whole community including older people." It is therefore clear that the development of specialist accommodation for the elderly is a priority for the Council.</p> <p>In light of the above, we consider that it is of vital importance that the emerging CIL does not prohibit the development of specialist accommodation for the elderly at a time when there is an existing and urgent need for this form of development and that by not properly assessing this form of development the proposed CIL rate would threaten the delivery of the relevant Development Plan contravening Gov guidance.</p> <p>The case for testing sheltered/retirement housing: as you are aware as a national retirement housing company McCarthy & Stone and Churchill are currently submitting planning applications throughout the Country. In light of this we obviously need to ensure that the supporting viability work for the CIL is actually representative of what is happening in the real market place for all forms of housing, as if it is not, the adoption of CIL may prevent needed development from coming forward.</p> <p>The PDCS provides a uniform CIL levy rate for all forms of residential development and does not differentiate between houses, flats and specialist accom for the elderly despite the significant differences between these forms of accom.</p> <p>We note and appreciate the CIL rates proposed for residential development in Selby are comparatively modest at £25 and £45 psqm. McCarthy & Stone and Churchill have not been historically active in Selby, but due to the demographic profile of the District it is of considerable interest for the company and the Authority in which we have sought to bring forward specialist accom for the elderly for a prolonged time. To date however we have been unable to make development viable.</p> <p>The company has investigated numerous methods to bring forward viable development in the area and remain optimistic and interested in developing in the District of Selby in the foreseeable future.</p> <p>Given the existing difficulties with the viability of development however even a modest CIL rate would effectively prohibit this much needed form of development coming forward.</p> <p>Whilst there is an understandable desire to keep the charging rate simple as possible the broad inclusion of some retirement hosing within a general residential heading fails to acknowledge the very specific viability issues associated with such specialist accom for the elderly.</p> <p>There is a increasing concensus that specialist accommodation for the elderly should not be viewed as an oversight or casualty of the CIL regime. There is now a considerable amount of guidance available for charging authorities and viability practitioners to address this issue competently and quickly.</p> <p>The lack of provision so far in the Selby CIL may be sufficient to persuade the Council it should not apply CIL to specialist accommodation for the elderly. Should that not be the case however, to assist the Council in providing more robust viability assessment of retirement / sheltered housing we have provided a copy of a joint position paper produced by McCarthy & Stone and Churchill recently sent to local planning authorities . The paper provides a number of recommendations on testing the viability of specialist accom and how it differs from conventional housing.</p> <p>Additionally, the Retirement Housing Group (a consortium of developers and managers from private sector and housing assocs) recently commissioned Three Dragons to produce a paper for evidence and guidance for viability practitioners – attached.</p> <p>The planning minister responded positively to RHG's with a letter sending out a message to charging authorities to differentiate between retirement housing and general needs housing where viability is an issue. The letter states "...the revised Guidance in Dec 2012 is clear that charging schedules should not impact disproportionately on</p>	

Q1 viability evidence comment	SDC response
<p>particular sectors or specialist forms of development and charging authorities should consider views of developers at an early stage.” (Page 121, Para 37). The Guidance does not specify that any form of housing should be treated any differently to other sectors but it is clear that if you have evidence that your development would be made unviable by the proposed levy charge, this should be considered by the Authority and examiner’. Copy provided.</p> <p>A crucial element of such a CIL viability appraisal will be to ensure that the baseline land value against which the viability of the retirement scheme is assessed properly reflects the spatial pattern of land use in the locality.</p> <p>Therefore the viability of retirement should be assessed against both likely existing site values and just as importantly of potential alternative uses. Our concern is that CIL could prejudice the delivery of retirement housing against competing uses on the land suitable for retirement housing schemes.</p> <p>The average age of residents in retirement schemes is 79 years old likely to have abandoned car ownership, be of lower mobility and or rely on close proximity to public transport. For this reason, retirement housing developers will not consider sites that are over a walking distance of approx. half a mile from a town centre/ local centre with a good range of shops and services to meet daily needs. The result is that retirement housing can only be built on a limited range of sites, typically high value, PDL, close to town centres. It is worth noting that Para 27 of the 2012 Guidance recognises that brownfield sites are those where CIL charge is likely to have most effect, stating “The focus should be in particular on strategic sites on which the relevant Plan relies and those sites (such as brownfield sites) where the impact of the levy on economic viability is likely to be most significant”.</p> <p>A viability for specialist accom for the elderly should therefore provide a development scenario for a typical flatted retirement housing scheme, located on a PDL site within 0.4 miles of a town centre.</p> <p>Any CIL viability assessment should consider the effect of the imposition of CIL on a retirement apartment scheme and should be quantified using appraisal inputs specific to the retirement housing product. It is not correct to simply assume that general needs apartment scheme is comparable to retirement apartments as there are a number of key differences which will affect the land value that can be produced by each. Table 1 of the McCarthy & Stone paper provides a number of generic viability inputs for specialist accommodation for the elderly. The remainder of this representation provides details of the appraisal inputs specific to retirement housing where they differ from conventional housing.</p> <p>Communal areas: many forms of specialist housing provide communal areas for residents at an additional cost for developers. Specialist housing providers also have additional financial requirements as opposed to other forms of development that will only pay on 100% saleable floor space. This does not provide a level playing field for these types of specialist accommodation and a disproportionate charge in relation to saleable area and infrastructure need would be levied.</p> <p>In comparison to open market flats the communal space in specialist accom are considerably larger in size, fulfil a more important function and are accordingly built to a higher specification in order to meet the needs of the elderly than those in open market flats. Typically an open market flat development will provide 16% non-saleable floor space, whereas this increases to 30% for sheltered accom, and 35% for extra-care.</p> <p>This places providers of specialist accom in a disadvantage in land acquisition as the ratio of CIL rate to net saleable area would be high when compared to other forms of residential development.</p> <p>Sales rate: in the case of retirement housing for example there is also a much longer sales period which reflects the niche market and sales pattern of typical retirement development. This has a significant knock-on effect upon the final return on investment. This is particularly important with empty property costs, borrowing and finance costs and sales and marketing which extend typically for a longer time period. Currently the typical sales rate for a development is one unit per month, not the 3-4 units cited in the viability</p>	

Q1 viability evidence comment	SDC response
<p>appraisal, so a 45 unit retirement scheme can take 3-4 years to sell out.</p> <p>As a result of this typical sales and marketing fees for specialist accom are closer to 6% of GDV.</p> <p>Empty property costs: Properties can only be sold upon completion of the development and the establishment of all on-site facilities and manager. These communal areas cost additional monies to construct and are effectively subsidised by the developer until the development has completely sold out. In a McCarthy & Stone development the staff costs and extensive communal facilities are paid for by residents via a management/service charge., however due to the nature of these developments the communal facilities have to be fully built and operational from the arrival of the first occupant. Therefore to keep the service fee at an affordable level for residents, service charge monies that would be provided from empty properties are subsidised by the company (these are known as empty property costs). This is a considerable financial responsibility as, as previously mentioned, it usually takes a number of years to fully sell a development. For a typical 45 unit McCarthy & Stone later living development the empty property costs are on average £200,000.</p> <p>Build costs: Whilst the viability assessment differentiates between the build costs between bungalows, houses, apartments, excluding abnormal, it does not consider the build costs of flatted sheltered housing.</p> <p>The build costs information services (BCIS) shows that the mean average build costs per sqm for a region. The database consistently shows that build costs vary significantly between housing types with the costs of providing sheltered housing consistently higher than for general needs housing and apartments.</p> <p>The most recent BCIS figures for Selby (22 Feb 2014) show that the mean cost of building 1sqm of estate housing is £850 while the equivalent cost for apartments is £991. Sheltered housing costs £1056, which is 7% more expensive than the cost of building apartments and 19.51% more than estate housing.</p> <p>Whilst the BCIS figures are subject to fluctuation it is our experience that specialist accom for the elderly tends to remain in the region of 5% more expensive to construct than apartments and 15-20% more expensive than estate houses.</p> <p>Developer profits: in the foreseeable economic climate we consider that the minimum anticipated developer profit required to achieve financial backing for a retirement scheme to proceed would be 20% of GDV. The proposed charging schedule works on the basis of an assumed profit of 20% based on development costs. Developer returns assumed on this basis would not provide sufficient incentive for developers of specialist accommodation to take on the risk of return.</p> <p>PBA propose developer profit margins of 18% on costs for residential. This is low and we question the Council's rationale in applying such a low rate. Indeed looking at viability assumptions used to inform the evidence base for CIL of other LPAs, developer profits are typically 20% of GDV for residential developments.</p> <p>It is important for the Council not to "over egg" the robustness of the housing market within Leeds as any proposed CIL rate should still be viable. I would like to draw attention to the examiners report for Greater Norwich CIL. It concluded that the Council had undertaken an over-simplistic approach to finance and cash flow considerations in which the use of build costs rather than GDV as a basis for calculating overheads and low profit margins was specifically cited (para 24). As a result the Council's CIL rate for residential was reduced by 35%.</p>	
<p>Barrat David Wilson Homes</p> <p>With regard to para 3.3 our client supports the principle of discretionary relief in certain circumstances. It is acknowledged that the use of an exceptions policy enables SDC to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise.</p> <p>Para 4 sets out how the chargeable amount will be calculated and appears to be in accord with CIL Reg 40.</p>	<p>Broad support welcome</p> <p>The build costs assumed are taken from BCIS. In the Addendum Report, these costs reflect the latest data available. BCIS data is based on actual costs data from recently developed schemes, all of which will have to comply with Part L of the</p>

Q1 viability evidence comment	SDC response
<p>The PDCS has been informed by evidence including the adopted Core Strategy, the Draft IDP and the PBA CIL Economic Viability Appraisal and raise comments on that later on. Para 5.6 of the PDCS correctly acknowledges that authorities must ensure that the proposed levy rates will not threaten the ability to develop sites and the scale of development identified in the plan.</p> <p>Para 5.7 states that the EVA takes account of the development costs arising from existing and emerging planning policy and regulatory requirements. However we do not feel that this has been clearly demonstrated within the EVA. For example the cost implications of adopting sustainable construction techniques in accordance with SP16 of the Core Strategy such as 10% minimum of total predicted energy requirements and for large strategic sites, incorporating combined heat and power schemes. It is noted that Part C of Policy SP16 regarding code for sustainable homes has been considered in the EVA.</p> <p>We support para 5.10 which confirms the Council is proposing to create a differential charging zone for residential development in the northern wards with a higher rate than the rest of the District, which is based on higher sales values and accords with CIL Reg 13.</p> <p>Chapter 5 on the residential viability assessment states that a range of readily available data on residential property market conditions (sales values, land costs and build costs) have been gathered and analysed but the EVA does not provide any details of this. Thus the sources acquired and the date of the evidence is unknown which raised doubt regarding the robustness of such information. The chapter then goes on to say that the desk based research has only highlighted a limited number of new build properties coming to the market in recent years. This in itself raises serious doubts as to the accuracy and reliability of the unknown data that the Council is relying on. Furthermore it is concerning that the Council has included data from the settlements immediately adjacent to the District boundary to inform market context. This in itself suggests that the Council are not confident in the data that has been acquired within the Selby admin boundary.</p> <p>For trends and trajectory we note that there are a number of references within the general text referring to incorrect figure numbers. Given the diversity of market conditions across the whole of North Yorkshire our client does have concerns that the Council is relying on the average price data that applies across NYorks rather than Selby alone. We would question how reflective is the average house price for NYorks of the average house price in Selby, esp as other areas of NYorks comprise of much higher market areas than Selby.</p> <p>Our client objects to para 5.5.4 which says that typically developers and their funders would seek a minimum return of 20% of cost in current market conditions. We note that later on in the EVA (page 31) this is addressed and that 20% of GDV is accepted which we support.</p> <p>It is considered that the EVA should be based on profit margin of at least 20% of GDV as an acceptable level of return for developers. The industry would expect this to raise to 25% for higher risk sites. Financial institutions require at least 20% return on dev value and if that is not shown, they will not provide development funding. We therefore object to the use of 20% return on total development costs as this would ultimately curtail developer interest. Housebuilders base development margins on GDV and not total development costs. We suggest that you refer to Para 22 of the 14 Oct 2012 Taunton Deane BC CIL Inspector's report. It was agreed by inspector and Council that 20% GDV was an acceptable return for developers.</p> <p>The section of the EVA confirms that the sqm values of new residential development was gathered through acquiring selling prices shown on developer and other residential property websites selling houses. However, this is based on asking price (which is often inflated) due to the nature of purchasers seeking property for less than asking price, esp in current market. Thus the values of new properties are not based on robust evidence and therefore the values obtained for EVA will be too high. We therefore object to the information sources used and consider them to be unreliable.</p> <p>Land acquisition cost: land value assumptions based on serviced land used in the EVA</p>	<p>Building Regulations as a minimum. The costs of meeting this requirement are broadly similar to those for CSH 3. In addition, many of the schemes included within the BCIS database are constructed by Registered Providers and will therefore have to achieve CSH4. So, to a large extent, the cost assumptions already build in an additional sum over and above statutory requirements.</p> <p>Nonetheless, the assumed build costs for Selby in the Addendum Report do include an additional uplift beyond the BCIS figure. The median costs identified by BCIS for Estate Housing (2 storey) is £818 per sq. m, whilst the assumed base build costs are £830 - £850 per sq. m (before allowances for external works and contingencies etc) to cover potential additional costs relating to Policy SP16.</p> <p>Market data will be included within a Technical Note to be consulted upon as part of the DCS consultation. Additional data has been gathered since the PDCS stage to add to that previously gathered. The inclusion of evidence from settlements immediately surrounding the District is entirely appropriate. Property markets do not follow administrative boundaries and the inclusion of data from adjacent and directly comparable locations is a necessary and beneficial approach that is replicated throughout the property industry.</p> <p>Some data is not available at a district level. Where this is the case, it is provided for North Yorkshire as a whole. Nonetheless, the information referred to is provided as context and is not used to directly inform assumptions or charge rates.</p> <p>Developer's profit included as a percentage of GDV in the revised assessments set out in the Addendum Report. Assumed rates are 20% on GDV for market units and 6% on GDV for affordable units, given minimal risk.</p> <p>Sales value assumptions are based on evidence from a number of sources. In the case of our analysis of asking prices, we have taken into account typical levels of discounting. This evidence is supplemented by analysis of Lang Registry data and</p>

Q1 viability evidence comment	SDC response
<p>are: A) low value £400k per net developable hectare B) Moderate: £575k C) High: £850k</p> <p>Sales values: those indicated in para 5.6.20 of the EVA are too high and not realistic for the Selby housing market area. A more appropriate lower value would be £1776 and an upper value of £1980.</p> <p>Para 5.6.22 acknowledges an earlier concern with regard to asking prices rather than selling prices. It goes on to say that discounts of typically 5% but can be as much as 10%, yet the EVA seeks to apply 5% discount. We consider that 7.5% discount would be more appropriate as an average and is more true representation of the current market for discount.</p> <p>AH and Developer contributions: The EVA assumes per sqm build costs as £860 (affordable and low value), £870 for medium and £880 for high value. Our client is of the view that the above build costs are low and that £915 including allowance for external works and 5% contingency. Importantly the cost of building a house doesn't change in terms of market and affordability.</p> <p>We object to para 5.6.33 which provides a lower build cost for affordable housing based on an assumption that a lesser amount is likely to be spent on fixtures and fittings. This is contrary to 7.8 of the Council's AHSPD which stipulates that affordable units within new development should be of similar quality to open market housing and should be visually indistinguishable. We therefore object to the build cost of £860sqm given that it is contrary to the adopted SPD. Instead, affordable houses should be based on whether it is in the lower or higher market area.</p> <p>The EVA says that larger development locations will benefit from economies of scale and therefore a 2.5% reduction has been applied on the figures above 5ha in site appraisals. This is not the case and therefore we strongly object to this assumption which has informed the viability appraisal.</p> <p>It is noted that the EVA does not address density in any detail and merely says in para 5.6.36 that low density development has been assumed for the purposes of EVA. Table 5.1 on the appraisal summary findings then uses a range of densities between 32 and 40 even though the adopted Core Strategy does not set a minimum density range for the District. Given that densities play a fundamental role on the GDV, it is imperative that densities used in the 9 development scenarios are reflective of the likely average density. It is unclear as to how the EVA arrived at the chosen densities to be used in the viability appraisals applying 40dph for low value areas, 36dph for medium areas and 32dph for low value areas across all site sizes tested (0.25 ha, 1ha and 5ha). These densities are too high and consider that 35dph for low value areas, 30dph for medium and 25dph for low value areas.</p> <p>First the above means that inappropriate densities have been used to inform the scenario testing of the 9 examples, and secondly the Council will be of the opinion that they can expect to receive far more from CIL payments than then will in reality. We therefore object to the chosen densities expressed in the EVA.</p> <p>The EVA also assumes average unit sizes are: 100sqm low, 110sqm medium, and 125sqm high. These average unit sizes are too high as a medium to high value site in Selby works out on average at 101sqm. Thus we object to the average unit sizes for medium and high value areas which would have a severe impact upon scenarios tested. This would lead the Council in to a false assumption that more could be obtained from CIL than can actually be achieved.</p> <p>We consider that professional fees for all sites should be a minimum of 10% including larger sites. Thus we object to 8% being used for sites over 1ha. In addition, professional fees for smaller sites can be more than 10% and therefore suggest that 12.5% is more appropriate.</p> <p>The finance costs should be based on prevailing interest rates of 7.5% not 7%.</p>	<p>consultations with developers and agents. Together these sources show the assumed values to be robust.</p> <p>No evidence provided to support assertion. Build costs are based on the industry standard BCIS database, which is known to shown higher build costs that major housebuilders can achieve, given the high proportion of RP schemes it is based on and the economies of scale that volume house-builders have access to.</p> <p>Making allowances for higher specification in higher value scenarios is considered a robust approach, given that the assumed build costs for lower value scenarios and affordable housing is already above the BCIS average.</p> <p>Economies of scale are present in development industry as elsewhere in the economy and as such it is appropriate that this reality is reflected in the viability assessments.</p> <p>Density assumptions are based on our understanding and appreciation of local market conditions and analysis of recent schemes. Densities in the schemes analysed ranged between 27dph and 45dph, with an average of 36 dph. This corroborates the assumptions made. No evidence is provided to support the alternative assumptions proposed.</p> <p>Unit size assumptions are based on analysis of new housing currently being developed in the local market. The average of size these units is 110sq. m. As such,. The assumptions applied are considered appropriate and robust.</p> <p>Professional fees are included at 10% of build costs and external works in the revised assessments set out in the Addendum Report.</p> <p>No evidence provided to support assertion. Support for the finance rate applied from other representations.</p> <p>Support for differential rates welcome</p>

Q1 viability evidence comment	SDC response
As mentioned earlier, we support the decision to refer to returns/profits margins on the basis of using a benchmark minimum return to be 20% of GDV on private dwellings. However this should be applied to both private dwellings and market dwellings and therefore we object to the minimum benchmark for affordable dwellings being 6%.	

Q2 high/low zones	SDC response
Anthea Whitton in my view if this plan is adopted the lower rate should be applied across the region. Given that land prices and as a consequence the amount of Stamp Duty Land tax paid are higher in the North zone it seems penal to also levy this charge (which is effectively a tax on development) at a higher rate.	A single rate at the lower £25sqm charge would fail to capture the viability of sites in the northern area. Simply put, development in the north is ABLE to pay more through higher sales values than the southern area. As such the Council does not consider a single levy rate appropriate as it would not be reflective of the evidence on viability, contrary to the Regulations. The CIL is not just a tax lost in the Council's budget – CIL is spent on strategic infrastructure improvements that will enable development to take place.
Brian Percival If there has to be a levy it must be same over the entire District for why should the northern area be penalised. Infrastructure works cost the same in Selby as in Tadcaster. It is a penalty to charge different sums and as such is contrary to Section 8 of the HR Act	A single rate at the lower £25sqm charge would fail to capture the viability of sites in the northern area. Simply put, development in the north is ABLE to pay more through higher sales values than the southern area. As such the Council does not consider a single levy rate appropriate as it would not be reflective of the evidence on viability, contrary to the Regulations.
Cllr Mike Jordan Support for the areas after it was explained	Support welcome
Jigsaws Childcare LTD Seems within reason	Support welcome
Tadcaster Town Council The Town Council is opposed to the imbalance in charges between North and South and would like to see a uniform levy across the district.	A single rate at the lower £25sqm charge would fail to capture the viability of sites in the northern area. Simply put, development in the north is ABLE to pay more through higher sales values than the southern area. As such the Council does not consider a single levy rate appropriate as it would not be reflective of the evidence on viability, contrary to the Regulations.
Stephenson and Son Support for the areas	Support welcome
Stephen Wadsworth yes the areas are correct	Support welcome
David Sykes Electrical yes but it also need further modifications to face issues in the market place. For example small infilling housing development for say 3 houses or fewer will not put any strain on existing infrastructure and therefore should be charged at zero rate or £10 maximum. The emphasis should be on charging large scale developments which have an impact on the infrastructure (similar to S106 agreements).	The principle of CIL is that ALL development has an impact – it is the cumulative impact of many small developments that can contribute significantly to the problems in infrastructure. Contributions through S106 cannot be pooled to address those problems – CIL is the new

Q2 high/low zones	SDC response
	<p>mechanism to capture and address this.</p> <p>However, the 2014 Regulations make an exemption for self build development.</p>
<p>Church Commissioners for England Yes, based on the evidence provided in relation to sales values, we agree that it is appropriate to introduce differential rates as this would accord with the CLG Guidance at paragraph 34 which notes that they are a way of dealing with different levels of economic viability within the same charging area and is a powerful facility that makes the levy more flexible to local conditions.</p>	<p>Support for differential rates welcome.</p>
<p>Yorkshire Wildlife Trust Support for the areas</p>	<p>Support welcome</p>
<p>Ulleskelf Parish Council No. Whilst the Parish Council appreciate that the District Council took certain advice as to the charging zones it considers that an unjustifiable and arbitrary “broad Brush” approach has been taken in defining the boundaries and existence of only two regions which goes much further than is necessary for the purpose of simplicity and clarity. Quite apart from the above observation the Parish Council wonder what can be the justification for two different rates of charge when a distinction comes about automatically as a result of the pro-rata rate involved as applied to the comparative expense of smaller or larger properties in more or less affluent areas.</p>	<p>The zones (and “typical” development floorspace sizes) are not <i>applied to</i> the areas, instead they are the findings of the analysis of recent sales data in those areas.</p> <p>The analysis is used to calculate the relative viability of new development, based on this evidence of recent sales. It has to be broad, otherwise every individual development would have to be assessed individually which would not be practical.</p> <p>The broad brush approach allows for considerable flexibility and scope for variables that naturally occur between different development sites/proposals.</p> <p>It is not clear whether the responder is seeking a single simpler zone, or a more complex matrix of more than two zones for residential development. A single rate at the lower £25sqm charge would fail to capture the viability of sites in the northern area. Simply put, development in the north is ABLE to pay more through higher sales values than the southern area. As such the Council does not consider a single levy rate appropriate as it would not be reflective of the evidence on viability, contrary to the Regulations.</p> <p>Conversely, a more complex matrix of charges would be unnecessarily complicated for little actual benefit in terms of generating CIL receipts. The evidence suggests a simple, justifiable 2-zone charging matrix with a robust boundary.</p>
<p>Connaught Administration Services LTD Peter Brett Associates has sought to crudely split the borough into two homogenous higher and lower charging zones which does not take into account the local dynamics of the market of each sub-area (ward). Figure 5.1 of the Economic Viability Assessment sets out property prices for different house types across the borough for each sub-area. Across all house types, Sherburn in Elmet has an amber coding which reflects medium level house prices. It is surrounded by higher value areas to the north around Tadcaster and by Lumby to the south.</p>	<p>The heat mapping shows clearly the ward-level “local dynamics”. What PBA have done is seek to simplify the complex data and arrive at a simple but justified charging schedule. There is a clear north/south split in the heat mapping, although inevitably there are “anomalies” and scope for variation of</p>

Q2 high/low zones	SDC response
<p>As currently presented, the charging zone would put Sherburn at a competitive disadvantage to Tadcaster for inward investment and development due to the difference in values. With both towns designated as Local Service Centres which are to accommodate for their surrounding hinterlands and accommodate future growth, this could leave Sherburn disadvantaged.</p> <p>Although we note the need for simplicity when demarcating different charging zones in accordance with the Regulations, the introduction of a three tier zone system would remain a simple approach, but more accurately reflect the dynamics of each sub-area. In such a three tiered, traffic light system, Sherburn would have an amber charge, rather than the higher red zone to the north.</p> <p>This approach is supported by DCLG CIL Guidance (February 2014) which states that differential rates may be appropriate in relation to different geographical zones. There are also examples of other authorities seeking to introduce more representative charging zones, for instance, Leeds City Council which has proposed five different zones in its Draft Charging Schedule.</p>	<p>the border.</p> <p>As the analysis incorporates a number of factors to allow for variation, local circumstances etc, there is sufficient flexibility in the appraisal to absorb these localised variances.</p> <p>Sherburn is “amber” throughout the heat maps, and surrounded by high value wards. This clearly shows it is able to withstand the higher CIL rate out of the two. Indeed, the higher rate is based on the ‘lowest common denominator’ of the assessments that informed it – i.e. moderate value scenarios.</p> <p>A three-tier system has some merits in terms of the heat mapping, however the heat maps alone do not determine the CIL zones. The Council must also consider other factors such as the complexity of the charging schedule.</p> <p>The experience of Leeds has no bearing on the Selby CIL, as Leeds City Council respond to their local evidence as Selby will respond to its local evidence. Leeds’ CIL deals with vastly differing viability results in geographies over a much larger area including low value inner city and high value “golden triangle” villages. Selby’s evidence is less variable.</p>

Q3 charges comment	SDC response
<p>Anthea Whitton</p> <p>No, in my view if this plan is adopted the lower rate should be applied across the region. Given that land prices and as a consequence the amount of Stamp Duty Land tax paid are higher in the North zone it seems penal to also levy this charge (which is effectively a tax on development) at a higher rate.</p>	<p>A single rate at the lower £25sqm charge would fail to capture the viability of sites in the northern area. Simply put, development in the north is ABLE to pay more through higher sales values than the southern area. As such the Council does not consider a single levy rate appropriate as it would not be reflective of the evidence on viability, contrary to the Regulations.</p>
<p>Brian Percival</p> <p>The sum of 45 pounds sterling per square metre of space created represents a 6% levy onto the cost of construction and with a reasonable sized 3 bedroom house of 110 sq m then the sum added to the construction costs that will be subsequently passed on to purchasers for as much as the market can bear will be in the region of 5,000 pounds sterling in the north and so adding to the huge disparity in sales values between the north and the remaining areas of the District and add to the even greater lack of housing in the north. To charge per square metre of construction, not habitable space (ie to charge on garages, corridors and stairs) makes the charge higher per sq m of habitable area on smaller houses and consequently attacks the provision of low cost housing). To charge on size defies the logic that the charge is for infrastructure, a 200m2 3 bedroom</p>	<p>The CIL Regulations require that rates are set per sq. m of net additional floorspace.</p> <p>CIL viability appraisal takes in to account policy costs, including 40% affordable housing.</p>

Q3 charges comment	SDC response
house requires the same infrastructure as does a 100 m2 3 bedrooomed house.	
<p>A Builder Any one building in the District of Selby should be given a levy payment to build there in the first place? Prices are already 30% lower and the build cost the same? This proposal just shows a crass understanding of what is involved to development, developers are already milked for Sec 106, affordable houses, inflated planning fees, planning reports etc etc - where do you think the profit is? Get real.</p>	Comments noted.
<p>English Heritage We have no comments to make regarding the rates of CIL which are proposed for the various categories of new development. In terms of our area of interest, the rates of CIL which are being proposed are unlikely to impact upon future investment in developments which could help secure the future of the heritage assets of the area.</p>	Support welcome
<p>Ian Hinchey The CIL-ing fields of Selby District, have an extra £9,600 Community Infrastructure Levy added to the mandatory S.106 payments for each New Home built in Selby District - and Barlby & Osgodby Parish Council is also into the 'Referendum triggering' field of 2.2% rise in Precept, 2% being the 'trigger' - "So... what's that? .. because it is allowed to fund the biggest wage bill in the District? Can that be right?" Small & medium enterprises (SMEs) in the house building sector will be hurt by this fundamentally anti-competitive tax inasmuch as it will determine a sale price per home favouring the economies of scale open only to bigger construction companies engaged in building many dwellings, whilst SMEs will have difficulty in selling their more expensive homes. With the approximately 1,200 dwelling builds required annually Selby District Council will be big gainers over the 15 years of Core Strategy, but home buyers will have to find another £175 million and be forced to live on 'big estates', the smaller village-type builds being unavailable as the forced to be un-competitive small and medium enterprises - the back bone of the Nation's wealth successive governments keep telling us - are left to wither and die.</p>	<p>The figures quoted are inaccurate as to the costs of CIL per dwelling. The rate of delivery is also incorrect.</p> <p>The rates are calculated to reflect the variances in viability and a significant reduction is shown in the actual rates from the viability limit to reflect those differences. The EVA shows that CIL can be withstood in the District and proposed balances rates to ensure that there is no disadvantage.</p> <p>Other comments are noted.</p>
<p>Jigsaws Childcare LTD Seems reasonable</p>	Support welcome
<p>Kellington Parish Council Members were of the opinion that Agricultural Buildings should be a chargeable development and should not be exempt as you indicated maybe the case.</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>National Farmers Union I have tried to ascertain where agriculture fits within the charging schedule but this is a little unclear. Should this fall within "All other chargeable development" and incur a £10 per sq.m charge we wish to object to this proposal. To ensure a clear and fair charging schedule we suggest that the following wording is used for Agriculture, Agriculture Tied Houses and Barn Conversions £0 . "3.21 CIL is to be charged against all net gain in floorspace, and thus the liability to pay CIL can fall on development that benefits from permitted development rights, and thus in its own right does not require planning permission.....In the circumstances of Agricultural development this has the potential to capture buildings such as Hay Barns, Livestock sheds, Agriculture Tied Houses and Barn Conversions the development of which has no viability. For this reason it is proposed to set agricultural at £0." For agriculture to become sustainable in the future it will be essential that developments including all agriculture buildings and structure's, agriculturally tied buildings and any barn conversions are able to gain planning permission easily and without any additional costs. You may also find the below links to changes (zero rating for Agricultural Buildings, Agriculture Tied Housing and Barn Conversions) made by other Local Authorities useful. *Leeds* *Harrogate*</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>Aldi Stores LTD Whilst we agree with the Council's approach in setting variable rates for CIL for different land uses (in line with Regulations), we consider that the proposed rate of £110sqm for supermarkets too high and will impact on viability schemes coming forward in the future. Firstly it is important to draw reference to Para 175 of NPPF which states that "the CIL</p>	<p>The representation correctly states that no separate assessment has been undertaken. Whilst the development economics of discount supermarkets may be different, it is not possible under the CIL regulations</p>

Q3 charges comment	SDC response
<p>should support and incentivise new development". In this context we consider the rate contrary to this objective.</p> <p>Indeed there is a perception that national food operators can afford to pay rates such as that proposed. However discount operators such as ALDI have a business model that is designed to deliver discount food produce for a localised catchment. Aldi in particular operate on low profit margins, their model is based on high levels of efficiency and lower overheads to enable cost savings to be passed on to customers. Discount operators are important to provide realistic choice for residents, especially in a period of economic downturn where Aldi have been found to be 45% cheaper than the "big 4" operators such as Morrisons and Asda. On this point we consider that a high rate such as that proposed could impact on the viability of future schemes for ALDI.</p> <p>In this context Planning Potential have identified a number of concerns in respect of the EVA produced by PBA which forms the evidence base for the Council's CIL.</p> <p>Firstly the testing undertaken to establish an appropriate CIL rate for convenience retailing has focussed on larger out of town grocery shops. Secondly the EVA does not appear to test viability on the basis of a discount operator, but rather tests scenarios based on common formats of convenience store/supermarket/superstore ie Tesco/Asda etc. These are markedly different from Aldi's format.</p> <p>Testing for convenience retailing has focussed on large out of town grocery stores. Consequently the model does not take into account in-centre and edge of centre sites which are considered to have more physical constraints.</p> <p>In support of the above in Jan 2014 the Trafford Council CIL was challenged. The Examiners report PINS/Q4245/429/2 recommended a number of key modifications to the Council's draft charge schedule which he considered were necessary to strike a fair balance between supporting infrastructure and enabling planned development to be delivered. A key modification was the adoption of nil rate for town centre supermarkets.</p> <p>In light of the above we consider that Selby should also adopt a nil rate for in-centre development to enable development to come forward. This is further supported by the fact that the testing adopted by PBA is heavily skewed by out of centre sites are less physically constrained.</p> <p>Aldi mainly stock own label grocery products together with a small range of own label confectionery. Less than 10% of their products are branded goods, which are sold when in Aldi's opinion the product offer cannot be bettered. The resulting arrangement is that unlike superstores, an Aldi foodstore does not offer a one-stop-shop for weekly food shopping needs therefore would not be applicable to the proposed CIL charge. It is therefore unreasonable to expect an Aldi store to be liable for CIL that is based on the business model of materially and markedly different retail operators.</p> <p>It is also important to note that often the nature of the sites are considerably constrained adding further costs, for example complicated highway solutions and decontamination costs. It is also important to consider a site's ability to deliver a retailer's optimum requirements and achieve their standard business model. This would include for example, optimum car parking levels, retail floor area, accessibility of the site, build costs etc. However the instances where all of these can be achieved are rare.</p> <p>The creation of a physical retail destination includes numerous benefits including choice, jobs, and spin-off trade as customers combine trips to other destinations. Retail activity can also help to stimulate development elsewhere, such as other service uses seeking to benefit from footfall. However the imposition of CIL charges will simply frustrate potential development opportunities and in some cases simply dissuade investors entirely, the knock on consequences of which are potentially very severe in terms of securing the long term vitality and viability of not just retail centres, but urban areas as a whole.</p> <p>As the Council are aware, Aldi have an active interest in investing in Selby and have previously enjoyed a successful working relationship with the Council delivering an Aldi store at 3 Lakes. The store is trading well and as a result Aldi seek to invest in the Selby area, delivering growth and investment. This in turn will create job opportunities for local people. However if the current approach to CIL is pursued, we are extremely concerned</p>	<p>to differentiate a charge according to different types of operator. Charges may only vary where the evidence shows that there is a material difference in viability by the use of the building, the scale of development or by zone. Whilst it is possible to discern a difference in the use (and viability) of buildings used as small neighbourhood convenience stores for top-up shopping and supermarkets used for main weekly food shopping, this is not possible between discount supermarkets and those operated by others. They are, for all intents and purposes, used in the same way. As such, it would not be possible to set different charges for discount operators.</p> <p>Our evidence shows that rental values for discount supermarkets are often lower than those for major supermarket operators and that the covenant strength of the discount operators means that yields are slightly higher. These two factors will reduce development value. Conversely, build costs are known to be lower for discount supermarkets, and lower value development sites are more typical. To a large extent therefore, these factors will balance one another out.</p> <p>In considering the scope for a separate charging zone for town centre development, it is necessary to have 'fine grained' evidence showing that viability materially differs either side of the line that defines the zone, which itself must be based on market evidence, rather than policy. The research undertaken has not established the robust and fine-grained evidence required to support a separate town centre charge zone. Neither is such evidence included within the representation.</p> <p>The approach taken, therefore, is to propose rates that are well below the theoretical maximum charges for each use, in order to allow for developments that have higher costs and/or lower values (and therefore lower viability) than is typical. This acts as a safeguard to viability.</p>

Q3 charges comment	SDC response
<p>that such a CIL rate will significantly prejudice investment in the future and ultimately reduce the Council's ability to deliver much needed infrastructure.</p>	
<p>Sainsbury's Supermarket LTD SSL fundamentally disagrees with the proposed base charge of £10 per sqm for all other chargeable developments. Table 6.2 on page 35 of the CIL (September 2013) Economic Viability Assessment demonstrates both office and industrial uses to be unviable prior to introducing a CIL liability. This is reinforced by statements in paragraphs 6.4.2 – 6.4.3 on page 36 of the same document.</p> <p>SSL wishes to draw the Council's attention to the Examiner's Report to Trafford Council (PINS/Q4245/429/2) following examination of the Trafford CIL draft Charging Schedule – dated 31st January 2014. Within paragraph 38 the Examiner expresses the clear view that introduction of a base charge on development cannot be introduced where the Council's own evidence base demonstrates that the uses are unviable either without or with a CIL charge – irrespective of the 'scale' of impact. Reference is also made to paragraph 8 of the CIL Guidance (2013), and confirms that an approach that has a potentially negative economic effect is inappropriate. The relevant paragraph is presented below for the Council's reference: "I must give greater weight to the fact that CIL examination is an evidence based process and charges cannot, in my view, be imposed where the Council's own evidence base indicates that developments are not viable. I have noted carefully the demonstration that the amount would be small but that is not the point; imposing any charge on development that has been demonstrated to be unviable, can only serve to lessen viability further. I am also mindful of paragraph 8 of the CIL Guidance (2013) which sets out the expectation that the levy will have a 'positive economic effect' and I do not consider that the Council's evidence demonstrates that the base charge, for employment development types, will achieve this. To justify such charges, the Council would need to present clear 'real world' evidence that there was a case for departing from the methodology and viability benchmarks that it has set, and which have formed the basis of its EVS. It has not done so. For these reasons, I recommend that the base charge is reduced to a nil charge for 'offices' and 'industry and warehousing'".</p> <p>SSL therefore advocates that the Council removes the base rate and, in consistent manner with the CIL Regulations 2010 (as amended) and the CIL Guidance (2013), introduces a nil CIL rate for all other chargeable development.</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>Stephenson and Son The charge should not apply to agricultural buildings. For other forms of development it will be too broad brush and further sub division should be required for different types of industrial development.</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>Stephen Wadsworth The rates are set too high and will prevent development on a lot of marginally viable sites. Other chargeable development should not include agricultural buildings.</p>	<p>The analysis shows that broadly speaking development could stand around a further 25% on top of the proposed charge. However, to provide flexibility and to ensure that marginal sites are not rendered unviable, the charges have been reduced (as set out in the EVA). Accordingly., the Council considers the charges to be reasonable.</p> <p>Officers recommend that the 'base charge, and therefore charges on development for agricultural purposes, should be reduced to £nil. Should the development subsequently change use, then CIL may be a "clawback" period of time to avoid situations where developers use this as a "loophole" to avoid CIL rates.</p>
<p>David Sykes Electrical</p>	<p>Charities are already exempt from CIL</p>

Q3 charges comment	SDC response
<p>Offices and charities should be zero rate. Housing charges should not apply to small scale infill - zero charge.</p>	<p>charges in the Regulations.</p> <p>Officers recommend that the 'base charge, and therefore charges on development of office, should be reduced to £nil. Should the development subsequently change use, then CIL may be a "clawback" period of time to avoid situations where developers use this as a "loophole" to avoid CIL rates.</p> <p>Small scale infill housing contributes to the infrastructure use just as much as large scale development. As a small rural authority much of the growth in the District is from small developments and it is the accumulation of these that is not captured though S106 agreements. However the 2014 regulations now exempt self-build houses from CIL charge,</p>
<p>Yorkshire Wildlife Trust no the charges all seem reasonable</p>	<p>Support welcome</p>
<p>Theatres Trust The proposed CIL rate shows a nil rate for education, health, community and emergency services. We support this nil rate, but for clarity please include the word 'cultural'.</p> <ul style="list-style-type: none"> • The adopted Core Strategy Policy SP14 for town centres states that uses such as arts and culture will be maintained and enhanced. • The Core Strategy states at para.2.1 that the duty to co-operate across administrative boundaries includes community and cultural infrastructure. • The Core Strategy also states at para.2.27 that a focus for Selby town is cultural activities and facilities. • However, the Infrastructure Delivery Plan has a section on Leisure which only concerns exercising the body through leisure centres and sports clubs, but provides no guidance for exercising the mind through other types of leisure activities such as arts, theatre, museums, music venues etc. • The National Planning Policy Framework states in item 156 that local planning authorities should include strategic policies to deliver the provision of health, security, community and cultural infrastructure and other local facilities. <p>We therefore request that the Use row for a nil rate is expanded to read – education, health, community, leisure and culture, and emergency services. Or you could use your excellent description for community facilities contained in the Glossary of the Core Strategy which would provide a consistent and comprehensive explanation for structures that have a nil rate.</p>	<p>Support for the nil rate is welcome</p> <p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>Ulleskelf Parish Council Yes. The Parish Council's objection arises from its observation to question 2 above. It has no comments in relation to charges other than private market houses save for the £10 rate in regard to which it does not entirely understand. For example a question as to a small sports pavilion funded by the Parish Council elicited the response that it would attract the £10 rate, but we failed to follow why that would not be a public facility and therefore not chargeable. The amount in general at £10 is not one upon which the Parish Council feel able to comment.</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>Country Land Association The CLA strongly objects to the inclusion of agricultural, forestry, horticultural and small scale rural economic development incurring a £10sqm CIL levy. PBA has not included any evidence for these types of development in their viability assessment and it is therefore difficult to test at EIP. Regulation 6 says that CIL will not be levied on all new "...buildings into which people do not normally go" and it will not be levied on "buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses

Q3 charges comment	SDC response
<p>plant or machinery" nor on works undertaken to these buildings. Therefore buildings erected for agricultural, forestry and horticultural purposes are not buildings which people normally go and therefore must be, specifically, exempted, or at the very least zero-rated, in your forthcoming draft charging schedule. The levy proposes a charge on all residential development. The PBA assessment failed to consider that there are a number of situations where new rural dwellings are required to accommodate those employed in agriculture, horticulture, forestry and other rural businesses. Such properties are not sold for development gain and are usually restricted by some form of occupancy condition. Indeed, in some cases a new dwelling will allow a family business to plan succession by providing accom for the next generation. In such cases, a charge would simply be an additional cost of construction and is likely to render many such projects unviable. As these properties are crucial to the operation of rural businesses and sustainable rural communities, I ask that they be considered separately, based on a suitable viability assessment. CIL should not apply to these dwellings. Refers to West Lancs CIL where agricultural workers dwellings are Nil rated.</p>	
<p>Drax Power Ltd DPL's representations relate specifically to the levy rate of £10 per sqm that it is proposed be applied to 'All other chargeable development', that is, development other than housing, supermarkets, retail warehouses and public and institutional uses (education, health, community and emergency services). DPL has two principal concerns with regard to the proposed application of the £10 per sqm levy rate to 'All other chargeable development':</p> <p>1. The approach proposed in terms of applying a standard rate to all other development is too crude and overly simplistic as it fails to differentiate between the wide range of uses that would fall under the 'All other chargeable development' category and the very different viability considerations and challenges that would apply to these uses.</p> <p>2. The proposed rate would not strike an appropriate balance between the desirability of funding infrastructure and the effects on the economic viability of development involving such uses and is not consistent with the evidence that has been produced by the Council to support its PDCS.</p> <p>Paragraph 7 of the DCLG 'Community Infrastructure Levy Guidance' (April 2013) confirms that Regulation 14 of the CIL Regulations requires that a charging authority, in setting levy rates, "must aim to strike what appears to the charging authority to be an appropriate balance between" the desirability of funding infrastructure from the levy and "the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its wider area".</p> <p>Furthermore, paragraph 9 of the DCLG guidance goes on to state that at the CIL examination the independent examiner should, amongst other matters, establish that "the charging authority's draft charging schedule is supported by background documents containing appropriate available evidence" and that "the proposed rate or rates are informed by and consistent with, the evidence on economic viability across the charging authority's area..." Dealing with the first of DPL's concerns regarding the proposed £10 per sqm levy rate, and that this is too crude an approach to take, it is clear that there has been little if any consideration given to the wide range of uses that would fall under the 'All other chargeable development' category.</p> <p>The viability assessment contained at Section 6 of the Economic Viability Assessment (EVA), which has been used to inform the proposed £10 rate, is an assessment of offices and industrial and warehouse development. Moreover, this assessment only considers town centre and business park office locations and prime, purpose built industrial and warehouse/distribution locations. The EVA contains no sensitivity testing in relation to office, industrial and warehousing uses, for instance, to reflect other activities that may fall within the broad uses classes, or non-purpose built space in more marginal locations. The viability considerations and challenges would be very different for these activities/uses. Neither is there any viability assessment information relating to the wide range of other uses/activities that could fall within the 'All other chargeable development' category.</p> <p>On this basis it is evident that the proposed £10 per sqm levy rate is not supported by appropriate evidence and it has not been adequately justified from a viability perspective.</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses

Q3 charges comment	SDC response
<p>Turning to the second concern, it is clearly the case that the proposed levy rate would not strike an appropriate balance between the desirability of funding infrastructure and the effects on the economic viability of development involving 'All other chargeable development' uses and that the rate is not consistent with the evidence that has been produced. The viability assessment for offices, industrial and warehousing uses reported in Section 6 of the EVA clearly confirms (Section 6.4 and Table 6.2) that 'pure' office and 'speculative' industrial and warehousing development, even excluding any CIL charge, is not viable. Furthermore, the figures presented do not indicate that the lack of viability is marginal, with large negative residual values of between -16.65 and -32.61% shown. Paragraphs 6.4.2 and 6.4.3 go on to confirm that these uses are not viable. It is highly unlikely that the situation would be any better for the other uses that would fall within the 'All other chargeable development' category.</p> <p>Given the findings of the EVA, it is therefore difficult to see how even a £10 per sqm levy rate can be justified when the Council's own CIL evidence base is showing a clear lack of viability. In our view the proposed £10 rate does not strike an appropriate balance between raising funds for infrastructure and the viability of development and is clearly not consistent with the evidence. It should therefore be reduced to a £0 rate.</p> <p>It is relevant to bring to the Council's attention that an almost identical approach to apply a £10 per sqm rate to all other chargeable development was proposed by Chorley, Preston and South Ribble Councils in respect of their joint charging schedule. Again, there was an absence of viability information relating to the full range of uses that could fall under the 'other uses' category and the approach was heavily criticised by the examiner. The examination took place in April 2013 and the examiners report is attached.</p> <p>Paragraphs 64 to 76 are of most relevance as these deal with the proposed £10 levy rate for all other uses. This category broadly mirrors that proposed for Selby as it potentially includes a wide range of uses with the exception of housing and large scale retail.</p> <p>A paragraph 65 the examiner notes that for many uses, no viability appraisals have been undertaken. Although he recognises the difficulties in terms of the availability of evidence and the range of uses concerned, he makes the point that it "...remains the case that, in relation to these uses, the schedules are not informed by adequate evidence". This is clearly the case with the Selby PDCS.</p> <p>At paragraph 64 he notes that a number of uses have been subject to viability testing, which reveals that these are not viable, even without a levy charge. This is the case for both town centre and business office parks, industrial and warehousing uses, where the costs exceed the values by some margin and "...give rise to quite significant negative value". Again, a strong comparison can be drawn between this and the Selby PDCS. Paragraphs 69 and 70 are of particular relevance: "69. The Councils make a number of arguments to justify imposing the levy on the unviable uses in this category. I note that the yield and rent assumptions are based on speculative development, and that most development of this sort is anticipated to not be speculative. I accept that this is likely to mean that the yields and values will, in reality, be different to the assumptions. But I can only guess at the degree to which all of these will ultimately affect the viability of these uses across the three local authority areas. This is not a sound basis for supporting the CIL charge. 70. Given the low levy rate proposed, I acknowledge that, for many developments, it will represent a very small proportion of the overall development costs. It is possible that for some schemes it may not be a determining factor in relation to viability, and I note that some of the uses in this category are presently being delivered 'on the ground'. Even so, levying the proposed charge would be wholly inconsistent with the viability evidence. It would worsen the financial position of developments that are already unviable or only marginally viable. While it may do so only slightly, it would represent a threat to their viability and delivery. This should not be regarded as appropriate."</p> <p>The examiner goes on to conclude at paragraph 76 that: "Overall, on the evidence produced, I conclude that the imposition of the rate for 'all other uses' would threaten the viability of the development to which it applies and as such does not meet the drafting requirements. To ensure compliance, I recommend a modification ...reducing</p>	

Q3 charges comment	SDC response
<p>this rate to nil". It is DPL's view that given the evidence that points to a lack of viability the 'All other chargeable development rate' for Selby should also be £0.</p>	
<p>McCarthy & Stone and Churchill Retirement Living Given the extent of projected housing need for older persons accom it is paramount that SDC's CIL schedule recognises the potential shortcomings of providing a uniform CIL rate for all forms of residential development. The additional costs associated with the construction and initial maintenance of specialist accom for the elderly, coupled with slower sales rate make it clear that the financial viability of such developments are more finely balanced than those of houses and apartments. Therefore a NIL rate should be levied against sheltered housing and other forms of specialist housing for the elderly.</p>	<p>The Council proposes to amend the CIL rates to only charge on:</p> <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
<p>Barrat David Wilson Homes Whilst we support the approach being taken in that charge rates should be between 50-75% of identified theoretical maximum, we are concerned for reasons already mentioned that the figures and costs used to test and inform the proposed CIL rate are not accurate and thus the proposed CIL rate is too high. Charging authorities need to demonstrate that they have used appropriate available evidence that their proposed arte will contribute positively towards and not threaten the delivery of the Local Plan at both the time of the charge and throughout the economic cycle.</p> <p>Our client therefore has concerns over the proposed £25 and £45 rates for private housing. They have the potential to render housing schemes unviable in Selby.</p>	<p>Support for the approach is welcomed</p>

Q4 Discretionary relief	SDC response
<p>Anthea Whitton Further to my answer to question 1 above, I think there should be some form of relief for a private individual who is building one or two houses on land which forms part of their own private residential dwelling.</p>	<p>The regulations now exempt self-build housing from CIL charges.</p>
<p>A Builder The Council is just dreaming up new taxation methods for things we pay for already and I for one think you should milk someone else - perhaps the Council pension fund for the early retirement of its staff would be a start</p>	<p>CIL is a national initiative, not an SDC initiative. The Council uses S106 to gather funding for localised improvements necessary to enable a development to take place, but only through CIL is it now able to access funds from strategic infrastructure that has not seen the same level of improvement.</p> <p>Without funding, the infrastructure cannot be improved, and then development will conceivably have to stop taking place. CIL is an appropriate and fair method of collecting funding to assist infrastructure delivery.</p> <p>The Pension scheme does not place an additional burdon on infrastructure that new development does, therefore it would be unreasonable to use it to fund infrastructure.</p>
<p>English Heritage We support the intention to allow discretionary relief to be offered in exceptional circumstances. We consider that CIL relief should be offered where the requirement to pay CIL would have a harmful impact on the economic viability of developments which involve heritage assets, particularly those which are at risk.</p>	<p>A Discretionary Relief policy has been drafted</p>
<p>Sainsbury's Supermarket LTD SSL is strongly in favour of the Council introducing a policy to permit discretionary relief from CIL liability in exceptional circumstances and makes a firm commitment to introducing this. This is vital to ensure that there is a mechanism by which the viability of schemes with specific and considerable challenges can be taken into account in setting CIL liability.</p>	<p>A Discretionary Relief policy has been drafted</p>

Q4 Discretionary relief	SDC response
For reasons of transparency and fair consultation, SSL requests that stakeholders are provided with the opportunity to comment on any proposed policy prior to CIL Examination. SSL request that the Council prepares a draft policy and publishes this for comment alongside consultation on the CIL draft Charging Schedule.	
Stephenson and Son Discretionary relief needs to be consistent as between different types of development and different sites	A Discretionary Relief policy has been drafted
David Sykes Electrical Offices and charities should be zero rate. Housing charges should not apply to small scale infill - zero charge.	The Council proposes to amend the CIL rates to only charge on: <ul style="list-style-type: none"> • residential development (other than flats), • supermarkets • retail warehouses
Ulleskelf Parish Council We consider that there should be discretionary relief for schemes by Parish Councils and for Community Schemes approved or supported by Parish Councils.	Discretionary Relief policy has been drafted

Q5 Projects	SDC response
Brian Percival The need for additional funds raised by this proposed levy is not proven.	The Infrastructure Delivery Plan is a living document that is constantly updated. At this point in time there are a number of areas where improvements are desirable and problems have been highlighted by infrastructure providers. Additionally, there are some non-essential projects that could be funded either by the Parish Council contribution, or through the R123 list under "community infrastructure". As the Council progresses its Sites and Policies Plan and development locations and quantum are established, infrastructure providers will be able to make more informed and specific comments with regard to infrastructure improvements needs. It is clear from the current IDP that there is a need for CIL to assist in infrastructure provision due to the wide ranging array of issues already raised. An indicative R123 list (the spending priorities) has been drafted.
Cllr Mike Jordan I DO WANT TO SEE SOMETHING DONE ABOUT IMPROVING THE RAOD INFRASTRUCURE THROUGH THE LOWER HALF OF THE DISTRICT	An indicative R123 list (the spending priorities) has been drafted.
Campaign to Protect Rural England (York & Selby Branch) We question the inclusion of education and "other things" as areas for spending CIL monies.	CIL may fund a wide range of infrastructure – both physical and social, and may also fund maintenance and/or capital investment. An indicative R123 list (the spending priorities) has been drafted.
English Heritage Of the draft list of projects set out in the Infrastructure Delivery Plan, we would endorse:-	An indicative R123 list (the spending priorities) has been drafted.

Q5 Projects	SDC response
<p>1) The inclusion of Abbot's Staith as one of the Community Projects in Selby to which CIL money might be directed. Abbot's Staith, which dates from the 15th or early 16th Century, is a significant building in the town and has been identified in the English Heritage "Heritage at Risk Register" as being one of those within the District which is most at risk. 2) The inclusion of projects which would help the restoration, restoration or conservation of heritage assets, particularly those at risk. 3) The inclusion of public realm improvements associated with Selby Town and Olympia Park. These reflect the strategy for the town set out in Adopted Core Strategy Policy SP7 (which proposes riverside enhancement as part of the Olympia Park development) and Policy SP14 (which makes mention of strengthening the role and performance of Selby town centre).</p>	
<p>Jigsaws Childcare LTD I feel that the groups highlighted are relevant But as mentioned below could be extended further to Nursery and day care</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>York Consortium of Drainage Boards What is Infrastructure Projects Schedule? The consultation does not have a document named as such although it may be assumed this refers to something else within the consultation.</p>	<p>The Infrastructure Project Schedule is a summary of the Council's current Infrastructure Delivery Plan, and is shown in the EVA. It is intended to outline the types of infrastructure that the Council may address through CIL funding.</p>
<p>Scott Rd Medical Centre All three practices in the town are under considerable pressure to register new patients and this is becoming quite a problem as there is no central funding to expand GP Practices. Scott Rd has already put together 2 bids up to the value of £250,000 and £5000 for expansion at the centre under S106 Agreement at Staynor Hall. I am sure you will be making representation to NHS England Office who will ultimately have a say on any contributions to allow practices to expand. The above amounts of money would allow expansion to 2000 or 4000 patients. A rough estimate of the cost of capital expenditure to make the necessary provision is about £125 per person. We usually calculate 3 persons per house so health provision could well be £375 per house.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Stephen Wadsworth ask each community for projects</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>David Sykes Electrical Need "old A19" to be resurfaced in Eggborough as it is a disgrace. Remove the old ineffective traffic calming bollards and replace with two speed cameras to test for average speed. The bollards look awful and are difficult to see, esp when the Highway Authority cannot be bothered to wash them - leading to lorries running in to them on a regular basis. Improve village environment. Need to stop heavy lorries driving through Eggborough, esp in early morning. Cameras may be used. Need peak time traffic lights on J34 of M62 if a major new housing scheme is implemented in Eggborough. It is already difficult to access the roundabout at peak times, esp when vehicles enter junction at speed which they often are. Alternatively look at ways of increasing capacity.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Barlow Parish Council The Council support the Levy proposals and would ask that the following projects be considered when allocating funds from the Selby District Council's percentage of the revenue raised: Highways improvements to increase the safety on the A1041 between Selby & Camblesforth with particular regards to: The hidden dip by the dismantled railway bridge, A cycle track from the bypass to the Barlow turn off, Installation of lighting and better signage around the 2 Barlow turn offs, Flooding at the turn off in to Barlow nearest Selby.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Church Commissioners for England Whilst we do not have any specific comment regarding the list of projects identified, we are concerned with the statement at paragraph 4.8.1 of the EVA which states that at the present time, there are no other identified sources of funding allocated to meet any of the infrastructure items. In seeking to progress a Charging Schedule within an area, paragraph 12 of the CLG Guidance of 2013 states that a Charging Authority needs to identify the total costs of infrastructure that it intends to fund from CIL. This is informed following an assessment of an area's infrastructure needs, which ideally is drawn from the infrastructure planning that underpins the Charging Authority's Development Plan. This information is usually</p>	<p>The Infrastructure Delivery Plan is a living document that is constantly updated. At this point in time there are a number of areas where improvements are desirable and problems have been highlighted by infrastructure providers. Additionally, there are some non-essential projects that could be funded either by the Parish Council contribution, or through the R123 list under</p>

Q5 Projects	SDC response
<p>contained within an Infrastructure Delivery Plan (IDP) which identifies the quantum and type of infrastructure required to realise local development needs. However, in order to justify the introduction of a Charging Schedule within an area it is necessary, in accordance with CLG guidance, to provide evidence of an aggregate funding gap having taken account of all other potential funding sources that are available, including from anticipated Section 106 agreements.</p> <p>Whilst it is evident that the Council have prepared an up to date IDP, no evidence has been provided to show how other alternative funding sources have been taken into account. Further work is therefore needed to take account of all potential funding sources (i.e. from Government funding, Statutory Undertakers, New Homes Bonus, LEP funding/grants, etc.) to fully assess whether there is an actual finding gap that would justify the implementation of CIL, as this is a fundamental starting point prior to commencing the preparation of a Charging Schedule.</p>	<p>“community infrastructure”.</p> <p>As the Council progresses its Sites and Policies Plan and development locations and quantum are established, infrastructure providers will be able to make more informed and specific comments with regard to infrastructure improvements needs.</p> <p>It is clear from the current IDP that there is a need for CIL to assist in infrastructure provision due to the wide ranging array of issues already raised.</p> <p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Yorkshire Wildlife Trust Pleased to see a range of Green Infrastructure projects and also sustainable transport options. There are a number of drainage, pumping and flood defence measures included. Will it be necessary to have an area wide study to ensure that the proposals will not interact or have the effect of increasing flooding downstream of the Selby District? Retrofitted SuDS incorporated into Green Infrastructure could be a way of slowing down runoff from developments and green areas within communities.</p> <p>There may also be opportunities for more upstream measures to slow down runoff and store water, rather than hard flood defences.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>

Q6 Additional Projects	SDC response
<p>Cllr Mike Jordan CAMBLESFORTH BY-PASS</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>David McSherry A consultation/decision on the levys' use should be advised in conjunction with North Yorkshire Highways and ,if necessary, also with the Police and Fire Service.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>English Heritage A number of the Policies in the Adopted Core Strategy include proposals for townscape and environmental improvements in several of the settlements within the plan area. Policy SP14, for example, makes mention of strengthening the role and performance of the town centres of Tadcaster and Sherburn-in-Elmet through environmental improvements. These would seem precisely the types of projects that could be funded through CIL and, as a result, ought to be included within the list of potential but uncosted projects.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Jigsaws Childcare LTD At the moment we are a not for profit day nursery based in Church Fenton we are experiencing increases due to developments in the area. Are funds available to support a capital investment in a new building for the nursery.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>York Consortium of Drainage Boards This would depend on the individual nature of applications and the implications this presents as a consequence.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Stephenson and Son no, but further projects will come forward through the life of the plan</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Yorkshire Wildlife Trust I am aware that NYCC is looking at opportunities for GI along the Aire and Calder Navigation to help to mitigate for the intense developments proposed around Kellingley and Knottingley. Incorporating the costs for SINC or Local Wildlife Sites monitoring and management will ensure that the district has up to date local data and information which is vital for creating and connecting effective GI</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Ulleskelf Parish Council</p>	<p>The Parish Council portion of the levy</p>

Q6 Additional Projects	SDC response
<p>The projects envisaged seem to be particularly within the province of the District Council, and thus not appropriate for the Parish Council to comment. However, in view of the “cap” on benefit to Parish Councils (see comment under 11 below), it would be helpful if (subject to any Statutory limitation), the scheme could make provision for application for funds to contribute towards any special project by a Parish Council e.g. Provision or renovation of a children’s play area.</p>	<p>is not ring fenced so the Parish Council may spend it as it considers appropriate.</p> <p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Natural England 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.</p> <p>As such we advise that the council gives careful consideration to how it intends to meet this aspect of the NPPF, and the role of the CIL in this. In the absence of a CIL approach to enhancing the natural environment, we would be concerned that the only enhancements to the natural environment would be ad hoc, and not deliver a strategic approach, and that as such the local plan may not be consistent with the NPPF. Potential infrastructure requirements may include:</p> <ul style="list-style-type: none"> • Access to natural greenspace. • Allotment provision. • Infrastructure identified in the local Rights of Way Improvement Plan. • Infrastructure identified by any Local Nature Partnerships and or BAP projects. • Infrastructure identified by any Green infrastructure strategies. • Other community aspirations or other green infrastructure projects (e.g. street tree planting). • Infrastructure identified to deliver climate change mitigation and adaptation. • Any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant (further discussion with Natural England will be required should this be the case.) 	<p>An indicative R123 list (the spending priorities) has been drafted.</p>

Q7 R123 Suggestions	SDC response
<p>Anthea Whitton Money raised in a particular area should be spent in that area eg levies raised in Escrick should be spent on Escrick, levies paid in Riccall should be spent on Riccall etc</p>	<p>The CIL is intended to fund strategic infrastructure, not local infrastructure. The Council may also apply a S106 agreement for localised infrastructure improvements. The Parish Council will also receive a % of CIL income in their area to spend as it considers appropriate.</p>
<p>David McSherry The CIL should be applicable to the community wherein the development takes place and cannot be translated to another place/body. I think the word 'Infrastructure' should be clearly explained with no variations by any council or public body and that the end product should be the community good. No CIL money should be used to subsidise works that are under the jurisdiction of NY Highways.</p>	<p>The CIL is intended to fund strategic infrastructure, not local infrastructure. The Council may also apply a S106 agreement for localised infrastructure improvements. The Parish Council will also receive a % of CIL income in their area to spend as it considers appropriate.</p>
<p>English Heritage The Regulation 123 List should include Abbots Staith (which, once restored, will become a Community Facility for the town) as well as the public realm improvements to Selby, Tadcaster and Sherburn-in-Elmet which are only likely to be delivered through pooling of any revenues generated.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p>
<p>Jigsaws Childcare LTD Roads, bus routes, schools nurseries, broadband developments, recreation areas</p>	<p>An indicative R123 list (the spending priorities) has been drafted..</p>
<p>Kellington Parish Council Any improvements to infrastructure which would be paid from the CIL should be primarily in the Parish where the development is taking place and not in another locality</p>	<p>The CIL is intended to fund strategic infrastructure, not local infrastructure. The Council may also apply a S106 agreement for localised infrastructure</p>

Q7 R123 Suggestions	SDC response
	improvements. The Parish Council will also receive a % of CIL income in their area to spend as it considers appropriate
<p>York Consortium of Drainage Boards</p> <p>This would be a matter for a strategic view from the authority although, overall, the role of strategic drainage infrastructure appears to have been under played and portioned off to be dealt with under planning. This is a questionable and dangerous assumption and may establish a precedent especially in light of climate change and the ever increasing pressures this infrastructure will be under.</p>	An indicative R123 list (the spending priorities) has been drafted.
<p>Rodger J Carter</p> <p>If the levy must be imposed the monies resulting from the new development should firstly be passed on to the Parish Council to spend on schemes not fundable by the District and County Councils. In most villages there exists voluntary organisations such as village halls, playing fields etc that are desperate for more funding. Only if a Parish Council cannot advise you of a need for extra funding within a reasonable period of time should the District Council have a say over these extra monies.</p>	The CIL is intended to fund strategic infrastructure, not local infrastructure. The Council may also apply a S106 agreement for localised infrastructure improvements. The Parish Council will also receive a % of CIL income in their area to spend as it considers appropriate
<p>Stephen Wadsworth</p> <p>to projects in the community where the development is taking place, up to 20% could be used in the adjacent service centre ie Church Fenton in Sherburn in Elmet.</p>	The CIL is intended to fund strategic infrastructure, not local infrastructure. The Council may also apply a S106 agreement for localised infrastructure improvements. The Parish Council will also receive a % of CIL income in their area to spend as it considers appropriate
<p>David Sykes Electrical</p> <p>The money should not be used for revenue use. Maintenance should be paid for by taxes. The charges should not be to top up the coffers of the Council following council cuts. They should be used to fund infrastructure projects in the local area where new development is taking place eg major housing development in Eggborough should be used to help improve the village hall or school (not necessarily fund it all).</p>	<p>The Regulations do allow for money to be used for revenue/maintenance, not just capital.</p> <p>The CIL is intended to fund strategic infrastructure, not local infrastructure. The Council may also apply a S106 agreement for localised infrastructure improvements. The Parish Council will also receive a % of CIL income in their area to spend as it considers appropriate</p>
<p>Church Commissioners for England</p> <p>Generally, the focus and priority should be on the provision of essential infrastructure in locations required to support the majority of growth as identified in the relevant Plan, which is principally in and around Selby town.</p>	An indicative R123 list (the spending priorities) has been drafted.
<p>Yorkshire Wildlife Trust</p> <p>Green infrastructure, education, health, sustainable transport, sustainable drainage</p>	An indicative R123 list (the spending priorities) has been drafted.
<p>Ulleskelf Parish Council</p> <p>As each occasion of levy will raise its own question of need, the Parish Council feels unable to make any general speculative suggestion.</p>	noted
<p>Connaught Administration Services LTD</p> <p>Education and transport infrastructure form key components of the draft Infrastructure List which is appropriate.</p> <p>We would suggest that flood risk management is dealt with via S106 contributions so that payment is only required where development has an impact on flood risk.</p>	An indicative R123 list (the spending priorities) has been drafted.
<p>Barrat David Wilson Homes</p> <p>Payment in kind is addressed in Para 7.1 and it is accepted that a charging authority may accept one or more land payments in satisfaction of whole or part CIL due in respect of a chargeable development. However we disagree with the claim by the Council that this will only normally be considered for land in excess of that needed to deliver the infrastructure required by the permitted development. Whilst CIL Reg 73 says that a charging authority must aim to ensure that acquired land is used for a relevant purpose, we are not aware of the Regulations stipulating that land payments will only be considered in excess of that needed to deliver the infrastructure required. Thus we object.</p>	<p>An indicative R123 list (the spending priorities) has been drafted.</p> <p>Discretionary Relief policy has been drafted</p> <p>Instalments Policy has been drafted</p> <p>5% of the projected levy receipts (£808,793 per annum) equates to £40,439.50 which would cover the</p>

Q7 R123 Suggestions	SDC response
<p>Para 8.2 says that the Council will need to prepare a R123 list setting out the types of infrastructure it intends to fund through CIL. It is important that there is a clear link between the draft R123 list, the infrastructure in the plan and the infrastructure evidence. Thus it would be helpful to have a summary next to each infrastructure project listed in the R123 list to clearly demonstrate how each project aligns to the plan.</p> <p>With regard to spending the CIL levy we note in Para 9.3 that reference is made to Reg 61 allowing 5% to be spend on administrative expenses. We request that the chosen % is justified by the Council, especially if the upper limit is chosen, to ensure that this is based on robust evidence and not merely on the basis of applying the maximum limit.</p>	<p>appointment of an officer to administer the CIL levy, and a contribution to other departmental time in dealing with the additional administration of CIL (eg plans processing team, finance, and legal services).</p>

Q8 Review period	SDC response
<p>Cllr Mike Jordan 2 years</p>	<p>noted</p>
<p>Sainsbury's Supermarket LTD SSL suggest that triggers including market conditions, CIL receipts, infrastructure delivery, and the changing of infrastructure delivery priorities should inform amendments to rate setting and the Regulation 123 List. This should be driven by the proposed annual monitoring process. SSL advises that a full review is considered within 2 years of adoption.</p>	<p>noted</p>
<p>York Consortium of Drainage Boards Maximum of 3 years.</p>	<p>noted</p>
<p>Stephenson and Son 5-yearly</p>	<p>noted</p>
<p>Stephen Wadsworth 5-yearly</p>	<p>noted</p>
<p>David Sykes Electrical every 3 years, or after major changes in the market or where new developments have been constructed, whichever is the sooner.</p>	<p>noted</p>
<p>Church Commissioners for England We support the principle of a regular review period of the Charging Rates, but would stress the importance of ensuring that the proposed rates in this Charging Schedule are appropriate and will not threaten the delivery of the Plan, particularly in light of the continuing economic recession. Failure to adopt charging rates now that adequately cater for current market conditions will only exacerbate the delivery of the Plan and perpetuate the stagnated market through the addition of a further financial burden on the development industry. There is also the opportunity to raise rates in the future at any time should economic circumstances improve, but it is essential that a conservative approach should be adopted at the outset in order to help facilitate economic recovery and particularly in helping to significantly boost the supply and delivery of new housing, as supported by Government policy and guidance.</p>	<p>noted</p>
<p>Ulleskelf Parish Council In view of the novelty of this project and the many opportunities for misunderstanding and/or avoidance, the Parish Council suggest a fairly early review of the operation, perhaps after 2 years?, with opportunity for further comments, would be sensible.</p>	<p>noted</p>

Q9 Instalments policy	SDC response
<p>Cllr Mike Jordan An instalments policy should be included</p>	<p>Instalments policy has been drafted</p>
<p>David McSherry There should be a maximum time for the levys' use unless a valid reason is given, and judged, that the levys' money is to be added to some near future further development levy to give an enhanced infrastructure.</p>	<p>The CIL Regulations do not establish a maximum time period for spending CIL revenues. All income and expenditure on CIL, however, must be accounted for and made publically available on an annual basis.</p>

Q9 Instalments policy	SDC response
Jigsaws Childcare LTD That may make it more palatable for developers its just an administration issue	Instalments policy has been drafted
Sainsbury's Supermarket LTD SSL is pleased to see that the Council is considering introducing an Instalments Policy for the payment of CIL liability. However, SSL is disappointed that this has not been published within or alongside the published PDCS. The ability to pay CIL liability by instalments is important for development cash flow, and is therefore supported by SSL and the wider development industry. SSL requests that the Council publishes a proposed Instalments Policy for consultation alongside the CIL draft Charging Schedule and makes a firm commitment to introducing this.	Instalments policy has been drafted
York Consortium of Drainage Boards No to an instalments policy	Instalments policy has been drafted
Stephenson and Son yes for larger projects	Instalments policy has been drafted
Stephen Wadsworth Yes to an instalments policy	Instalments policy has been drafted
Church Commissioners for England Yes, we fully support introducing an Instalments Policy and stress that this must ensure that it seeks to reduce the financial burden on the developer, particularly on larger sites where the initial costs of supporting infrastructure and construction costs early on are likely to be significant. Ideally, it would assist if such instalments were linked to delivery of housing rather than by time, but we acknowledge the limitations of Regulation 69B (2) (d). Having reviewed other adopted Instalment Policies across the country, it is apparent that where the amount of CIL Liability is significant, provision is made to a less than proportionate payment in the first instalment to reflect the cash flow issues associated with the early phases of development on larger schemes. Examples are as follows: <ul style="list-style-type: none"> • Wycombe DC – first instalment for CIL liability over £100,000 is 15% within 60 days • Bristol CC - first instalment for CIL liability over £35,000 is 15% within 60 days • Poole - first instalment for CIL liability over £75,000 is 20% within 60 days Alternatively, Huntingdonshire Council have a policy which whilst requiring 25% of the CIL liability to be paid in the first instalment, allows a longer time period within which to make the payment depending on what the overall CIL Liability is – i.e. £50,000-£100,000 120 days, £100,000-£500,000 150 days and £500,000+ 180 days. We would therefore suggest that the Instalments Policy is drafted as such to reduce the financial burden on larger scale schemes (i.e. where CIL Liability is over £100,000) at the initial phase of development to say 15% or 20% and/or increase the time period within which the payment should be made to at least 120 days.	Instalments policy has been drafted
Ulleskelf Parish Council As you suggest- within reason for large projects proceeding in stages	Instalments policy has been drafted for comment
Connaught Administration Services LTD Yes. An instalments policy is allowed for under Regulation 69B and we would urge the Council to proceed with an instalments policy on the basis this would give much needed certainty and confidence to developers and ensure that developers can maintain sustainable cash flows in order to finance development. Requesting all monies within a set date from commencement could threaten the viability of a scheme. A three or four staged instalment policy could be adopted linked to certain timescales from commencement. This approach has been adopted by a number of authorities. Furthermore, the Council should enable a phased approach to CIL payments in accordance with the Regulations so that where appropriate, each phase of a development would be a separate chargeable development.	Instalments policy has been drafted for comment
McCarthy & Stone and Churchill Retirement Living Consideration should also be given to the timing of CIL payments and an allowance for payments by instalments. Whilst we appreciate that in line with 69B of CIL Regs 2011, an instalment policy does not form part of the charging schedule and would not be examined, we would welcome flexibility in the timing of CIL payments as on commencement would introduce an additional financial cost on the development prior to the receipt of any revenue from the proposed development. This would place an additional burdon on the developer and would affect the viability of the development, and possibly in the case of residential development impinge upon the ability to provide affordable housing.	Instalments policy has been drafted for comment

Q9 Instalments policy	SDC response
<p>This issue is compounded in the case for specialist accom for the elderly as developments need to be completed I their entirety before a single unit of accommodation can be sold. It is considered that at the earliest , part payment on first occupation would be fairer and would reduce unnecessary financial cost s to the developer. This should then be phased depending upon occupation levels. For the foreseeable economic climate, such as currently being experienced, there is considerable merit in staged payments reflecting occupation levels throughout the sale of the development.</p>	
<p>Barrat David Wilson Homes Our client objects to para 6.2 addressing liability and collection of CIL which says that the CIL payment is normally required within 60 days from the date of the chargeable development commences. This should only apply to chargeable amounts of less than £10,000. CIL Reg 70 sets out that payments in excess of £10k can be paid in instalments in excess of 60 days. For example, payments in excess of £40k can be paid in 4 equal instalments at the end of 60, 120, 180 and 240 days.</p> <p>In Para 6.3 however the Council recognises the implications that a large CIL liability required at the commencement of a development could have on cash flow and the ability to raise finance. We therefore support the Council's intention to explore an option to introduce an instalments policy for the payment of CIL over fixed time periods. Notwithstanding this and as already mentioned it is a legal requirement in any event for the Council to allow instalment periods for payments in excess of £10k.</p> <p>SDC as charging authority should instigate an instalments policy for CIL payments in accordance with Regulation 70. The larger the development the more significant the cash flow implication and therefore larger sites will require instalment periods beyond 60 days. We therefore fully support an instalment policy and reserve our clients right to comment further once the Council has provided further details on this.</p>	<p>Instalments policy has been drafted for comment</p> <p>Regulation 70 makes no reference to a £10,000 threshold.</p>

Q10 Annual increases	SDC response
<p>Cllr Mike Jordan Support for BCIS annual price index</p>	<p>Support welcome</p>
<p>David McSherry There should be a maximum time for the levys' use unless a valid reason is given, and judged, that the levys' money is to be added to some near future further development levy to give an enhanced infrastructure.</p>	<p>The CIL Regulations do not establish a maximum time period for spending CIL revenues. All income and expenditure on CIL, however, must be accounted for and made publically available on an annual basis.</p>
<p>Sainsbury's Supermarket LTD Indexation can only take place in accordance with the Regulations. These require BCIS to be used.</p>	<p>Noted</p>
<p>York Consortium of Drainage Boards Support for BCIS annual price index</p>	<p>Support welcome</p>
<p>Stephenson and Son Support for BCIS annual price index</p>	<p>Support welcome</p>
<p>Stephen Wadsworth No support for Support for BCIS annual price index</p>	<p>No alternative is given for consideration.</p>
<p>Ulleskelf Parish Council If this is necessary the suggested method seems to have fairness – but is it necessary? Will not inflation in development costs together with the scale fee of charges take care of it automatically? If so an annual increase in the charging schedule, (if that is the proposal), sounds like a double increase.</p>	<p>If no inflationary increase to charge rates is Applied they will gradually become proportionately smaller and less valuable. They will represent a lower proportion of development costs and will be less able to fun essential infrastructure. Inflationary increases in charges would not represent a 'double increase' because values and costs are also likely to increase to similar extents.</p>

Q10 Annual increases	SDC response

Q11 Any Other Comments	SDC response
<p>Anthea Whitton Only to emphasise that there is a distinction to be made between large commercial developers and individual s who are undertaking a one off project eg perhaps doing a self build or building an additional property as referred to in 1.</p>	<p>Self build is now exempt from CIL under the new regulations.</p>
<p>Brian Percival From a Conservative led council this is just out and out developer bashing and more akin to a piece of Labour policy. Is there to be an affordable housing contribution and later in the year/next year an infrastructure levy in addition to the proposed affordable housing contribution?</p> <p>If this is the case, and recognising that the CIL is still out to consultation, then should the Council recognise that say for a 9 house development in the "north" that a house builder will be paying £14,000 per house.</p> <p>Does the Council feel that such a sum</p> <p>1 it will set back and discourage building in an area that is critically short of new housing? 2 it will lead to the lowering of building standards to offset the levy 3 it will hurt the local economy because in the main it is local builders that undertake this size of project and they recycle the money back in to the local economy 4 the national builders, who do not recycle much into the local economy can build affordable homes at less than they sell them to the housing associations and so whilst they make break even, they are not paying out, unlike the 9 house developer is simply paying out and at a penalty sum compared to a developer of a smaller number of houses. 5 as a consequence to the last issue that a 9 house developer will look to squash in an affordable house to produce a 10 house development so that he can mitigate, probably in full, the cost of affordable house when he sells it to the housing association and in doing so again reduce the quality of development. 6 a typical 3 bed house in the north of 1100sqft, that has a typical sale price of £170k, costs 90k to build, land costs are 45k, funding, planning and design fees, NHBC fees, legal and sales fees are £16k and the proposed AH and CIL will leave the development in marginal/negative territory and consequently it will not be delivered and no one is the winner. 7 the building industry is just emerging from the longest recession that I can remember in my 51 years in the industry and consequently if it is to re-establish itself and to rebuild its empty capital base.</p> <p>For these reasons I urge Full Council to consider that now is not the time to impose these levies notwithstanding that it is unfair to punish the small builder when the big builder can avoid a substantial amount of the proposed sums.</p>	<p>Proposed CIL levy rates take in to consideration the Affordable Housing contribution.</p>
<p>A Builder I object to the concept of the above proposal. Once again the evil of a levy raises it's head - Free money at the expense of others? Ask the Government for this money or ask that they give a proper share of the National cake. Try fighting that corner.</p>	<p>CIL is intended to facilitate development by providing the infrastructure to support it. Without improvements in infrastructure, development will inevitable have to stop. It is only fair that new development that adds the burden to infrastructure is asked to contribute towards its improvement.</p>
<p>City of York Council As the Community Infrastructure Levy (CIL) is a discretionary charge that local authorities are empowered to charge on most types of new development in their local authority area, I am not in a position to offer any comment in relation to 1)Whether SDC should introduce a CIL 2) What type of development CIL should apply to 3) What the CIL Charging Schedule (the levy rates) should be. However, after reading the Preliminary Draft Charging Schedule and the viability assessment that underpins it, I believe that the viability assessment has been well researched and evidenced, thereby demonstrating that the Preliminary Draft Charging Schedule, would not appear to render development unviable.</p>	<p>Support welcome</p>
<p>David McSherry</p>	<p>Support for CIL is welcome.</p>

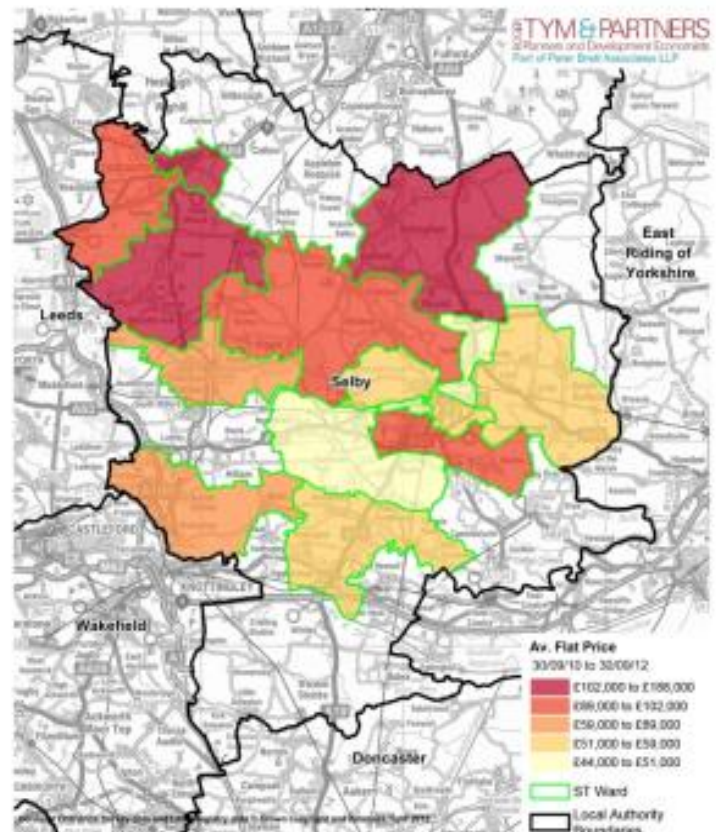
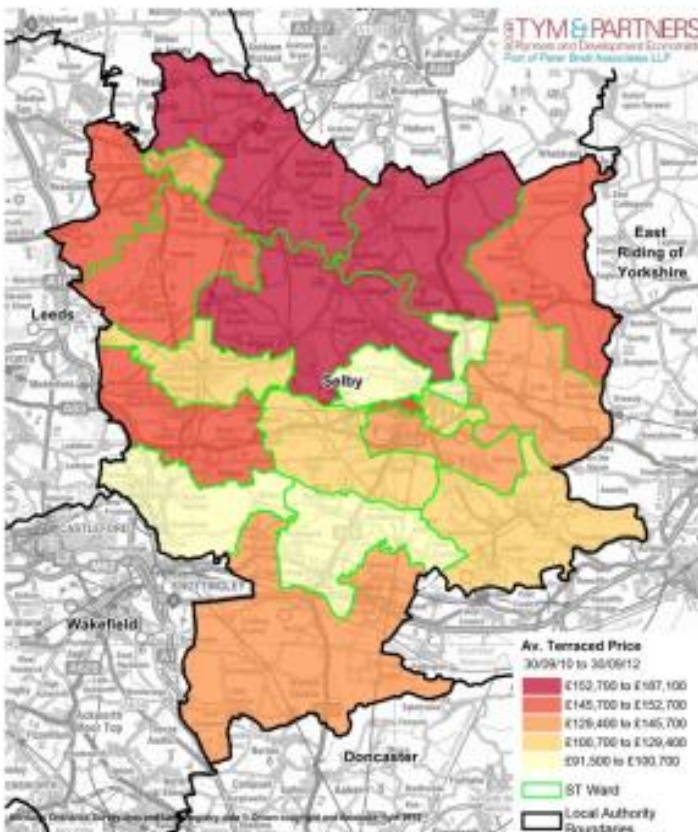
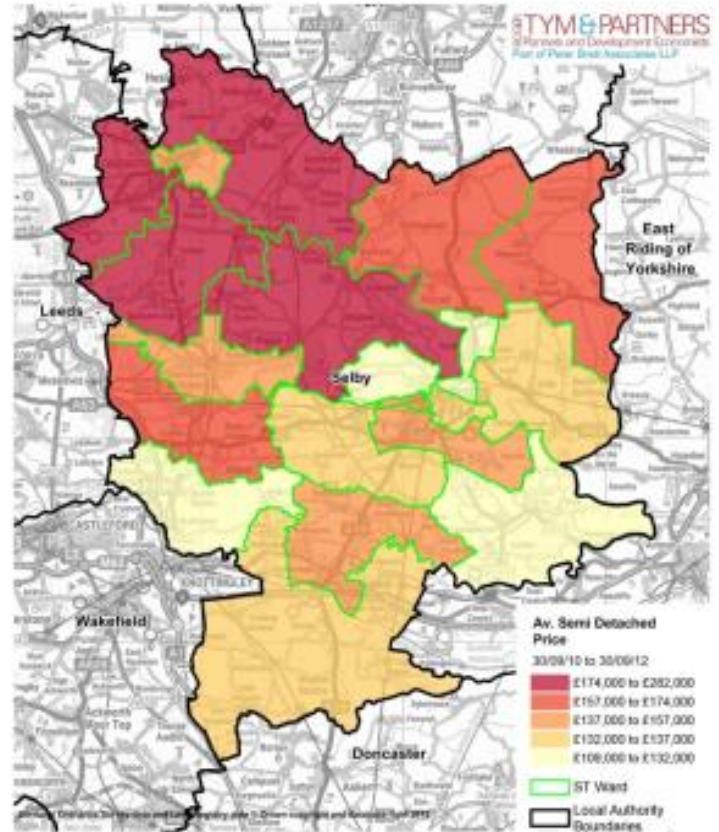
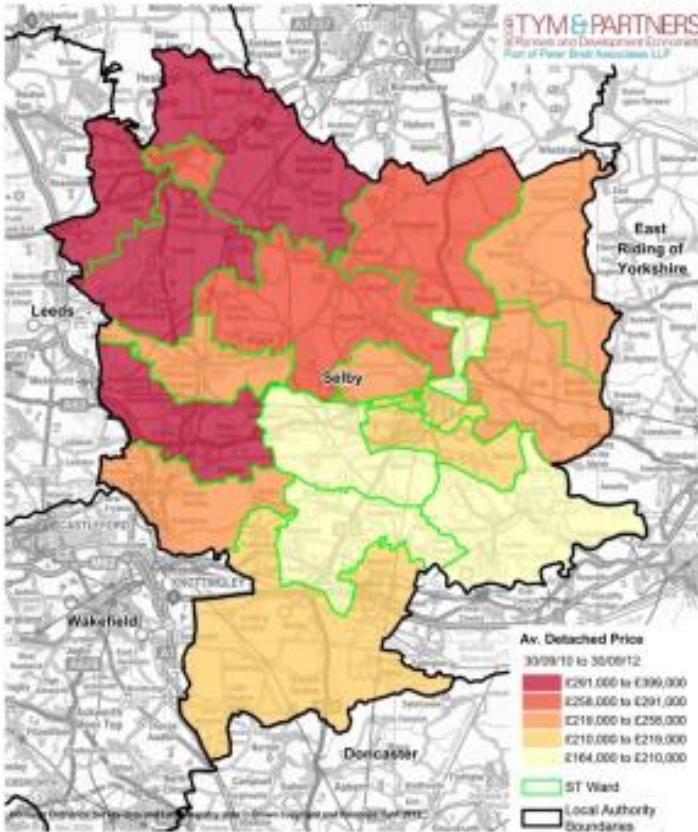
Q11 Any Other Comments	SDC response
<p>I firmly believe that the CIL levy should be instituted and as soon as possible. I think the word 'Infrastructure' should be clearly explained with no variations by any council or public body and that the end product should be the community good. Should any use of the levy be considered 'improper/illegal' the body receiving the levy should be able to resubmit. Full and proper accounts and statement of ultimate use should be available for public scrutiny. The community infrastructure decision should not be confirmed without public consultation beforehand. No matter relating to a councils use of CIL money should be entered in Part 2 (Confidential) of any councils minutes.</p>	<p>Appropriate consultation on the R123 list will be undertaken at the appropriate time.</p> <p>The Council's accounts are available annually for inspection.</p>
<p>Ian Hinchey IT WOULD BE PRETTY MUCH CRIMINAL IN ITSELF TO LOAD THE INSULT OF A FURTHER TAX BURDEN ONTO THE SHOULDERS OF THE INNOCENT SELBY DISTRICT TAXPAYER, AND ONTO THE EXTANT FINANCIAL INJURIES ALREADY CAUSED TO THE INNOCENT SELBY TAXPAYER BY THE CRIMINALS AND ABUSERS OF OFFICE [UNDER INDICTMENT FOR THEIR OFFENCES] RESPONSIBLE FOR THE YEARS OF CRIMINAL SELBY DISTRICT CORE STRATEGY FIASCO. Suspend any consideration of any further tax burden until it becomes known just what financial sum might be recouped by 1] HANGING OFFENDERS by their ankles and rattling and shaking at their trouser and inside-jacket pockets to see just what personal wealth falls out that might be confiscated; 2] SUING For Farmers BV (6.6 billion-Euro pa turn-over, Euro-conglomerate) and for re-financing by buy-out of a failing criminality to grab the £39.7 million profit dangled as buy-out incentive by the twice-failed BOCMPauls Ltd 1997 management buy-out team, a management which led BOCM Ltd into a 1996 £80 million self-inflicted loss and also admitted to having 'animal material' in 'feed for ruminants', the cause of Bovine Spongiform Encephalopathy (BSE or 'mad cow disease') which then went on to cost the UK taxpayer billions! – not up to much this mbot lot, eh!? 3] SUING also either or both Rabobank International (possibly the Rabobank Nederland arm) and/or Electra Fleming if shown to have promoted either onerous or unlawful collateral damage in either their Terms or Conditions of Financial Provision for the BOCMPauls Ltd buy-out; 4] PREVENTING THE NEED for the incredibly stupid additional infrastructure costs warned of by the out-going Selby District Chief Executive Martin Connor, by preventing the criminal Selby District Core Strategy, and by rejecting the criminally 'SDC preferred' 'core strategic site', BOCMPauls Ltd 'Olympia Park', and inasmuch as it is not only the cause of the need for extra and excessive infrastructure costs, but will also the cause of the future bankrupting of Selby District Council taxpayers when the railway, and thus 'sustainability factor' of Selby past and future expansion, the commuter-belt, is forced to close when and because the Olympia Park residents of 995 built-for-profit houses have to be protected from flood because conduit-ing of flood-waters by the railway cannot be prevented.</p>	<p>noted</p>
<p>Leeds City Council Leeds City Council is not aware of any cross-boundary issues in relation to your proposed CIL rates. I acknowledge the reasons of simplicity in only having two residential zones and that these are based on heat maps of average sales prices. The evidence base seems proportionate. For note, it will be very useful after implementation of the CILs in Leeds and Selby (and other Yorkshire authorities) to share monitoring information to assist in determining whether/when reviews are necessary and any cross-boundary implications of the CIL.</p>	<p>Support welcome.</p>
<p>Sainsbury's Supermarket LTD The Council should be aware of the potential changes to the CIL Regulations governing relief in exceptional circumstances and other relevant matters as stipulated within the draft CIL (Amendment) Regulations 2014. Upon these coming into force, it will be necessary for the Council to take any regulatory amendments into account in preparing the CIL Charging Schedule. The Council will need clear evidence of having benchmarked CIL against historic section 106 payments.</p>	<p>The Council intends to adopt CIL under the prevailing Regulations and will ensure that it manages the scheme that way too.</p>
<p>York Consortium of Drainage Boards The Board welcome the inclusion of this organisation within the list of strategic infrastructure providers and partners of the authority and recognise the success this partnership over the years. In accepting the document does explain the rationale and scope behind certain definitions the Board feels that the definition 'Flood Defences' is narrow and misleading and without further specific interpretation may prove to be restrictive. Indeed, with most issues of</p>	<p>The R123 list will be clear as to what is being funded by CIL.</p>

Q11 Any Other Comments	SDC response
<p>surface water drainage being dismissed as capable of being dealt with under planning, such issues may be excluded from the process entirely.</p> <p>It is a fact that drainage infrastructure is a critical form of flood defence as without this infrastructure flooding would occur on a regular and routine basis whereas Flood Defences are often only relevant in extreme weather.</p> <p>The drainage infrastructure under the control of the various IDBs is unquestionably under pressure and operating at or beyond capacity. Continued development and climate change may well increase that pressure year on year until such time as major and wide reaching works would be required to facilitate any further development. The scale of this may make any exclusion from the CIL by definition, scope or scale an opportunity missed and a detriment to the community.</p> <p>This may be an issue to review within the context of this consultation.</p>	
<p>Rodger J Carter The Council can avoid this levy and I believe it should. It will only result in the increase in the purchase price of a house being passed on to the buyer.</p>	<p>The Council has a responsibility to balance housing growth to meet needs, with the provision of infrastructure to enable that development to take place. The CIL is a tool to ensure that development that adds to the burden on infrastructure pays its fair share towards the capacity improvements.</p> <p>The Government sets out that the true costs of CIL will be borne by the land owner, not the house buyer.</p>
<p>Church Commissioners for England It should be noted that amendments to the CIL Regulations came into effect on 24th February 2014 and these and any changes in the accompanying guidance should be reviewed in the context of the emerging Charging Schedule.</p>	<p>The Council intends to adopt CIL under the prevailing Regulations and will ensure that it manages the scheme that way too</p>
<p>Environment Agency The EA supplied some updated costs of flood infrastructure</p>	<p>Information gratefully received</p>
<p>Ulleskelf Parish Council (a) The District Council Sheet supplied under the heading "Frequently Asked Questions", under the sub-heading on the third page, "Will the District and Parish Councils Benefit " Contains the phrase, "However, more directly, the Parish Council will receive 15% of the CIL levy to spend in the community. This means that the more development takes place, the greater the income for the Parish Council" The Consultation Document itself, however, at paragraph 10.2, seems to make it clear that in regard to dwellings, (There is no mention of whether this also applies in the case of a supermarket or factory), there is a cap equal to £100 per dwelling in the area in each financial year. Again it is not clear whether the words "dwelling in the area" means only those subject to the charge, as the Parish Council assume to be the case, although that renders surplus the words "in each financial year". Or whether, as the Parish Council are not sufficiently optimistic to assume, the calculation is to be made each year in which there has been some development, but on the basis of the total number of dwellings in the Parish. The first of those assumptions appears the reliable one, for at the informal presentation to which one of the Ulleskelf Parish Councillors attended, an example was given of a hypothetical development of 50 houses producing a windfall of £5,000 for the parish. For a comparatively small parish, such as Ulleskelf, a development of some 10 houses would be regarded as major, especially as the parish is limited by flood risk, and the prospect of £1,000 should not have Councillors sitting on the edge of their seats. Hence the Council refer the reader back to its comment under question 6. The same development would, incidentally, at the expected charge of about £5,000 per dwelling, produce for the District Council some £50,000, less £2,500 Admin and the Parish Councils £1,000. The District Council need is no doubt by far the greater, but the scheme as explained does seem to the Council to be weighted and worthy of reconsideration. Reply (b) The Parish Council is appreciative of the burdens laid upon local authorities by Government and the difficulties of financial restraint, but representing its Parishioners whom it believes will have to meet these charges, it is constrained to say that it finds the</p>	<p>The Parish Council will receive 15% of the ICL receipts for development that takes place in their area, up to an annual cap equivalent to £100 per existing dwelling in the Parish. In reality, that cap is unlikely to be met in anywhere in the District due to the quantum of house building that actually takes place.</p> <p>The CIL is not intended to fund local infrastructure, but strategic infrastructure. Where there are identified localised issues to be addressed, these can still be covered by a S106 agreement.</p> <p>The explanation as to why it is ultimately land values that will fall is set out in the FAQ. Clearly there will be variation from scheme to scheme, but developers have a price they are willing to pay for land, having regard for costs of development including S106 and CIL, and ultimately this is the value of the land. All developers will be valuing land using their own calculations, and they will all discount to purchase price due to</p>

Q11 Any Other Comments	SDC response
<p>suggestion that they will be met by a reduction in the cost of land difficult to accept, bearing in mind competition for land and the relative respective strengths of the house buyer or purchaser of groceries and products, and, on the other hand, of the developer, supermarket and manufacturer. The Parish Council feel little doubt as to where the ultimate burden will fall as, in reality, a tax, at a time when the Government has just announced a reduction in stamp duty in some cases, intended to have the opposite effect. The Parish Council rather doubt, therefore, the entire concept.</p>	<p>CIL contributions, so competition is no more of an issue with CIL as it is without CIL.</p>
<p>Connaught Administration Services LTD Regulations 73 and 73A allow for payment in kind in the form of a transfer of land to be used for infrastructure provision or with infrastructure as payment. The Council should adopt a policy of accepting payments in kind to enable such provision where it could be more desirable than CIL payments (ie. site specific or timescales reasons).</p>	<p>The Regulations do permit charging authorities to accept payment of CIL liabilities in land or through the direct delivery of infrastructure items that are included within the Regulation 123 list. Charging authorities are not required to accept such payments in kind and do so at their own discretion. The Council will consider its approach to this issue in due course.</p>
<p>Barrat David Wilson Homes Overall our client has a number of concerns with the PDCS in light of the document itself and the evidence underpinning it. The Council need to be very careful to ensure that the proposed CIL charges do not stifle housing development. The NPPF specifically says that the sites and scale of development identified in the plan should not be subject to a scale of obligations and policy burdens that their ability to be developed viably is threatened.</p>	<p>noted</p>
<p>Campaign to Protect Rural England (York & Selby Branch) We find the draft to be both comprehensive and wide ranging and in general easy to understand. We support the principle of introducing the levy to provide, enhance the infrastructure needed to support development. With reference to the balance of infrastructure with the ability to pay there are those who would argue that smaller communities, especially those in designated Green Belts will gain little if anything by the proposed allocation.</p>	<p>Support welcome. All communities will benefit from CIL, as strategic infrastructure will benefit everyone.</p>

Appendix 2: Copy of the “Heat maps” shown in the Economic Viability Appraisal

note: full sized maps are shown in the PBA report

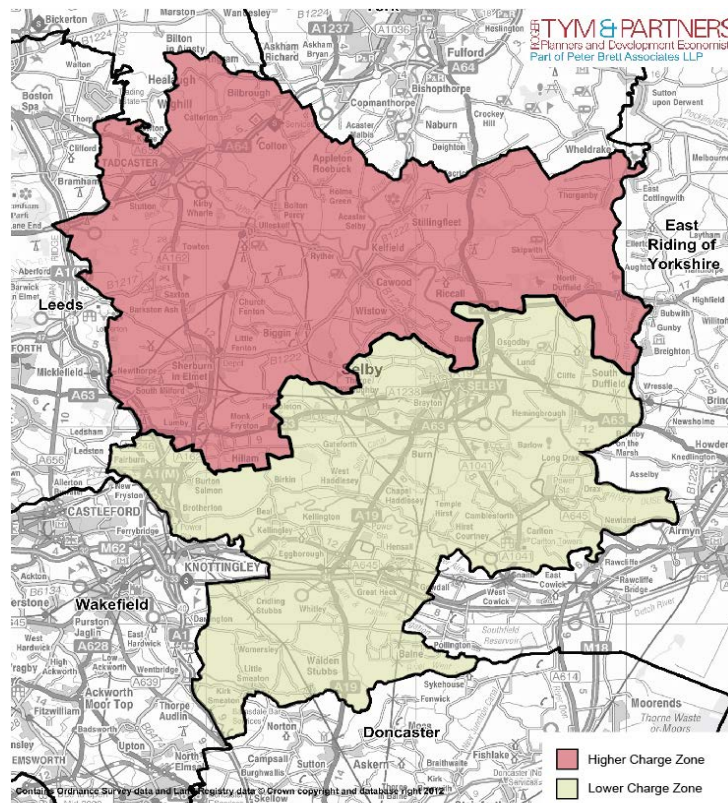


Appendix 3a Map of zones and revised charging schedule

Proposed Residential Charging Zone:

Those zones include the following Wards:

- Higher charge zone – Appleton Roebuck, Cawood with Wistow, Monk Fryston and South Milford, North Duffield, Riccall with Escrick, Saxton and Ulleskelf, Sherburn in Elmet, Tadcaster East and Tadcaster West.
- Lower charge zone - Barlby, Brayton, Camblesforth, Eggborough, Fairburn with Brotherton, Hambleton, Hemingbrough, Selby North, Selby South, Selby West and Whitley.



Use	Proposed CIL Charge per sq. m
Private market houses (excl. apartments)	
Low value areas	£25
All other areas	£45
Supermarkets	£110
Retail Warehouse	£60
Public/Institutional facilities as follows: education, health, community and emergency services	£0
All other chargeable development (incl. apartments)	£0

Appendix 3b: Draft CIL Instalments Policy

The responsibility to pay the levy is with the landowner on which the proposed developed is to be situated. The regulations define the landowner as a person who owns a ‘material interest’ in the relevant land to be developed.

In order to be eligible to pay a CIL liability by instalment, all the relevant forms must be submitted to the Council prior to the commencement of the chargeable development, and all payments must be made in accordance with this CIL Instalment Policy and Regulatory requirements.

This Instalments Policy is made in line with Regulations 69B and 70 of the Community Infrastructure Levy Regulations 2010 (as amended) and is as follows:

- a) This Instalments Policy takes effect on adoption of the CIL.
- b) The CIL instalment policy calculates payment days from commencement of development on site. The Commencement date will be taken to be the date advised by the developer in the commencement notice under CIL Regulation 67.
- c) Payment of instalments are as follows:

CIL charge	Instalment Policy	Note 1	
Up to £50,000	Due in full within 60 calendar days of commencement	This is approximately equivalent to housing developments of up to 10 dwellings in the higher charge zone, or up to 20 dwellings in the lower charge zone, or to supermarkets of 450sqm, or retail warehousing of 830sqm.	The majority of residential development schemes in the District will fall in to these categories. It is likely that upon commencement , such schemes will normally be completed within a year
£50,001 to £100,000	50% due within 90 days of commencement of development, then 50% due within 120 days of commencement of development	Larger schemes will require additional flexibility to ensure that the larger levy is payable without risk to viability. A longer lead-in time is available for such schemes, and double the normal time to pay in full.	
£100,001 and over	35% due within 90 days of commencement of development, then 35% due within 6 calendar months of commencement	These larger developments may normally take longer than one year to complete, so they also enjoy longer lead-in time and more instalments over a longer period.	

	of development, then 30% due within 9 calendar months of commencement of development.	
--	--	--

The requirements set out in Regulation 70 of the CIL Regulations must be complied with if the persons liable for paying CIL wish to do so by instalment, in accordance with this published Instalment Policy.

This Instalment Policy only applies where:

1. The Council has received a CIL Assumption of Liability form prior to commencement of the chargeable development (Regulation 70(1) (a)), and
2. The Council has received a CIL Commencement Notice prior to commencement of the chargeable development (Regulation 70(1) (b)) and the Council does not challenge the date of commencement specified.

If the above requirements are not met, the CIL liability is payable in full at the end of the period of 60 days beginning with the intended commencement date of the chargeable development.

Where the above requirements have been met, instalment payments must be made in accordance with this Instalment Policy. Where an instalment payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL liability becomes payable in full immediately (Regulation 70(8)(a)).

Surcharges

Any failure to comply with the requirements of the CIL Regulations 2010 (as amended) in any respect could result in Surcharges being applied e.g.

- If nobody has assumed liability to pay CIL prior to the commencement of the chargeable development;
- There has been a failure to submit a Commencement Notice prior to commencement;
- There has been a failure to submit a Notice of Chargeable Development prior to commencement.

Please note this list of circumstances under which surcharges may become payable provides examples only and is not exhaustive.

Payments-in-kind

Where the amount of the levy payable is more than £50,000 the Council may consider an in-kind payment of land or infrastructure.

The CIL Regulations allow for payments-in-kind in the form of land or infrastructure to be offset against the CIL liability where agreed by the Council as more desirable instead of monies. However, this must only be done with

the intention of using the land to provide, or facilitate the provision of, infrastructure to support the development of the area. This could be for example where the most suitable land for the infrastructure project is within the development site.

An agreement to make an in-kind payment must be entered into before commencement of development and provided to the same timescales as cash payments. Land paid in kind may contain existing buildings and structures, and land or infrastructure must be valued by an independent valuer who, in the case of land, will ascertain its open market value, and in the case of infrastructure the cost (including related design cost) to the provider. This will determine how much liability it will off-set.

However, where land is required within a development to provide built infrastructure to support that specific development (as opposed to support growth strategically) , it will be expected that any land transfer will be at no cost to the Council and will not be accepted as a CIL payment in kind.

Appendix 3c: Draft EXCEPTIONAL CIRCUMSTANCES POLICY

Regulations 55 to 58 allow charging authorities to set discretionary relief for exceptional circumstances. Use of an exceptional circumstances policy enables the charging authority to avoid rendering sites with specific and exceptional cost burdens unviable should exceptional circumstances arise. It is a mechanism to enable growth and deliver development where CIL and S106 conflict. Before granting relief, the Council will need to be satisfied that the relief would not constitute notifiable State Aid as set out further below

The Council intends to have an Exceptions Policy for exceptional circumstances which will be set and agreed by The Executive. The Council will have to comply with notification requirements and publish a statement confirming that relief for exceptional circumstances is available in the District from a specified date. The process would then be that a landowner would have to submit a claim in accordance with the Regulations. The Council may grant relief from liability to pay CIL if (a) it appears to the Council that there are exceptional circumstances which justify doing so; and (b) the Council considers it expedient to do so. The Regulations specify the requirements that must be met in making this assessment, and these are set out below:-

Reg 55(3) A charging authority may grant relief for exceptional circumstances if –

- a) It has made relief for exceptional circumstances available in its area;
- b) A planning obligation under S106 of TCPA 1990 has been entered into in respect of the planning permission which permits the chargeable development; and
- c) The charging authority-
 - i. Considers that to require payment of the CIL charged by it in respect of the chargeable development would have an unacceptable impact on the economic viability of the chargeable development, and
 - ii. Is satisfied that to grant relief would not constitute a State aid which is required to be notified to and approved by the European Commission.

The person claiming relief must be an owner of a material interest in the relevant land. A claim for relief must be submitted in writing and be received before commencement of the chargeable development. It must be accompanied by an assessment carried out by an independent person of the cost of complying with the planning obligation, the economic viability of the chargeable development, an explanation of why payment of the chargeable amount would have an unacceptable impact on the economic viability of that development, an apportionment assessment (if there is more than one material interest in the relevant land), and a declaration that the claimant has sent a copy of the completed claim form to the owners of the other material interests in the relevant land (if any).

For the purposes of the above paragraph an independent person is a person who is appointed by the claimant with the agreement of the charging authority and has appropriate qualifications and experience.

A chargeable development ceases to be eligible for relief for exceptional circumstances if before the chargeable development is commenced there is a disqualifying event. This is where the development is granted charitable or social housing relief, is disposed of, or has not been commenced within 12 months.

It should be noted that the Council has undertaken viability assessments to carefully consider the level at which the proposed CIL charges have been set, taking into account the provision of affordable housing at 40% and likely development specific S106 obligations. In view of this, it is important to note that the consideration for relief will be rare and any relief given must be done in accordance with the procedure stated above and state aid rules.

Appendix 3d: Indicative Regulation 123 List

Selby District Council Community Infrastructure Levy (CIL) Indicative Regulation 123 List June 2014

Regulation 123 provides for the Council to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL. In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution cannot then be made towards an infrastructure item already on the List.

This Indicative Regulation 123 List is provided as part of the consultation on the Draft Charging Schedule. It establishes the broad areas that the Council intends to fund through CIL, but subject to comments received in the Draft Charging Schedule consultation, it will be refined and revised upon adoption of the CIL.

Item	Notes
SDC Administration Fee of 5%	This will cover officer time across departments in administering the CIL.
Meaningful Proportion to Parish/Town Councils: 15% (25% if development takes place in locations covered by a Neighbourhood Plan)	The 'meaningful proportion' held by local communities can be spent on the R123 List, but it does not have to be.
Improvement/upgrade of pumping stations to address flood risk	except for on-site provision or where this is required as a direct result of an adjacent development
Primary and Secondary School Education	except for large scale residential development identified in the forthcoming Site Allocations and Policies Plan, which will be expected to provide primary schools either as an integral part of the development or as the result of no more than 5 separate planning obligations
Capacity increases in GP surgeries and dentist's offices	For extensions to accommodate additional patients
Strategic Road Network improvements	For works to improve flow/capacity on the main junctions and route of the A64(T)
Green infrastructure and recreation open space	

The Council will review this list at least once a year, as part of monitoring of CIL collection and spend, and any changes will be justified and subject to appropriate local consultation.

The indicative R123 List does not identify priorities for spending within it, or any apportionment of the CIL funds across the District, and does not signify a commitment from the Council to fund the projects listed through the CIL.

The Council will work with local communities and Parish/Town Councils to agree local priorities for spend at the appropriate time.

For clarity, all other matters will continue to be addressed through S106 Agreements. This includes (non-exhaustive)

- Affordable housing
- Employment and skills agreements e.g. local employment or apprentice contracts
- Site specific matters needed to make the development acceptable in planning terms, including:
 - Provision for waste handling
 - New bus connections or services and cycle/pedestrian routes and connections if directly required by the development
 - Local junction / highways improvements and access into the site
 - Primary schools/extensions as a direct result of large sites or groups of up to five sites identified in the Site Allocations Plan
 - On-site greenspace and public realm improvements where this is required as a direct result of a development
 - On-site drainage and flooding solutions

Appendix 4: PBA Selby CIL Addendum Report

Selby Community Infrastructure Levy

Addendum Report

On behalf of **Selby District Council**



Project Ref: 27711/002 | Rev: AA | Date: April 2014

Document Control Sheet

Project Name: Selby Community Infrastructure Levy

Project Ref: 27711

Report Title: Addendum Report

Doc Ref: Addendum Report

Date: April 2014

	Name	Position	Signature	Date
Prepared by:				
Reviewed by:				
Approved by:				
For and on behalf of Peter Brett Associates LLP				

Revision	Date	Description	Prepared	Reviewed	Approved

Peter Brett Associates LLP disclaims any responsibility to the Client and others in respect of any matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence within the terms of the Contract with the Client and generally in accordance with the appropriate ACE Agreement and taking account of the manpower, resources, investigations and testing devoted to it by agreement with the Client. This report is confidential to the Client and Peter Brett Associates LLP accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

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1 Introduction

1.1 Introduction

1.1.1 The consultation on Selby District Council's Preliminary Draft Charging Schedule (PDCS) took place during a six week period ending 28 February 2014. Peter Brett Associates have been retained by the Council to support them in refining the viability evidence as a result of consultation comments received.

1.1.2 To provide context for this Addendum Report we summarise the main points raised during the consultation period.

Residential

- Queries in relation to the evidential basis for the land value assumptions, opinion that the assumptions are too low;
- The assumed sales rates are considered optimistic;
- Underestimation of potential policy costs;
- No published evidence base;
- Assumptions used for discounts and affordable housing values are too optimistic;
- Profit margins should be tested at 20% of GDV as a minimum; and
- Specific assessments to cater for retirement accommodation should be undertaken.

Non-Residential

- Opposition to a £10 base charge;
- Build cost data should be reviewed;
- Lack of transparency with some of the viability modelling;
- Agricultural developments should be exempt from CIL
- Retail definitions lack clarity and disagree with the fundamental issue of retail differentiation; and
- Opposition to the level of rate suggested for retail development

1.1.3 All comments received have been taken into consideration, although changes are not necessary in every case. This report sets out the refinements to the assessments and the assumptions that underpin them undertaken following the comments receive and additional research by the study team. This report does not seek to repeat everything that was included in the preliminary draft stage report, but instead focuses on the key changes proposed to the approach to CIL in Selby, the structure of the proposed Charging Schedule and the viability assessments that underpin it.

1.1.4 The changes set out in this report seek to reflect:

- Emerging best practice and the conclusions of recent Examiner's Reports on CIL charging schedules;

- The most recent update for the Government's guidance on CIL and CIL (Amendment) Regulations 2014; and
- Comments received through the PDCS consultation.

1.1.5 The key changes in approach and areas of additional evidence and/or clarification of approach that are set out in this report include:

- The application of a revised and new viability model to both residential and non-residential viability assessments that is both more refined and more transparent;
- A review of the assumptions and assessments that underpin our findings and the inclusion of additional modelling to cover additional development types;
- Revising the definitions of retail uses for the purposes of the CIL charging schedule; and
- A benchmarking of the proposed CIL rates.

2 Residential Viability Assessments

2.1 Introduction

2.1.1 This section of the report sets out the changes made in response to representations received on the assumptions and assessments that informed the PDCS. In addition, some assumptions have been updated to reflect most recent data. The changes made and the findings of our revised assessments are set out below.

2.2 Revised Model

2.2.1 Since the original assessments, PBA has developed a new financial model for assessing development viability, for the purposes of CIL. This new model is more detailed and allows for more detailed assumptions to be made in many respects and as such is considered more appropriate in this case.

2.2.2 It also differs from previous model in that it assesses the residual land value produced by the different schemes assessed and comparing this against a 'benchmark' land value, at a fixed level of developer's profit. The previous model calculated the level of residual profit (to be compared against benchmark profit levels), assuming a fixed land value.

2.2.3 The model is specifically designed for the purposes of CIL viability assessments and as such the output is the 'overage' of the scheme (i.e. the residual land value generated over and above benchmark levels) expressed as a value per sq. m. This value can be thought of as the maximum potential CIL charge rates or a 'ceiling' level of CIL charge.

2.3 Updated Assumptions

Land Values

2.3.1 Our assessments of residential development viability seek to test the range of likely market conditions evident across the District, applying a range of different land value assumptions related to different scenarios in terms of sales value and site size. We have also sought to ensure that, as far as is possible in all other respects, we are comparing like with like.

2.3.2 Therefore, our assumptions in terms of benchmark land value are that all sites will be cleared and remediated (if they are brownfield) and are fully serviced parcels (if they are greenfield) so that in either scenario they are readily developable or 'oven ready'. For sites that are not in this condition, the costs of making them readily developable ('oven ready') would ordinarily be subtracted from the gross land value in the offer that any rational developer would make to a landowner, in any case.

2.3.3 This approach ensures that the qualitative characteristics of a site are reflected in the price that developers are willing to pay. Sites that require significant up-front investment, either for demolition and remediation or in terms of utilities/services capacity/extensions and access infrastructure, will have lower values if these issues are not addressed prior to the sale of the land. This approach also ensures that we are comparing like with like through the assessments.

2.3.4 Consultation comments suggested that the land value assumptions used in the modelling are too low. We have sought to obtain further data to add to the existing evidence base and to inform the decisions made on land values in our assumptions. Given the lack of market activity recently, there are only limited comparable land transactions or plots for sale on which to base judgement. However we are aware of a small number of comparable transactions, details of which were provided on a confidential basis. We have also asked representors on

several occasions to provide details of comparable transactions which may support assertions that previous assumptions were too low. No information was forthcoming

2.3.5 We have also spoken to a number of agents and consultants that are active in the local market in order to gather opinions on prevailing residential land values. Values are generally in the region of £400,000 - £1,000,000 per net developable hectare (net of all policy costs). This assumption was tested at the Developer Workshop and found general agreement.

2.3.6 We have supplemented this additional information with the existing data set that informed the PDCS study. The results of discussions have suggested that our land value figures should be revised to the following

- Low value areas - £450,000 per ha
- Moderate value areas - £650,000 per ha
- High value areas - £900,000 per ha

Other Assumptions

2.3.7 The original appraisals covered development types of 0.25ha, 1ha and 5ha across three value areas. These high level appraisals cover development types that could potentially come forward over the plan period. The revised modelling covers the same development typologies in the three value areas.

2.3.8 The evidence base in respect of sales values has been updated. This includes an additional review of new residential developments currently on the market, their size and asking prices in order to determine an asking price per sq. m from which a deduction is made to take account of discounts offered by developers. We have also updated our analysis of Land Registry data on the achieved sales values of new build houses assuming a typical floorspace for each house type to derive an average value per sq. m. These analyses are included at Appendix A of this report.

2.3.9 The analysis of dwellings currently being marketed shows average asking prices for houses in Selby of £2,208 per sq. m. Typical levels of discounting from asking prices are between 5% and 10%. Applying this to the average excluding townhouses suggests average achieved sales values of £1,987 - £2,098 per sq. m.

2.3.10 Analysis of the Land Registry data covering a two year period to January 2014 shows average achieved sales values as follows:

- Detached (assuming 120 sq. m average size) – £2,016 per sq. m
- Semi-detached (assuming 100 sq. m average size) - £1,668 per sq. m
- Terrace (assuming 80 sq. m average size) – £1,781 per sq. m

2.3.11 In summary, the most recent data, considered alongside the original data, does not suggest a significant change in sales values has taken place since our previous report. As such the sales value scenarios have not been changed and remain as follows:

- Lower value - £1,850 per sq. m
- Moderate value - £2,000 per sq. m
- Higher value - £2,150 per sq. m

- 2.3.12 Several representations were received in respect of the developer’s profit assumption, stating that profit should be considered as a proportion of Gross Development Value (GDV), rather than development costs. For the purposes of these assessments, we have assumed developer’s profit at 20% of GDV in respect of market housing and 6% of GDV in respect of the affordable element – reflecting the fact that there is little or no risk involved in developing the affordable element.
- 2.3.13 We have also updated the build cost assumptions to reflect the latest information available from BCIS. Assumptions in respect of external works and contingency are included at industry standard levels that have repeatedly been found sound for the purposes of CIL, and have been confirmed by developers and agents as part of consultations both in Selby and elsewhere. As such, no change is proposed to the external works and contingency assumptions.
- 2.3.14 The revised assumptions used in the modelling are summarised in table 2.1. Other assumptions not mentioned in the summary table below remained unchanged.

Table 2.1 Residential Viability Assumptions

Assumption	Value
Sales Value	
Low Value	£1,850 per sq. m
Moderate Value	£2,000 per sq. m
High Value	£2,150 per sq. m
Affordable Housing	At adopted transfer values
Build Cost¹	
Low Value	£830 per sq. m
Moderate Value	£840 per sq. m
High Value	£850 per sq. m
Affordable Housing	£830 per sq. m
Land Value (per net developable ha)	
Low Value	£450,000
Moderate Value	£650,000
High Value	£900,000

¹ This is the basic build cost figure. 10% is added to take account of external works and 5% for contingency. The figure relates to the 1ha scenario. A 2.5% increase is applied for the 0.25ha scenario and a 2.5% decrease for the 5ha scenario.

<p>Affordable Housing</p> <p>All Value areas</p> <p>Sites under threshold</p>	<p>(on sites over 0.3ha/10 dwellings)</p> <p>40%</p> <p>Commuted sum in line with SPD</p>
<p>Residual S106²</p> <p>0.25ha and 1ha scenarios</p> <p>5ha scenarios</p>	<p>£500 per unit</p> <p>£2,500 per unit</p>
<p>Dwelling Sizes</p> <p>Low Value</p> <p>Moderate Value</p> <p>High Value</p> <p>Affordable Housing</p>	<p>100 sq. m</p> <p>110 sq. m</p> <p>125 sq. m</p> <p>80 sq. m</p>
<p>Densities³</p> <p>Low Value</p> <p>Moderate Value</p> <p>High Value</p>	<p>40 dph</p> <p>35 dph</p> <p>30 dph</p>

2.4 Findings

2.4.1 The findings of the revised modelling are outlined in the tables below. The final column shows the assessed 'overage' on a per sq. m basis. This represents the 'surplus' residual land value generated over and above the assumed benchmark land values and at the profit levels identified above. This figure can be seen as the maximum potential charge rate. The summary findings of the assessments are shown in Table 2.2 below, whilst more detailed assessments summaries are provided at Appendix B.

Table 2.2 Appraisal Findings

0.25ha									
Site	Site area per ha	CIL Chargeable sq m	GIA	Residual value per ha	per sq m	Benchmark land value per ha	per sq m	Overage per ha	per sq m
Low value	0.250	850		£685,763	£202	£450,000	£132	£235,763	£69
Moderate value	0.250	825		£1,012,529	£307	£650,000	£197	£362,529	£110
High value	0.250	813		£1,408,162	£433	£900,000	£277	£508,162	£156

²The 0.25ha scenario has an additional commuted sum figure added to reflect the requirements of the Affordable Housing SPD. The commuted sum equates to £9,600 per unit.

³ These densities apply to the 1ha and 5ha scenarios. Reduced densities of 34dph, 32dph and 30dph have been applied to the 0.25ha scenario as no affordable is required on site.

1ha

Site	Site area CIL Chargeable GIA		Residual value		Benchmark land value		Overage per ha	
	per ha	sq m	per ha	per sq m	per ha	per sq m	per ha	per sq m
Low value	0.95	2,280	£541,758	£226	£450,000	£188	£91,758	£38
Moderate value	0.95	2,195	£796,984	£345	£650,000	£281	£146,984	£64
High value	0.95	2,138	£1,064,792	£473	£900,000	£400	£164,792	£73

5ha

Site	Site area CIL Chargeable GIA		Residual value		Benchmark land value		Overage per ha	
	per ha	sq m	per ha	per sq m	per ha	per sq m	per ha	per sq m
Low value	3.50	8,400	£532,382	£222	£450,000	£188	£82,382	£34
Moderate value	3.50	8,085	£798,301	£346	£650,000	£281	£148,301	£64
High value	3.50	7,875	£1,068,108	£475	£900,000	£400	£168,108	£75

2.4.2 The revised models show that all of the scenarios tested are demonstrably viable, albeit to varying degrees. The lower value scenarios show the overage per sq. m varying between £34 per sq. m in respect of the 5 ha scenario, up to £69 per sq. m in the 0.25 ha scenario. The moderate and higher value scenarios show above reveal overages of between £64 per sq. m and £156 per sq. m.

2.4.3 Our approach to recommending charge rates is to take the lowest common denominator as the starting point, and set charges that are within the range of 50% and 75% of the identified theoretical maximum. This range allows a balance to be created between the need to fund the infrastructure requirements in the district whilst maintaining development viabilities. The level of infrastructure requirements will dictate where within this range a rate is set. It is not set at the ceiling of our range which allows for additional buffer over and above the initial 25% draw down from the maximum.

2.4.4 Two charging zones are proposed for Selby. For the lower value zone, the lowest overage identified is £34 per sq. m, suggesting charges should be between £17 and £26 per sq. m. The previously recommended charge rate for the lower value zone of £25 falls within this range and represents 74% of the theoretical maximum.

2.4.5 For the moderate and higher value scenarios, the lowest overage identified is £64 per sq. m, suggesting charges within the range £32 - £48. The previously proposed charge rate of £45 per sq. m again falls within this range, representing 70% of the theoretical maximum.

2.4.6 On the basis of these findings, we do not propose to change the residential charges relating to houses.

2.5 Apartment Viability Assessments

2.5.1 The report which accompanied the PDCS contained residential appraisals which covered developments of housing schemes. No assessments were undertaken on apartment developments. The main reason for this decision is the lack of available evidence related to apartment developments.

2.5.2 We have sought to revisit and review the evidence base for apartments to highlight data that may have come to light since the PDCS viability report was published. The review of the evidence generated the same results as previous. There are no new build apartment properties currently being marketed and no transactions of new build apartments have taken place since November 2012. This lack of development activity in the apartment sub-sector suggests that they are not currently a viable development product.

2.5.3 Given the lack of transactional evidence on which to base robust viability modelling, and the de facto evidence of unviability shown by the lack of development activity, we propose a zero rate charge on all apartment developments.

3 Retail Definitions

3.1 Revised Approach to Retail Charges

- 3.1.1 Representations submitted on behalf of ALDI Stores Ltd and J Sainsburys disputed the ability to differentiate between retail development types, citing a lack of clarity in the definitions proposed and raising issues in respect of the viability evidence.
- 3.1.2 There is clear evidence to support the differences development costs and values between different types of retail development, and resultant differences in viability, it remains the desire of the Council to reflect this in the way that CIL is levied. The CIL regulations also support such an approach and enable authorities to vary charges where viability differs according to how buildings are used, the scale of development or by zone. As such, it is necessary to define how different forms of retail development are used differently in order to justify charge variation.
- 3.1.3 The Council proposes to differentiate charges by use. The word 'use' in the context of the CIL regulations is as normally defined, rather a reference to the Use Classes Order. Therefore, we set out below a series of definitions that describe how different types of retail development are used. These definitions have been refined to add greater clarity following the representations received. In defining these uses, we also make reference to a scale of development as one of several indicators that would help to determine how any given proposal should be defined for the purpose of CIL charges in Selby. Our consideration of the viability of each different type of use is then set out in Section 4.
- 3.1.4 Our assessments are based takes as its basis the different types of retail development which have potential to take place in Selby, each of which has materially different key viability assessment assumptions, in particular rental values, yields, build cost and land acquisition costs. The types of development assessed are:
- High Street Comparison Retail – High street comparison retail development will usually involve redevelopment of existing buildings to provide new retail accommodation that better meets the demands of modern retail businesses. Typically such development will provide a wide range of unit sizes, including one or two large spaces for 'anchor tenants' and a much larger number of small spaces. They will typically have frontage on to areas of high footfall, aiming to capture the passing trade of shoppers on foot, who are also likely to visit other stores and other parts of the centre, many of whom will arrive in the centre by non-car modes.
 - Retail Warehouses – Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.
 - Supermarkets – Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:
 - The area used for the sale of goods will generally be above 500 sq. m.
 - The majority of customers will use a trolley to gather a large number of products;

- The majority of customers will access the store by car, using the large adjacent car parks provided; and
 - Servicing is undertaken via a dedicated service area, rather than from the street.
- Neighbourhood Convenience - Neighbourhood convenience stores are used primarily by customers undertaking 'top-up' shopping. They sell a limited range of convenience goods and usually do not sell comparison goods. The key characteristics of their use include:
- Trading areas of generally less than 500 sq. m;
 - The majority of customers will buy only a small number of items that can be carried around the store by hand or in a small basket;
 - The majority of customers will access the store on foot and as such there is usually little or no dedicated parking; and
 - Servicing is often undertaken from the street, rather than dedicated service areas.
- 3.1.5 The representation by Aldi Stores Ltd states that no separate assessment has been undertaken, for which they say the development economics are different. It is not possible under the CIL regulations to differentiate a charge according to different types of operator. Charges may only vary where the evidence shows that there is a material difference in viability by the use of the building, the scale of development or by zone. Whilst it is possible to discern a difference in the use (and viability) of buildings used as small neighbourhood convenience stores for top-up shopping and supermarkets used for main weekly food shopping, this is not possible between discount supermarkets and those operated by others. They are, for all intents and purposes, used in the same way. As such, it would not be possible to set different charges for discount operators.
- 3.1.6 The assumptions used in our viability assessment reflect the forms of development of this use considered most likely to come forward – namely supermarkets operated by the 'big four' supermarket chains. Nonetheless, it may be accurate to suggest that the development economics vary somewhat between discount and major supermarket operators. Our evidence shows that rental values for discount supermarkets are often lower than those for major supermarket operators and that the covenant strength of the discount operators means that yields are slightly higher. These two factors will reduce development value. Conversely, build costs are known to be lower for discount supermarkets, and lower value development sites are more typical. To a large extent therefore, these factors will balance one another out.
- 3.1.7 In any case, the charge rates proposed are well below the theoretical maximum charges for each use precisely in order to allow for developments that have higher costs or lower values, and therefore lower viability, than is typical and acts as a safeguard to viability.

4 Non-Residential Viability Assessments

4.1 Introduction

4.1.1 As with the residential assessments, the non-residential viability modelling has also been updated since the original study. Our assessment of development viability of each of the uses tested previously is set out in Table 4.1 below. Much of the data used in the assessments remain from the original calculations. An additional viability assessment has been undertaken with respect to Neighbourhood Convenience Stores.

4.2 Revised Model

4.2.1 The previous report included viability assessments based on a single sq. m of development for simplicity. Several representations suggested that this approach lacked transparency, and requested an approach based on typologies of development. To reflect these comments, we have now applied a revised model for the purposes of assessing non-residential development viability that is based on development typologies.

4.2.2 As with the residential model, the model assesses residual land value after all development costs including developer's profit, and the output of the assessment is an 'overage' when considered against 'benchmark' land values for each use. This overage is expressed as a value per sq. m which can be seen as the theoretical maximum from which a CIL charge can be drawn.

4.3 Revised Assumptions

4.3.1 The model has been based on the same assumptions as outlined in the original work for the PDCS, there have been some minor amendments to elements of the data. The key input assumptions are outlined in table 4.1. Build cost data has been updated to the most recent dataset (accessed April 2014).

Table 4.1 Non-Residential Assumptions

Development Type	Assumption	Value
Town Centre Office	Rent per sq. m	£130
	Yield	9.00%
	Build cost per sq. m	£1,240
Business Park Office	Rent per sq. m	£130
	Yield	8.50%
	Build cost per sq. m	£1,050
Industrial	Rent per sq. m	£60
	Yield	8.75%

	Build cost per sq. m	£450
High Street Comparison Retail	Rent per sq. m	£250
	Yield	7.50%
	Build cost per sq. m	£910
Retail Warehouse	Rent per sq. m	£140
	Yield	7.25%
	Build cost per sq. m	£535
Supermarket	Rent per sq. m	£200
	Yield	5.50%
	Build cost per sq. m	£1,160
Neighbourhood Convenience Retail	Rent per sq. m	£150
	Yield	6.50%
	Build cost per sq. m	£1,010

4.3.2 A review of land values was undertaken. For the most part land values have remained unchanged with the exception of high street comparison retail and neighbourhood convenience retail. The assumed land values are as follows:

- Town centre office - £1,000,000 per ha;
- Business park office - £400,000 per ha;
- Industrial - £400,000 per ha;
- High street comparison retail - £8,500,000 per ha;
- Retail warehouse - £1,750,000 per ha;
- Supermarket - £2,250,000 per ha; and
- Neighbourhood convenience retail - £650,000 per ha.

4.4 Findings

- 4.4.1 The results of the revised assessments, applying the new model and the revised assumptions as set out above, are shown in the table 4.2 below. The assessments themselves are included at Appendix C of this report.

Table 4.2 Viability Assessment Results

	GIA	NIA	Net site area ha	Residual value		Benchmark		CIL Overage	
				Per Ha	Per £psm	Per Ha	Per £psm	Per Ha	Per £psm
Town Centre Office	6,000	5,100	0.25	£17,875,315	£745	£1,000,000	£42	£18,875,315	£786
Business Park Office	4,000	3,400	0.50	£3,685,406	£461	£400,000	£50	£4,085,406	£511
Industrial	4,000	3,800	1.00	£578,983	£145	£400,000	£100	£978,983	£245
High Street Comparison Retail	6,000	5,100	0.50	£8,423,120	£702	£8,500,000	£708	£76,880	£6
Retail Warehouse	4,000	3,800	1.00	£2,132,472	£533	£1,750,000	£438	£382,472	£96
Supermarket	4,000	3,800	1.00	£3,311,057	£828	£2,250,000	£563	£661,057	£165
Neighbourhood Convenience	1,200	1,140	0.20	£1,370,790	£228	£650,000	£108	£120,790	£20

- 4.4.2 The results shown above broadly correlate with those of the original assessments. The output figures are slightly different to those originally calculated but they continue to demonstrate that the only development types showing materially positive overages are retail warehousing and supermarket developments.
- 4.4.3 As previously set out in the Economic Viability Assessment, office, industrial, high street comparison retail and neighbourhood convenience retail developments are not currently viable, or are only marginally so (in the case of neighbourhood convenience retail), under current market conditions and the assumptions applied that reflect them.
- 4.4.4 As previously, retail warehouse development is shown to benefit from healthy levels of viability showing a maximum potential CIL charge of £96 per sq. m. Similarly, supermarkets show a significant level of viability with a maximum potential CIL charge of £165 per sq. m. Neighbourhood convenience retail shows a marginal overage of £20 per sq. m.
- 4.4.5 These figures represent the theoretical ‘ceiling’ of viability from which proposed charges must draw down in order to take account of potential market changes and sites where costs may be higher and/or values lower than is typical.
- 4.4.6 Using a range of 50-75% of the maximum as a guide for an acceptable charge rate we are able to identify potential charge rates for the development types that show viability. Table 4.3 below provides a synopsis of our calculations.

Table 4.3 Proposed Retail Rates

Development	Maximum Rate (per sq. m)	Suggested Rate Range (per sq. m)	Suggested Rate (per sq. m)
Retail warehouse	£96	£48 - £72	£60
Supermarket	£165	£83 - £124	£110
Neighbourhood convenience	£20	£10 - £15	£0

- 4.4.7 We therefore conclude that the charges previously proposed of £60 per sq. m for retail warehousing and £110 per sq. m for supermarkets to remain appropriate. Whilst the new modelling of neighbourhood convenience retail shows the potential for a small CIL charge, the

amount of development anticipated is not significant enough to consider a charge to be appropriate. We therefore suggest a zero rate for neighbourhood convenience.

5 Charge Rate Benchmarking

5.1.1 In this section of the report, we seek to test the appropriateness of the levels of CIL charge recommended for Selby by benchmarking the rates in two different ways. Firstly, we test the charge rates as a percentage of development value and compare this against the levels that have been found to be viable and are now adopted and in operation elsewhere.

5.1.2 Secondly, we benchmark the CIL charges against the developer contributions provided through Section 106 agreements as part of recent developments in Selby to enable a 'like-with-like' comparison between the two approaches.

5.2 Residential Rates as a Percentage of Value

5.2.1 An effective way of benchmarking residential CIL charge rates is to consider the scale of the charge as a proportion of development value – i.e. the assumed sales values of development. Not only does it put the scale of charges in context in terms of their importance to overall viability, it also enables direct comparison between different authorities.

5.2.2 The charge rates per sq. m, expressed as a percentage of sales values per sq. m, can then be considered alongside that for authorities where CIL has been adopted and the charge rates found to be viable by an examiner. We have undertaken this exercise for each of the CIL Charging schedules adopted nationally to date. The findings are shown in Table 5.1 below.

Table 5.1 CIL Rates as a Percentage of Residential Values

Local Authority	Adoption Date	CIL Rate	Assumed Residential Value (per sq. m)	CIL Rate as %age of Value
Redbridge	1 January 2012	£70	£3,767	1.9%
Portsmouth	1 April 2012	£105	£2,850	3.7%
Huntingdonshire	1 May 2012	£85	£1,884	4.5%
Wandsworth	1 November 2012	£575	£10,764	5.3%
Bristol	1 January 2013	£70	£3,496	2.0%
Wycombe	1 November 2012	£125	£3,500	3.6%
Croydon	1 April 2013	£120	£3,636	3.3%
Havant	1 August 2013	£100	£3,014	3.3%
East Cambridge	1 February 2013	£40	£2,000	2.0%
Greater Norwich	1 July 2013	£115	£2,600	4.4%
Broadland	15 July 2013	£115	£2,520	4.9%
Norwich				
South Norfolk	Expected Feb 2014	-	-	-

Mid Devon	1 October 2013	£90	£2,200	4.0%
Elmbridge	1 April 2013	£125	£4,000	3.1%
Plymouth	1 June 2013	£30	£2,153	1.4%
Barnet	1 May 2013	£135	£6,735	2.0%
Fareham	1 May 2013	£105	£2,800	3.8%
Exeter	1 November 2013	£80	£2,380	3.4%
Waveney	1 August 2013	£150	£4,500	3.3%
Southampton	1 September 2013	£70	£2,905	2.4%
Oxford	21 October 2013	£100	£2,985	3.4%
Harrow	1 October 2013	£110	£4,390	2.5%
Taunton Deane	1 April 2014	£70	£2,090	3.4%
			Overall Average	3.25%

5.2.3 The findings show that there is significant diversity in rates as a proportion of value across the country. The lowest figure is just 1.4% of value, whilst the highest is 5.3%. The average across all of the authorities assessed is 3.25%. We set out the corresponding assessment for the rates proposed for Selby in Table 5.2 below.

Table 5.2 Selby CIL Rates as a Percentage of Value

Value Zone	Residential Value (per sq. m)	Proposed CIL Rate	CIL Rate as Percentage of Value
Low Value	£1,850	£25	1.4%
Moderate Value	£2,000	£45	2.3%
High Value	£2,150	£45	2.1%

5.2.4 Table 5.2 shows the proposed rates for Selby range between 1.4% and 2.3% of the sales value. As such all of the rates proposed are lower than the national average.

5.2.5 A key point to note is that the charge rate for the lower value zone represents a lower percentage of development value, reflecting that development of such sites is likely to be more challenging in viability terms. This approach has been commended at Examination⁴.

5.2.6 Overall, it is clear from this assessment that the proposed charges for Selby are in line with, if not more conservative than, those that have been set elsewhere in the country, were considered viable by an Examiner and are in operation.

⁴ Trafford CIL Examiner's Report February 2014

5.3 CIL and S106 Comparisons

- 5.3.1 A further means of benchmarking proposed CIL rates is to compare the costs to developers of CIL against that the equivalent costs under the current S016 regime. In order to undertake this analysis, the Council has provided us with recent planning approvals which have a signed S106 agreement from which we can draw comparisons. The schemes are:
- Manor Farm, North Duffield (2005/0226/FUL) – 34 dwellings;
 - Station Road, Riccall (2007/1103/FUL) – 58 dwellings;
 - Dunelm Farm, Riccall (2011/1048/FUL) – 13 dwellings;
 - Land South of Ousegate, Selby (2010/044/FUL) – 10 dwellings;
 - White House Farm, Thorpe Willoughby – 149 dwellings; and
 - Water Lane, Eggborough (2011/0261/FUL) – 7 dwellings.
- 5.3.2 Using the details of the approved schemes, Table 6.3 below provides a 'like-with-like' comparison of S106 and CIL contributions for the residential developments, applying the proposed CIL rates to the net additional market floorspace at the achieved level of affordable housing.
- 5.3.3 It should be noted that if the full policy level of affordable housing is provided (which is not achieved in some cases) then the CIL liability would be smaller because affordable housing is not liable for CIL.

Table 5.3 S106 and CIL Comparison – Residential (at achieved Affordable Housing provision)

Residential							
Development Location	Application Ref:	Number/Type of Units	Affordable Percentage	Total S106 Contribution²	S106 per unit	CIL Revenue at £45/sq. m	CIL Revenue at £25/sq. m
<i>Manor Farm, North Duffield (Barratt)</i>	<i>2005/0226/FUL</i>	<i>34</i>	<i>41.2</i>	<i>£102,543</i>	<i>£3,015.97</i>	<i>£99,000</i>	<i>-</i>
<i>Station Road, Riccall (Stamford Homes)</i>	<i>2007/1103/FUL</i>	<i>58</i>	<i>18.9</i>	<i>£260,647</i>	<i>£4,493.91</i>	<i>£232,650</i>	<i>-</i>
<i>Dunelm Farm, Riccall (Linden Homes)</i>	<i>2011/1048/FUL</i>	<i>13</i>	<i>0</i>	<i>£13,546</i>	<i>£1,042.00</i>	<i>£64,350</i>	<i>-</i>
<i>Land South of Ousegate, Selby</i>	<i>2010/0044/FUL</i>	<i>10</i>	<i>0</i>	<i>£11,730</i>	<i>£1,173.00</i>	<i>-</i>	<i>£27,500</i>
<i>White House Farm, Thorpe Willoughby (Linden)</i>	<i>2012/0852/FUL</i>	<i>149</i>	<i>40.3</i>	<i>£1,004,623</i>	<i>£6,742.44</i>	<i>-</i>	<i>£244,750</i>
<i>Water Lane, Eggborough</i>	<i>2011/0261/FUL</i>	<i>7</i>	<i>0</i>	<i>£8,022</i>	<i>£1,146.00</i>	<i>-</i>	<i>£19,250</i>

- 5.3.4 Of the six residential schemes considered, three are shown to have incurred higher costs under the current Section 106 regime that would have been the case if CIL were in place, whilst the other three would have contributed more under CIL. As mentioned above, if policy levels of affordable housing are assumed then the CIL cost would be further reduced. Of the schemes where CIL is lower than S106, the CIL liability represents between 24.4% and 96.5% of the cost of the S106.
- 5.3.5 Overall, these findings show that the cost to developers of the proposed CIL charges are generally comparable to the level of developer contributions that have been made in recent years. Indeed, in 50% of the cases, CIL would have resulted in lower costs to the developer.

6 Revised Charging Schedule

6.1.1 As a result of this further analysis outlined in sections 3 and 5, we are suggesting revisions to the charging schedule as originally drafted. The revised charging schedule will read as follows.

Table 6.1 Revised Charging Schedule

Use	Proposed CIL Charge per sq. m
Private market houses (excl. apartments)	
Low value areas	£25
All other areas	£45
Supermarkets⁵	£110
Retail Warehouse	£60
Public/Institutional facilities as follows: education, health, community and emergency services	£0
All other chargeable development (incl. apartments)	£0

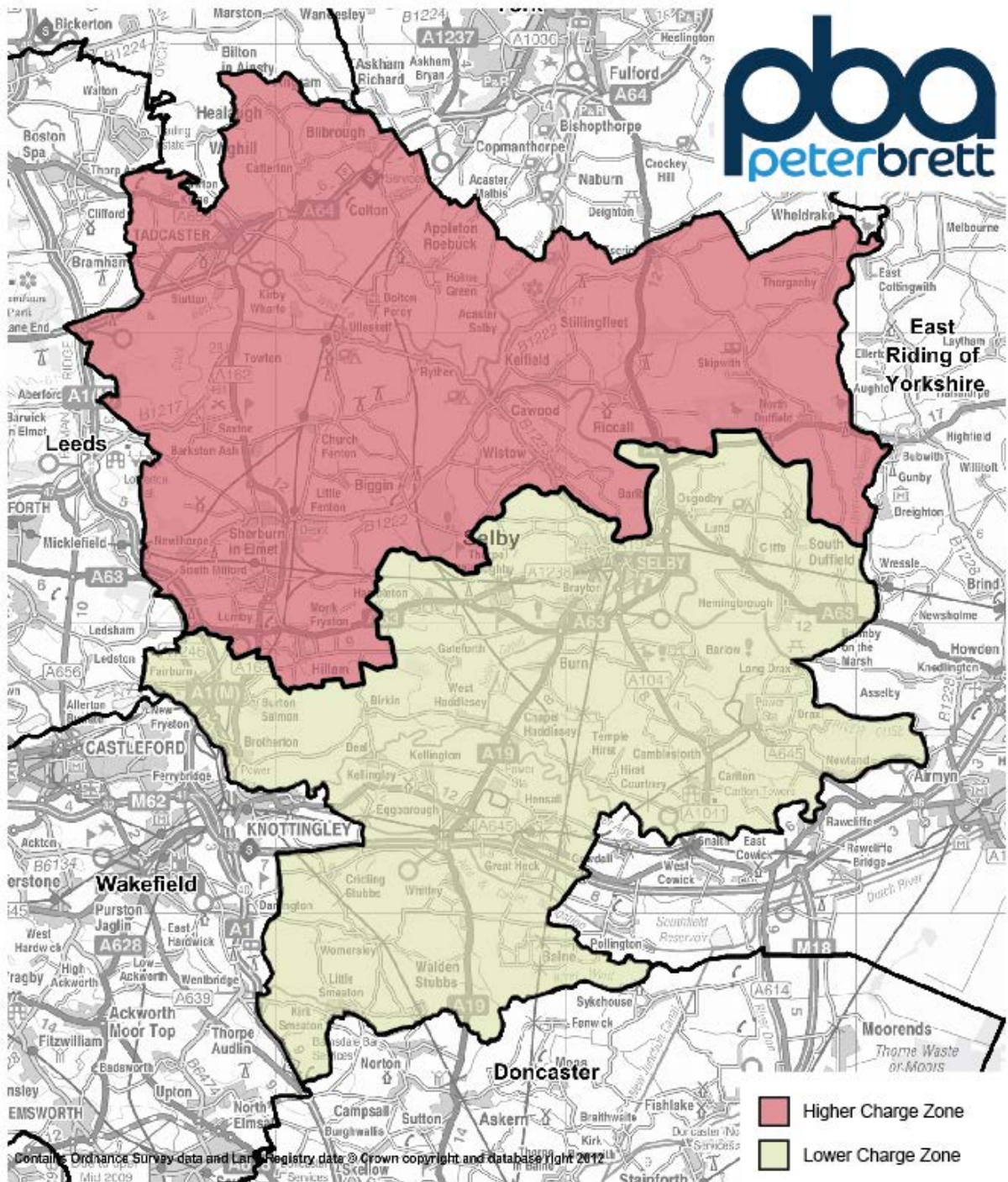
6.2 Proposed Charging Zones

6.2.1 In line with the evidence presented in the September 2013 Viability Study, a two zone approach to charging for private market housing is proposed. No comments were received as part of the PDCS consultation in respect of the proposed charging zone boundaries and it is considered that the boundaries continue to reflect local evidence.

6.2.2 The proposed rates are £25 per sq. m for houses in the in low value areas (yellow) and £45 per sq. m in all other areas (red), as defined by the charge zone map below.

⁵ As defined in section 4

Figure 6.1 Charge Zone Map



Selby District Council

REPORT

Reference: E/14/6

Public – Item 10



To: The Executive
Date: 5th June 2014
Status: Non Key Decision
Report Published: 28 May 2014
Author: John-David Laux, Graduate Finance Officer, & Michelle Dinsdale, Policy Officer
Executive Member: Cllr C Metcalfe
Lead Director: Rose Norris

Title: Car Park Fees and Charges Review

Summary: The biannual review of fees and charges has been carried out in accordance with the Car Park Strategy as part of the Service Level Agreement. A significant shortfall in projected income from car park fees for the financial years 2012/13 and 2013/14 was anticipated through financial monitoring. In order to try and ascertain the reasons behind this a survey of usage was undertaken across the Council's pay & display car parks within Selby Town as part of the review. The Council car parks in Tadcaster and Sherburn-in-Elmet were also visited. The results of this survey have fed into the evidence base for future recommendations.

This report includes recommendations about fees and charges in the district based on a review of the current usage and income figures, an assessment of permit uptake, a comparison with competitor car parks in Selby town, comment on enforcement, and suggestions regarding advertising opportunities and signage.

Recommendations:

- i. **Selby: To endorse a strategic policy change and freeze charges in Council owned car parks in Selby Town until 31st March 2016 in accordance with the biannual review cycle.**

- ii. **Sherburn-in-Elmet: To continue to offer free parking in the Council owned car parks, but to consider looking at alternative uses for the Church View site in line with the Asset Management Strategy.**
- iii. **Tadcaster: That the Tough Stuff – Retail Board are asked to review usage of the newly refurbished car park at Chapel Street as part of their work on a wider strategy on retail and car parking in Tadcaster.**
- iv. **To delegate to officers authority to improve car park signage on the arterial routes into Selby, including adding ‘Long stay’ and ‘Short stay’ signs. This would cost approximately £2000 and would be funded by the Assets Repairs & Maintenance budget.**
- v. **To promote the purchase of permits for long stay car parking, utilising space on tickets issued from pay & display machines.**
- vi. **To adjust the pay & display machine at Portholme Road to enable cash payments to be made, in addition to the existing card payment function.**

Reasons for recommendation

- i. **The Council is committed to the economic future of Selby town, and having set up the Selby Town Enterprise Partnership (STEP) as part of the Programme for Growth is committed to Selby fulfilling its role as the principle service centre for the district. Freezing charges is therefore a boost for local businesses, and does not deter visitors coming into the town.**
- ii. **It is not financially viable to introduce fees in Sherburn.**
- iii. **A comprehensive review is required, to enable a robust decision to determine whether fees should be implemented in Tadcaster.**
- iv. **Improved signage could improve the customer experience and potentially lead to increased usage of Council car parks.**
- v. **Permits are currently under used but represent convenience and good value for money for customers and a consistent income stream for Access Selby. An opportunity exists to promote permits on pay & display tickets for minimal cost.**
- vi. **The addition of an alternative payment option will provide convenience for customers, and could potentially increase usage.**

1. Introduction and background

1.1 Access Selby have carried out a review of car park fees and charges in line with its Service Level Agreement with the Core. The project deliverable was for the Council to be presented with options that fulfil legal and discretionary obligations in relation to fees and charges for Selby District Council owned car parks.

1.2 In order to put forward a series of proposals, research and analysis of the existing position has been carried out, including a survey of usage, short term vs. long term parking and maintenance costs.

1.3 Additional work, outside of the original brief and Service Level Agreement, has also been undertaken. This has included a review of permit and ticket options, current machines, existing signage and potential advertising opportunities.

1.4 The aims and objectives of the Car Park Strategy are:

- To provide well-maintained car parking facilities that meet the needs of all customers.
- To maximise the potential capacity of all car parks by optimising turnover of cars and to meet the needs of the customer.
- To establish a fair tariff scheme that supports the use of local facilities by those who reside and work in the District and visitors to the District.
- To optimise income returned from the use of the asset without compromising any of the Council's other objectives.
- To enforce car park charges effectively ensuring equity and consistency for customers.

1.5 Selby District Council operates 13 car parks across the district. Some are free to park in, others have charges, and enforcement is in place where charges are in operation.

1.6 Car parking has an important role to play in the District's economy. The level, distribution and pricing are critical factors in helping to ensure that car parking does not become a deterrent to shoppers and visitors. This balanced approach forms the basis of car park policy within the District.

1.7 The table below provides details of the outcome of previous reviews:

Date	Outcome
December 2011	Increased by 20%
April 2010	Frozen
June 2008	Increased by approximately 5%

1.8 Going forward the biannual review of car park fees and charges will be aligned with the Council's review of other fees and charges in the

autumn - ahead of the budget setting process and for implementation at the start of the following financial year.

- 1.9** There have been a number of changes affecting Council car parks since the last review, detailed in the following table:

Date	Change
February 2012	Closure of Abbey Leisure Centre following fire
30 June 2012	Relocation of Profiles gym to the Portholme Crescent site
July 2012	Re-designation of Portholme Crescent to a short stay car park
January 2013	The provision of long stay parking at Portholme Road (the former Civic Centre)
May 2013	Implementation of on and off street parking enforcement in Selby District by wardens from Harrogate Borough Council
July 2013	Approval for improvement works to be carried out at Central Area car park Tadcaster
January 2014	Works began in Tadcaster Central Area car park, due to be completed by end of the financial year

2. The Report

Selby

2.1.1 Charging Structure

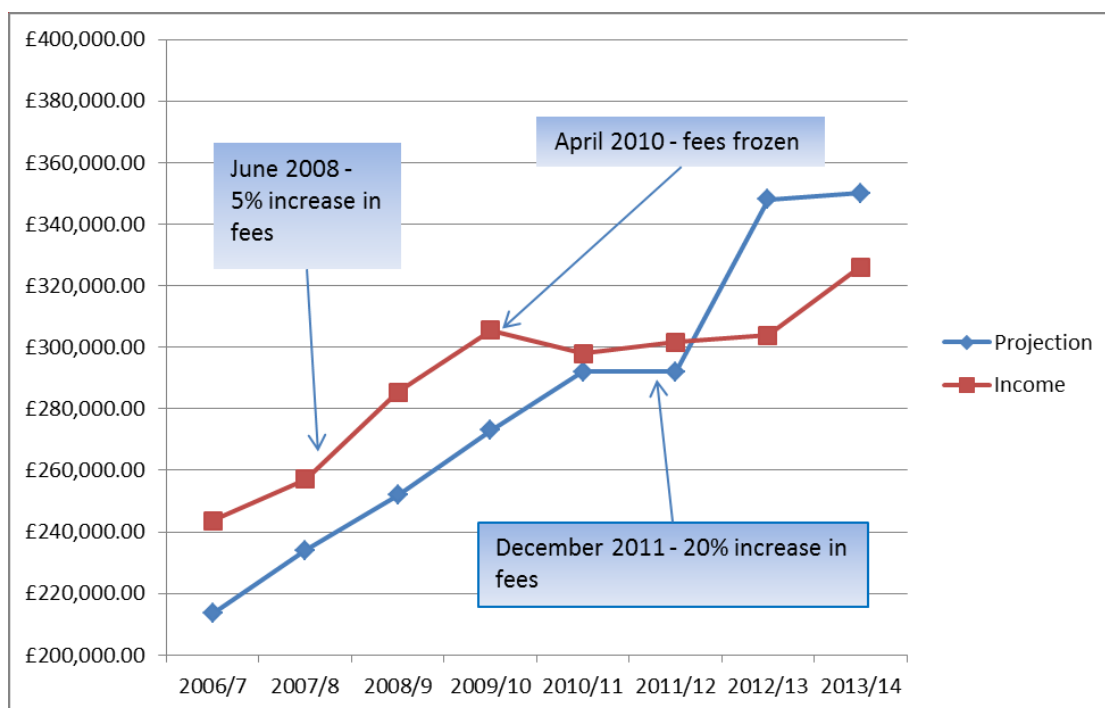
- 2.1.2** The current charging times are between 8am-6pm Monday to Saturday (including Bank Holidays). Parking is free on Sundays. The table below shows current charges for tickets and permits:

Short Stay		Long Stay	
Ticket Type	Cost	Ticket Type	Cost
up to 1 hour	50p	up to 3 hours	£1.20
up to 2 hours	£1.00	over 3 hours	£3.00
over 2 hours	£5.40		
3 month permit	£258	3 month permit	£130
6 month permit	£515	6 month permit	£258
12 month permit	£936	12 month permit	£468

- 2.1.3** The table below shows income from car park fees and charges for the past four financial years:

Financial year	Projected income	Actual Income
2013/14	£350,000	£326,850
2012/13	£348,030	£303,904
2011/12	£292,000	£301,619
2010/11	£292,000	£298,035

2.1.4 The following graph provides a picture of how income from car park fees and charges over the last few years compares to projected income.



2.1.5 Costs of Service

2.1.6 The budgeted day to day running costs of all the District's car parks (excluding provision for major resurfacing works and non-routine maintenance) are shown in the table below:

Year	Pay & Display (Selby)	Non Pay & Display (Sherburn & Tadcaster)	Total
2013/14	£125,000	£30,000	£155,000

2.1.7 The above costs include NNDR, electricity, car park machines and basic repairs and maintenance. The costs of non-routine maintenance and major resurfacing works are covered by separate annual contributions to the Council Buildings Maintenance Reserve. However, currently £130k p.a. is set aside to cover the Council's General Fund assets (i.e. excluding council houses). A condition survey of the Council's assets is scheduled and the adequacy of this reserve will be assessed in light of the results.

2.1.8 Survey of Usage

2.1.9 Methodology: To carry out the survey of usage policy officers surveyed the car parks within Selby town over a two week period, 7-18 October 2013. The survey was carried out in both the morning and the afternoon, and care was taken to visit car parks at varying times of the

day to ensure an accurate reflection of usage was recorded. There were no special events or holidays occurring in Selby during the period of the survey that could have affected the results; and a variety of weather conditions were experienced during this period.

2.1.10 Key Findings: The survey of usage revealed that there has been a sharp drop in usage since the previous survey was carried out in 2008. The key findings are:

- Only 39% of spaces are in use in 2013 on average, compared to an average of 54.1% in 2008
- Usage of Portholme Crescent car park has dropped sharply from 79.25% to 33.7%
- Following the redesignation of Portholme Crescent car park, the Council has lost long stay customers
- Portholme Road car park has failed to attract long stay parkers – only 32.5% average usage

2.1.11 The drop in usage is shown in the table below:

Comparison of usage for Council pay & display car parks in Selby town for 2008 & 2013					
Car Park	Capacity	2008		2013	
		Average daily usage	% spaces occupied	Average daily usage	% spaces occupied
Back Micklegate	198	93.7	47.3%	85.2	43%
Portholme Crescent	140 (146 in 2008)	115.7	79.25%	47.2	33.7%
Audus Street	51	16.2	31.8%	11.4	22.4%
Selby Park	32	11	34.4%	6	18.75%
Church Hill	8	4.7	58.75%	4.7	58.75%
Market Cross	48	32.2	67.1%	30.5	63.5%
South Parade	54	17.5	32.4%	13.1	24.3%
Micklegate	52	27.7	53.3%	29.5	56.7%
Total	583 (589 in 2008)	318.7	54.1%	227.6	39%

New Car Park (January 2013)	Capacity	Average daily usage	% spaces occupied
Portholme Road	106	34.4	32.5%
Combined Total	689	262	38%

2.1.12 The majority of car parks have seen a drop in average usage since the last review, and average usage across car parks generally is down. In 2008 54.1% of spaces were in use on average, but the 2013 survey shows only 39% in use on average. This figure drops to 38% if the new car park at Portholme Road is included.

2.1.13 Analysis of the occupancy data shows that daily usage in the Council's car parks is significantly lower than in the privately operated car parks, suggesting customers may have been drawn away from Council operated car parks to alternative car park provision.

2.1.14 It is clear to see that following the re-designation of Portholme Crescent car park from long stay to short stay the usage has dropped markedly (from 79.25% to 33.7%) but Portholme Road car park (with only 32.5% average usage) has not met capacity expectations, failing to attract long stay parkers who previously parked at Portholme Crescent.

2.1.15 The full results of the survey of usage are displayed in graph form in Appendix 1.

2.1.16 Competition

2.1.17 There is competition from the private sector for both long and short stay car parks in Selby town, detailed in the tables below:

Short stay competitors			
Competitor	Up to 1 hour	Up to 2 hours	Over 2 hours
Sainsbury's	Free	Free	N/A
Morrison's	Free	Free	N/A
Tesco's	Free	Free	Free (3 hours max)
Abbey Vaults (Market Cross)	£0.30	£0.60	£3

Long stay competitors						
Competitor Car Park	Day tickets		Permits			
	Weekday	Weekends	Week	Month	3 months	Year
Railway Station	£3.50	£2.00	£15	£42	£100	£311
Station Road	£3.00	£2.00	N/A	N/A	N/A	N/A

2.1.18 Council Car Park Permits

2.1.19 Parking permits have been in existence for a number of years, but despite offering a potential saving to customers they have not proved very popular. Only 62 permits are currently in circulation, so only a tiny proportion of customers are purchasing permits. On average only 10.77% of users displayed a permit over the course of the survey, with 22.4% of long stay parkers displaying a permit and only 0.59% of short stay parkers displaying one.

2.1.20 Information about permits is displayed on the Council website, but more could be done to advertise them elsewhere, e.g. on twitter, at the contact centre, on the reverse of tickets etc., and it is possible customers simply do not know about them.

2.1.21 Enforcement

2.1.22 Harrogate Borough Council took over parking enforcement for both on street parking and pay & display car parks at the end of May 2013, and have issued 766 tickets in car parks between 31 May 2013 and 31 March 2014. Enforcement is helping to ensure that customers purchase tickets, and the survey of usage found that only an average of 1.2% of motorists were not displaying a ticket. Whilst it is too early to be able to draw significant conclusions, enforcement does not appear to have affected usage: there is no evidence to suggest enforcement has moved cars from the streets into car parks.

2.1.23 Residents' Parking Permits

The subject of residents parking has been raised during this review. However, in December 2013, North Yorkshire County Council (NYCC) Members took a decision not to allocate any resource for the assessment or implementation of residents' parking schemes for the next twelve months. NYCC have recently confirmed that they have no plans to reconsider their position on residents' parking before 2015 and they also have concerns that residents' parking schemes would not fit with the Local Transport Plan, would be inconsistent with the priority of highway maintenance and would have resource implications. Therefore, it is not possible to consider residents' parking permits until 2015 at the earliest.

2.1.24 Signage

2.1.25 It has been identified that some Council car parks are poorly signed (for example Selby Park and Audus Street) and that there is a lack of signage on the arterial roads directing people to long/short stay car parks. It is therefore recommended that the Council works with the local highway authority to improve highway signage of the town's car parks. It is envisaged that this will help to raise awareness of the existence and location of car parks, assisting visitors and therefore supporting traders in the town. The costs of implementing this are addressed in section 3.2.

2.1.26 Advertisement

2.1.27 An opportunity exists to promote permits for Council car parks on the reverse side of the pay & display tickets to encourage their purchase. This could be done at minimal cost – estimated at £165 for a year's supply of tickets – and would promote an under-used option that could provide local businesses and residents who regularly park in Selby with

a significant saving. Whilst there is a financial risk with this strategy - if only existing customers purchase permits this could result in a reduction in income – the permits are a more economical option for regular customers and business owners in Selby town.

2.1.28 Current Machines

2.1.29 Following concerns regarding machines being out of order, officers have obtained figures in relation to the breakdown of current machines (of which there are 14 in total) to assess whether they are fit for purpose. In 2013 each machine broke down an average of 3 times across the year. Systems are currently in place to minimise downtime – the Community Warden visits all the car parks on a daily basis on week days to ensure machines are working correctly and carry out any minor repairs.

2.1.30 Under the current provider the cost of replacing the current machines with new units would be at least £2650 + VAT per machine, or £2500 + VAT if bought in bulk, plus the cost of removal and installation. The cost would increase by £1000 per machine if machines were equipped with card payment facilities. Therefore to replace all current machines would cost at least £42,000.

2.1.31 No immediate need to replace the machines has been identified. However, in order to inform future decisions comprehensive data in relation to breakdown will be recorded from now on. There may be a better business case for the replacement of machines once the new pound coin comes into circulation in 2017, if machines have to be reprogrammed and reconfigured.

2.1.32 Payment Options

2.1.33 There is currently only one machine that accepts card payments. This is located at Portholme Road car park and was installed in 2012, when the car park came into operation. The machine, which only accepts card payments, was installed as a pilot case. However the machine has not proved popular or effective, and the car park is one of the least used in Selby. Whilst this cannot be solely attributed to the machine, there is local evidence to suggest customers prefer cash payments. Negative feedback obtained from customers, including staff and Councillors, is that the machine will not accept their card and/or is very slow. It is therefore recommended that the pay & display machine at Portholme Road is enabled to accept cash payments, in addition to card payments.

2.1.34 Another alternative payment option is payment by telephone. Initial research has found that procuring such a telephone payment system would cost in the region of £1000 for initial set-up, plus a small annual license fee. In addition to this the Council would pay £0.20 for each transaction, and motorists would also pay an additional £0.20 per

transaction on top of the standard ticket price. Therefore this would not be appropriate in the vast majority of our car parks where customers are often paying £1 or less per visit. Supporting evidence is provided by Ryedale District Council, who decided the system was not financially viable for their district. Following the adoption of a telephone payments system by Scarborough Council it was discovered that only 1% of customers had paid by telephone across an 8 month period (compared to 7% paying by card and 92% paying by cash). Therefore at present it is not recommended that the Council invests in a system to facilitate payment by telephone.

2.1.35 Whilst cash is still the preferred payment method for car parking, it is relatively expensive and the Council’s wider strategy for income collection is to move towards cashless methods. It is proposed that developments in cashless car parking systems are kept under review and considered further when the machines become due for replacement.

2.2.0 Sherburn-in-Elmet:

2.2.1 There are two Council-owned car parks in Sherburn-in-Elmet:

- Church View: A medium sized, underused car park with 29 spaces, it is hidden away from the main road and not well signed.
- Elmet Social Club: A small central car park facing the main road that is ideally located for shoppers, it has 15 spaces and is well used.

2.2.2 There are currently no fees in Council owned car parks in Sherburn-in-Elmet. Historically, it has been considered that demand was insufficient and therefore implementation of charges unsustainable. There are also a number of alternative parking options in Sherburn, providing free parking in more convenient locations. These are detailed below:

Other off street parking options in Sherburn-in-Elmet	
Methodist Church car park	Free, central car park open to all, around 20 spaces
Co-op car park	Free car park, limited to 2 hours
Parking adjacent to the Co-op	Free all day car park
Parking in front of main road shops	Free short-stay parking ideally placed for shoppers

2.2.3 A number of site visits to the Council owned car parks in Sherburn highlighted low usage, i.e. over three quarters of spaces in Church View car park were unoccupied even though parking is free. Taking this into account officers have carried out a cost-benefit analysis and found that introducing charges in Sherburn is not financially viable, as the set up costs for implementation and on-going running costs would outweigh potential income. Therefore it would be unsustainable to

implement parking charges at this time. However as usage is so low at Church View the Council should consider alternative uses for the site as part of the Asset Management Strategy.

2.3.0 Tadcaster

2.3.1 There are two Council-owned car parks in Tadcaster:

- Chapel Street (Central area): A large, free car park with 150 spaces, it is very busy and well signed from the main road, but was in very poor condition. Improvement works, including resurfacing, will have been completed by the end of April 2014.
- Britannia: Another large, free car park with 90 spaces, located next to the bus station and doctors' surgery. It is also well used and well signed from the main road.

2.3.2 There are currently no fees in Council owned car parks in Tadcaster.

2.3.3 The Council may wish to consider the option of introducing charges at some point in the future. It is recognised that a number of important factors need to be taken into account when looking at the option to introduce fees, including considering how car parks fit into the local economy, legal implications and consultation.

2.3.4 Mr Brian Percival has recently written to the Council regarding parking within Tadcaster. It was agreed at Council on 10 December 2013 that his letter would be considered as part of any review of car parks in Tadcaster. In addition to this it is anticipated that there will be a significant level of interest both from individuals and businesses, within the local community.

3. Legal/Financial Controls and other Policy matters

3.1 Legal Issues

The Road Traffic Regulation Act 1984 gives the Council the power to provide off-street car parking places and to make changes in respect of their use (Sections 32 and 35 respectively). Statutory guidance recommends that changes should be proportionate and not be at unreasonable levels.

For the Council to include new car parks (provided in accordance with Section 32 of the above Act) an order would be required under Section 35 (i)(iii). The Legal section have stated that comprehensive changes such as this will only flow out of an appropriately comprehensive car park review and consultation exercise (for a minimum period of eight weeks).

At a recent Tadcaster Town Council meeting there was a discussion on whether there are agreements going back to pre-1974 Local Authority re-organisation when the Tadcaster Rural District Council acquired the 13 different pieces of land to form the car park that it would be free in perpetuity. Officers from the Legal section are currently investigating this.

3.2 Financial Issues

The financial implications of freezing car park charges in Selby town until April 2016 will result in a potential cumulative loss of income of £43,868 up to March 2016. This is based on the assumption that charges would have been increased 5% from December 2013, and would be increased again by 5% from December 2015.

The table below details the shortfall for three financial years.

Financial year	Shortfall
2015/16	£22,132
2014/15	£16,302
2013/14	£5,434

However, as the budget has already been adjusted on the basis of no increases for 2013/14 (and subsequently 2014/15), the loss equates to a shortfall of £5,830 against the budgeted target. Whilst this is considered a joint financial risk to the Core and Access Selby, the actions proposed within this report are designed to mitigate the loss and therefore this will be reviewed at the end of 2014/15.

The cost of improving signage on the arterial routes into Selby would depend on how many signs were sought. An approximate figure to purchase an individual sign is £350 and £28.00 installation costs. The cost for five signs will be in the region of £1890. There would also be the cost of planning and officer time. The costs of improving signage can be found from the Assets Repairs and Maintenance budget.

Initial research into the costs of utilising tickets for advertising has found that a simple black & white advert would cost £165 to print on a year's supply of tickets (approximately 300,000), based on the number of tickets purchased this year. Therefore if Council permits were advertised the cost would be £165 per year.

Promoting the purchase of permits can be achieved for minimal cost by utilising Council resources such as the website, Citizenlink, Twitter account, Facebook page and contact centre.

The cost of re-programming the machine at Portholme Road to accept cash payments will be £156. This cost can be accommodated within the Assets Repairs and Maintenance budget.

4. Conclusion

Selby: This review makes a number of recommendations that are consistent with the Car Park Strategy aims and objectives.

It is recommended that fees are frozen until 31 March 2016. This is a strategic policy change that takes into account current usage trends, the availability of free/cheaper and more convenient car parking provision, and the local economy.

Sherburn-in Elmet: Based on the costs and benefits of implementing charges in Sherburn-in-Elmet, together with the current availability of alternative parking provision, it is not considered financially viable to introduce charges in Sherburn at this present time.

Tadcaster: The Council may wish to consider implementing charges in the future, but this would require significant consultation with the local community and an appraisal of the local economic climate. Therefore it is recommended the Tough Stuff – Retail Board is asked to work with stakeholders to develop a strategy for Tadcaster.

5. Background Documents

- Car Park Strategy July 2006
- Survey of Usage February 2008
- Asset Management Strategy 2012-2015

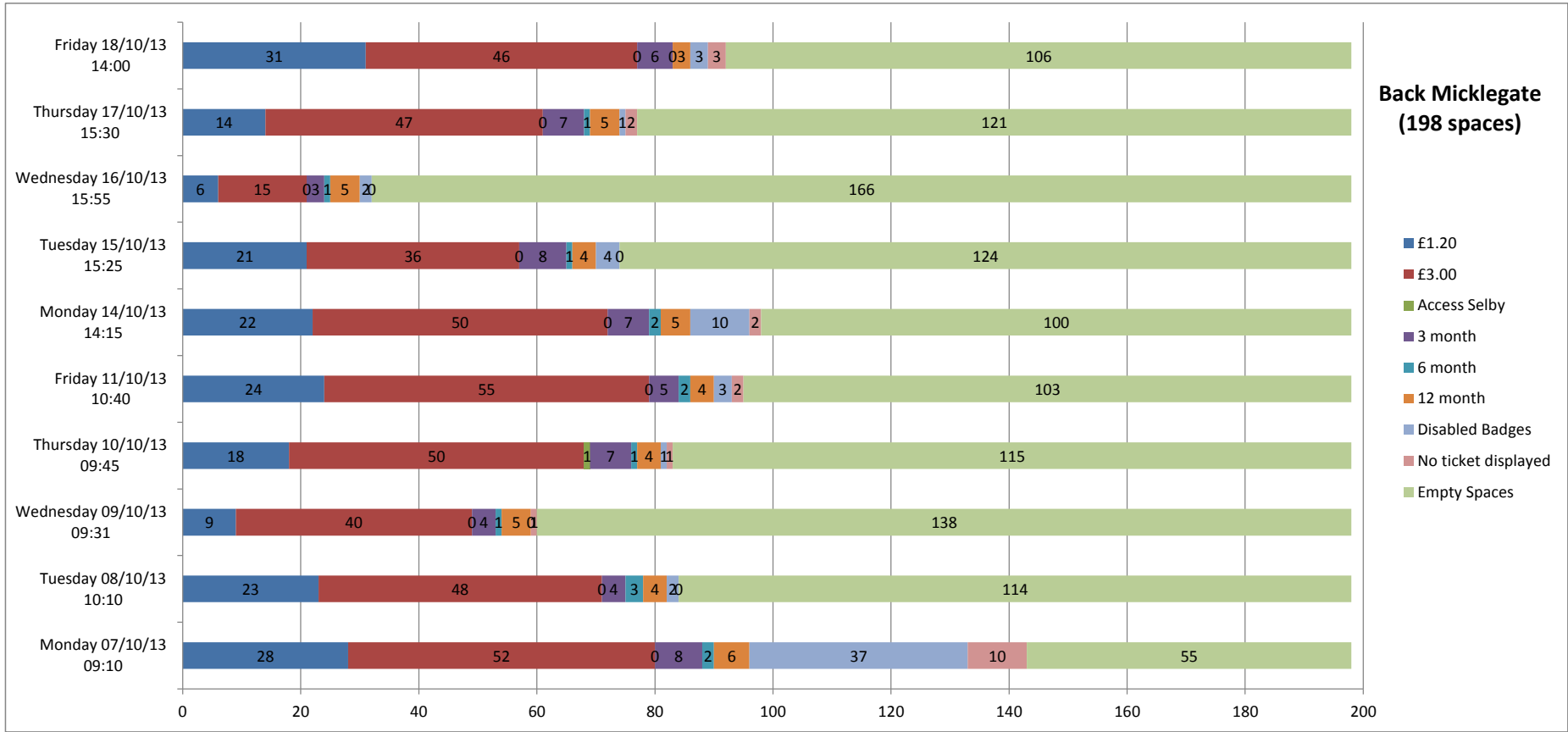
Contact Details

John-David Laux, Graduate Finance Officer, jdlaux@selby.gov.uk

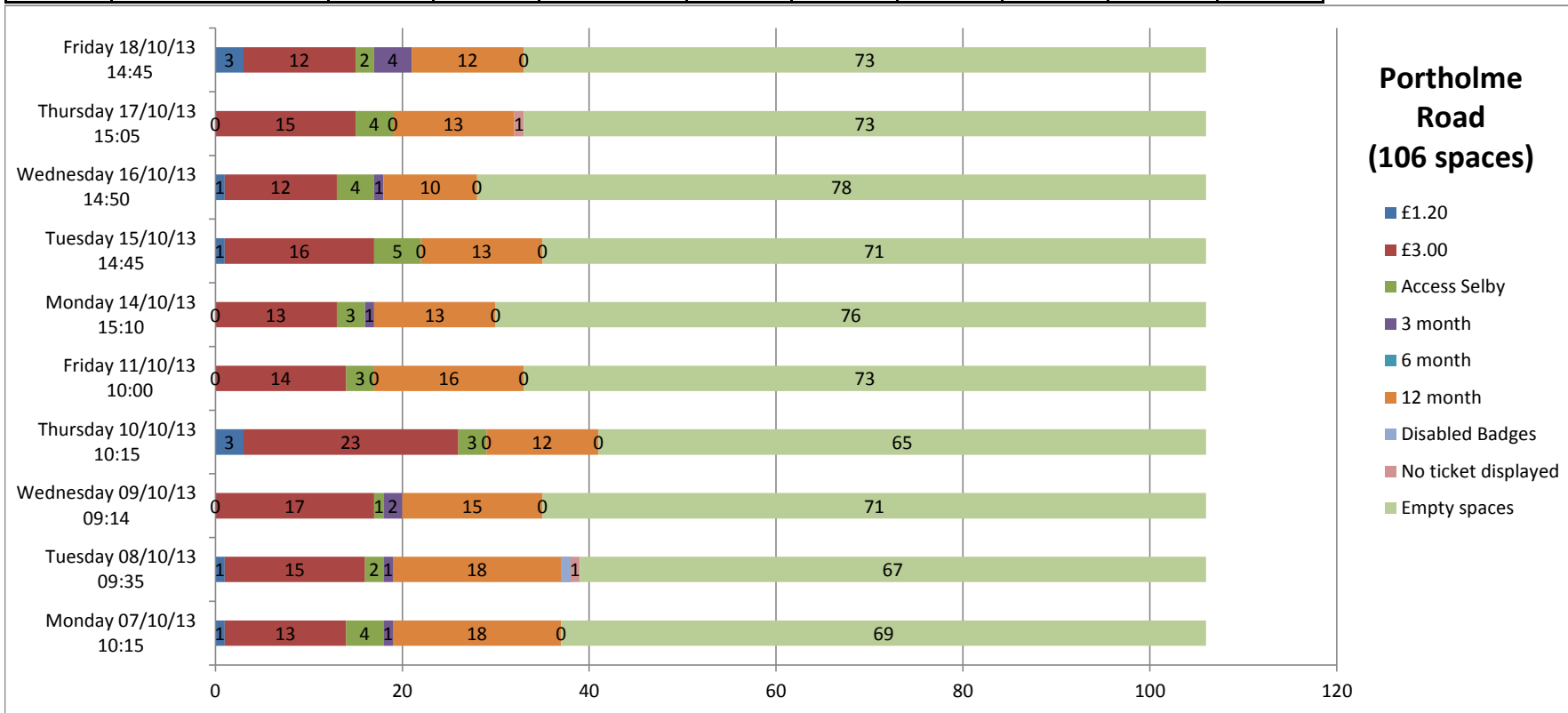
Michelle Dinsdale, Policy Officer, mdinsdale@selby.gov.uk

Appendices: Appendix 1 – Survey of Usage October 2013

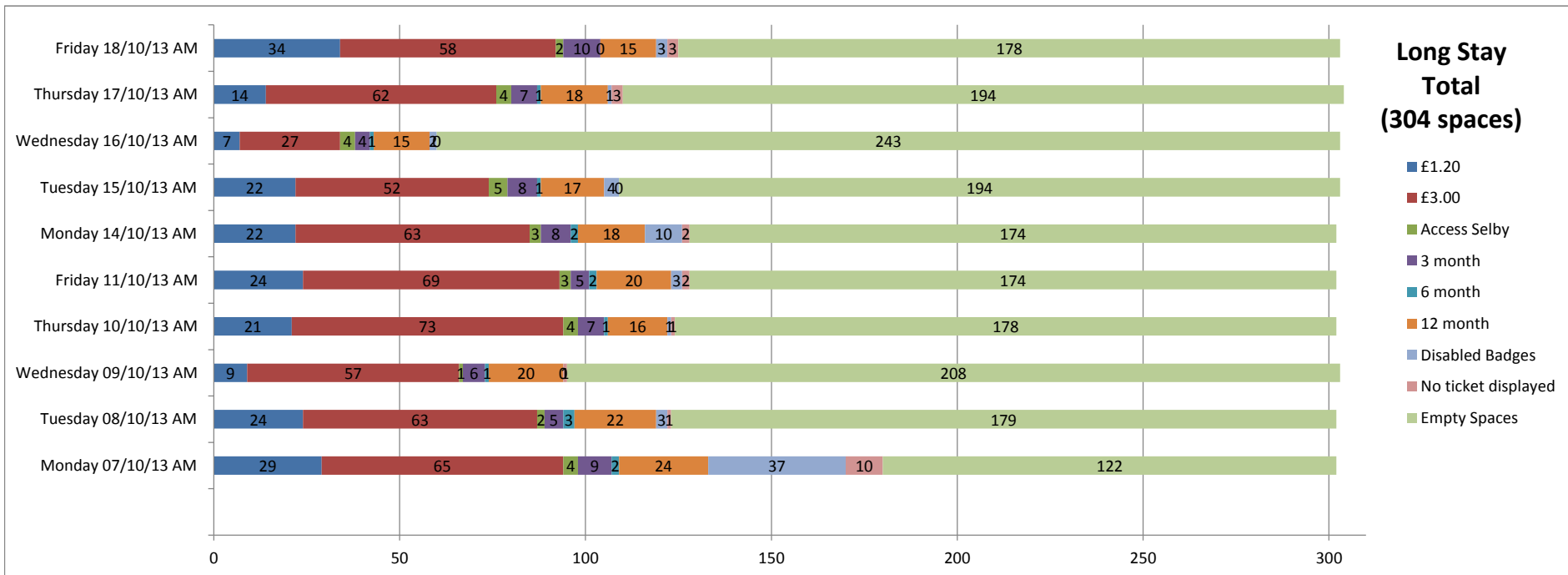
		£1.20	£3.00	Access Selby	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty Spaces
09:10	Monday 07/10/13	28	52	0	8	2	6	37	10	55
10:10	Tuesday 08/10/13	23	48	0	4	3	4	2	0	114
09:31	Wednesday 09/10/13	9	40	0	4	1	5	0	1	138
09:45	Thursday 10/10/13	18	50	1	7	1	4	1	1	115
10:40	Friday 11/10/13	24	55	0	5	2	4	3	2	103
14:15	Monday 14/10/13	22	50	0	7	2	5	10	2	100
15:25	Tuesday 15/10/13	21	36	0	8	1	4	4	0	124
15:55	Wednesday 16/10/13	6	15	0	3	1	5	2	0	166
15:30	Thursday 17/10/13	14	47	0	7	1	5	1	2	121
14:00	Friday 18/10/13	31	46	0	6	0	3	3	3	106



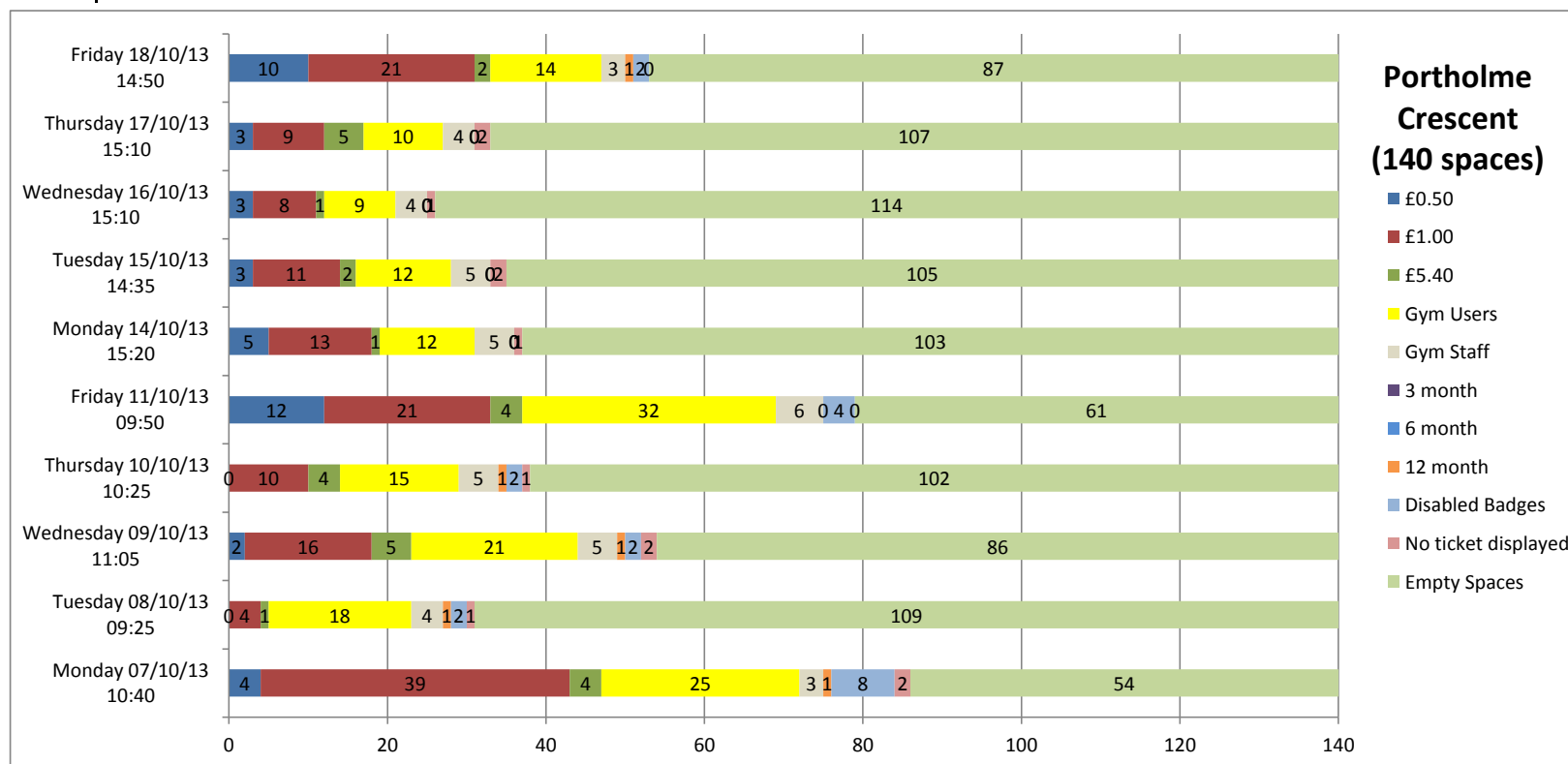
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09:35	Tuesday 08/10/13	1	15	2	1	0	18	1	1	67
09:14	Wednesday 09/10/13	0	17	1	2	0	15	0	0	71
10:15	Thursday 10/10/13	3	23	3	0	0	12	0	0	65
10:00	Friday 11/10/13	0	14	3	0	0	16	0	0	73
15:10	Monday 14/10/13	0	13	3	1	0	13	0	0	76
14:45	Tuesday 15/10/13	1	16	5	0	0	13	0	0	71
14:50	Wednesday 16/10/13	1	12	4	1	0	10	0	0	78
15:05	Thursday 17/10/13	0	15	4	0	0	13	0	1	73
14:45	Friday 18/10/13	3	12	2	4	0	12	0	0	73



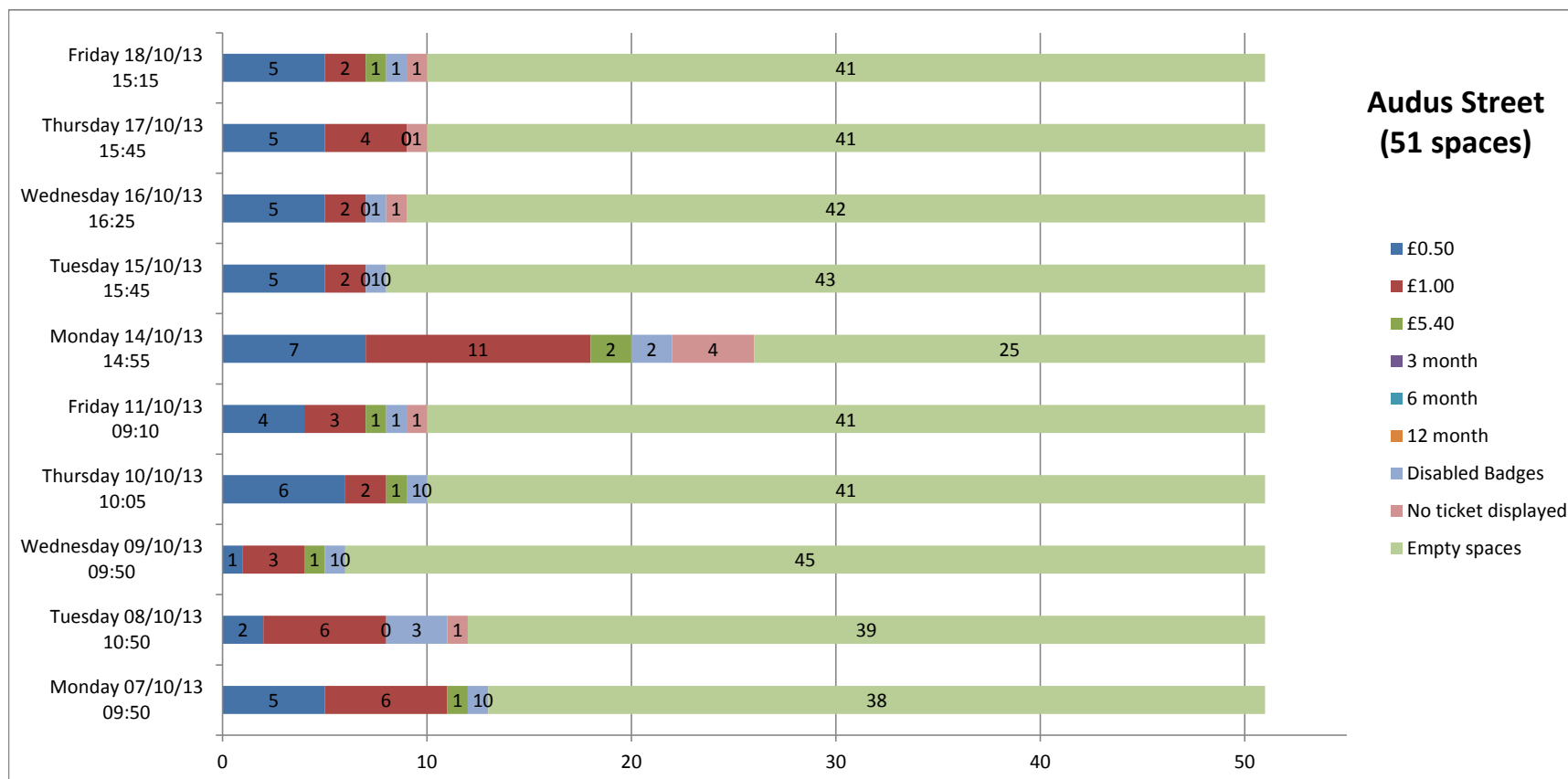
	£1.20	£3.00	Access Selby	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty Spaces
Monday 07/10/13 AM	29	65	4	9	2	24	37	10	122
Tuesday 08/10/13 AM	24	63	2	5	3	22	3	1	179
Wednesday 09/10/13 AM	9	57	1	6	1	20	0	1	208
Thursday 10/10/13 AM	21	73	4	7	1	16	1	1	178
Friday 11/10/13 AM	24	69	3	5	2	20	3	2	174
Monday 14/10/13 AM	22	63	3	8	2	18	10	2	174
Tuesday 15/10/13 AM	22	52	5	8	1	17	4	0	194
Wednesday 16/10/13 AM	7	27	4	4	1	15	2	0	243
Thursday 17/10/13 AM	14	62	4	7	1	18	1	3	194
Friday 18/10/13 AM	34	58	2	10	0	15	3	3	178



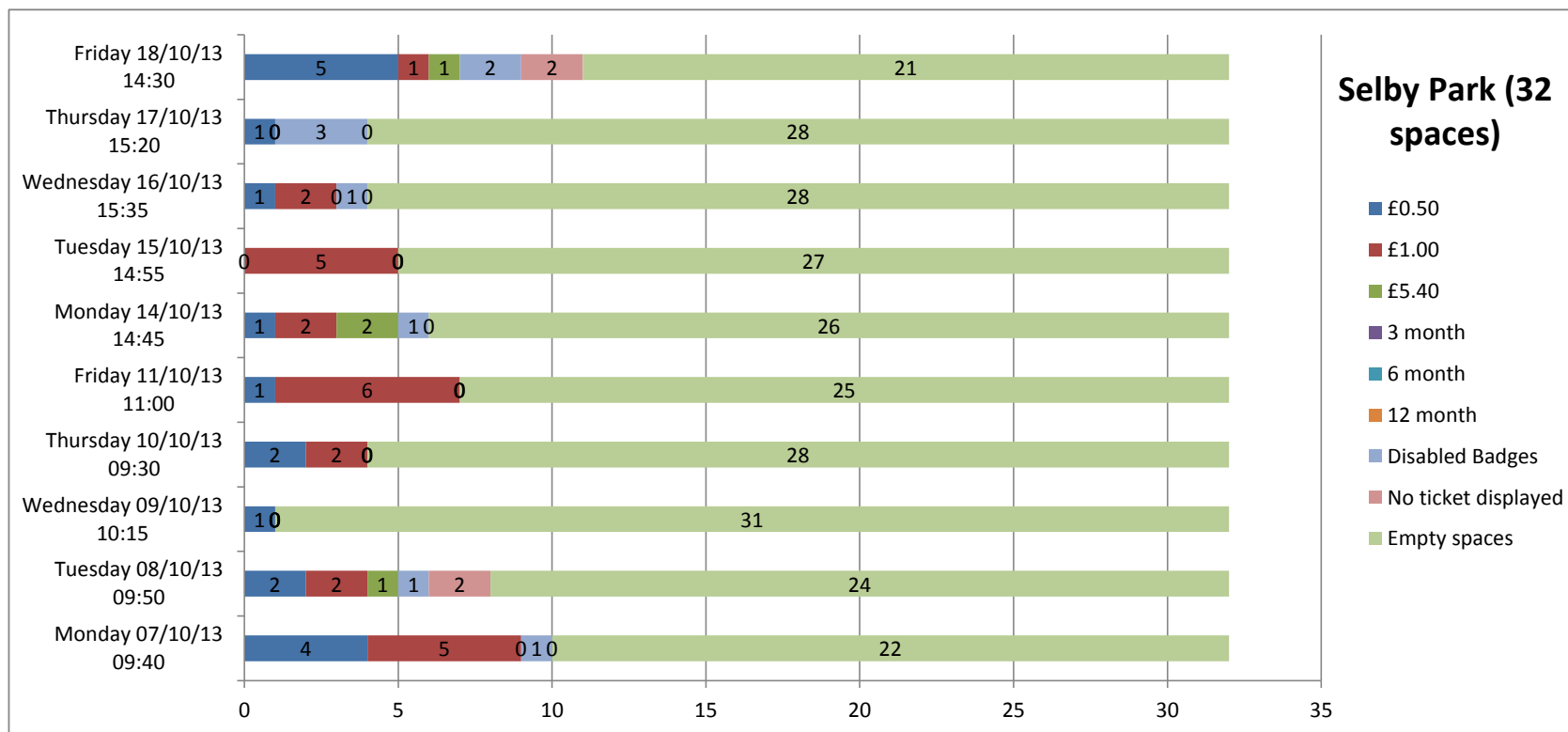
		£0.50	£1.00	£5.40	Gym Users	Gym Staff	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty Spaces
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09:25	Tuesday 08/10/13	0	4	1	18	4	0	0	1	2	1	109
11:05	Wednesday 09/10/13	2	16	5	21	5	0	0	1	2	2	86
10:25	Thursday 10/10/13	0	10	4	15	5	0	0	1	2	1	102
09:50	Friday 11/10/13	12	21	4	32	6	0	0	0	4	0	61
15:20	Monday 14/10/13	5	13	1	12	5	0	0	0	0	1	103
14:35	Tuesday 15/10/13	3	11	2	12	5	0	0	0	0	2	105
15:10	Wednesday 16/10/13	3	8	1	9	4	0	0	0	0	1	114
15:10	Thursday 17/10/13	3	9	5	10	4	0	0	0	0	2	107
14:50	Friday 18/10/13	10	21	2	14	3	0	0	1	2	0	87



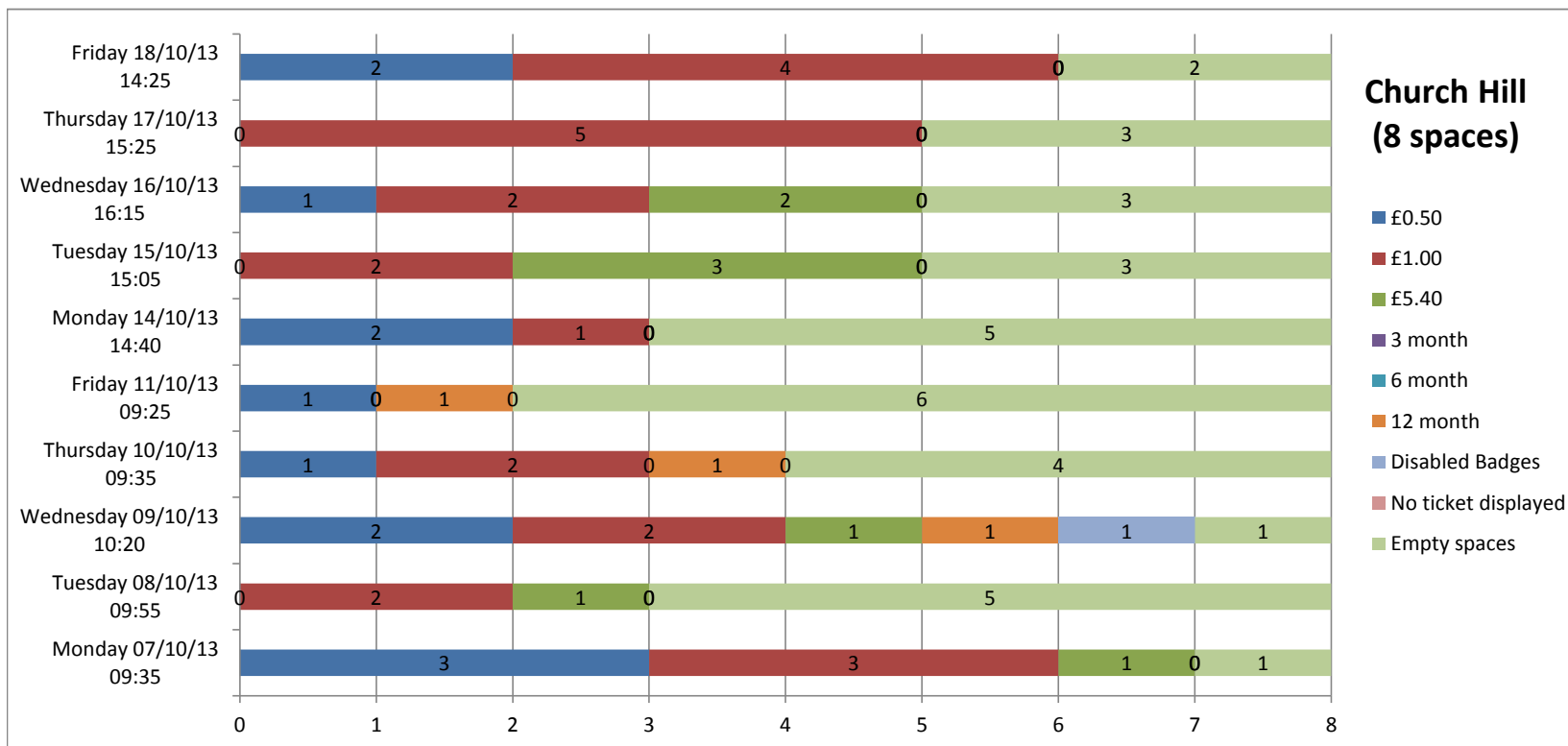
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09:50	Monday 07/10/13	5	6	1	0	0	0	1	0	38
10:50	Tuesday 08/10/13	2	6	0	0	0	0	3	1	39
09:50	Wednesday 09/10/13	1	3	1	0	0	0	1	0	45
10:05	Thursday 10/10/13	6	2	1	0	0	0	1	0	41
09:10	Friday 11/10/13	4	3	1	0	0	0	1	1	41
14:55	Monday 14/10/13	7	11	2	0	0	0	2	4	25
15:45	Tuesday 15/10/13	5	2	0	0	0	0	1	0	43
16:25	Wednesday 16/10/13	5	2	0	0	0	0	1	1	42
15:45	Thursday 17/10/13	5	4	0	0	0	0	0	1	41
15:15	Friday 18/10/13	5	2	1	0	0	0	1	1	41



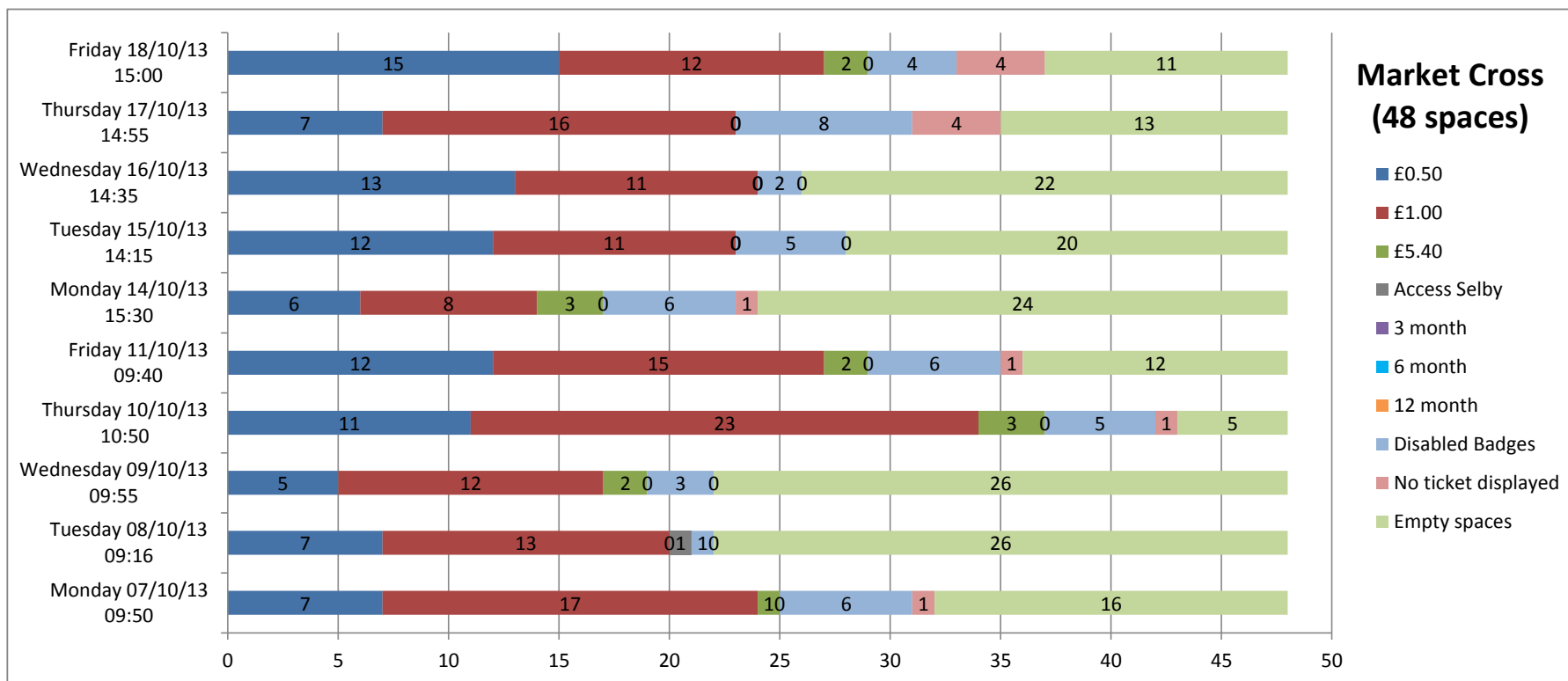
		£0.50	£1.00	£5.40	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty spaces
09:40	Monday 07/10/13	4	5	0	0	0	0	1	0	22
09:50	Tuesday 08/10/13	2	2	1	0	0	0	1	2	24
10:15	Wednesday 09/10/13	1	0	0	0	0	0	0	0	31
09:30	Thursday 10/10/13	2	2	0	0	0	0	0	0	28
11:00	Friday 11/10/13	1	6	0	0	0	0	0	0	25
14:45	Monday 14/10/13	1	2	2	0	0	0	1	0	26
14:55	Tuesday 15/10/13	0	5	0	0	0	0	0	0	27
15:35	Wednesday 16/10/13	1	2	0	0	0	0	1	0	28
15:20	Thursday 17/10/13	1	0	0	0	0	0	3	0	28
14:30	Friday 18/10/13	5	1	1	0	0	0	2	2	21



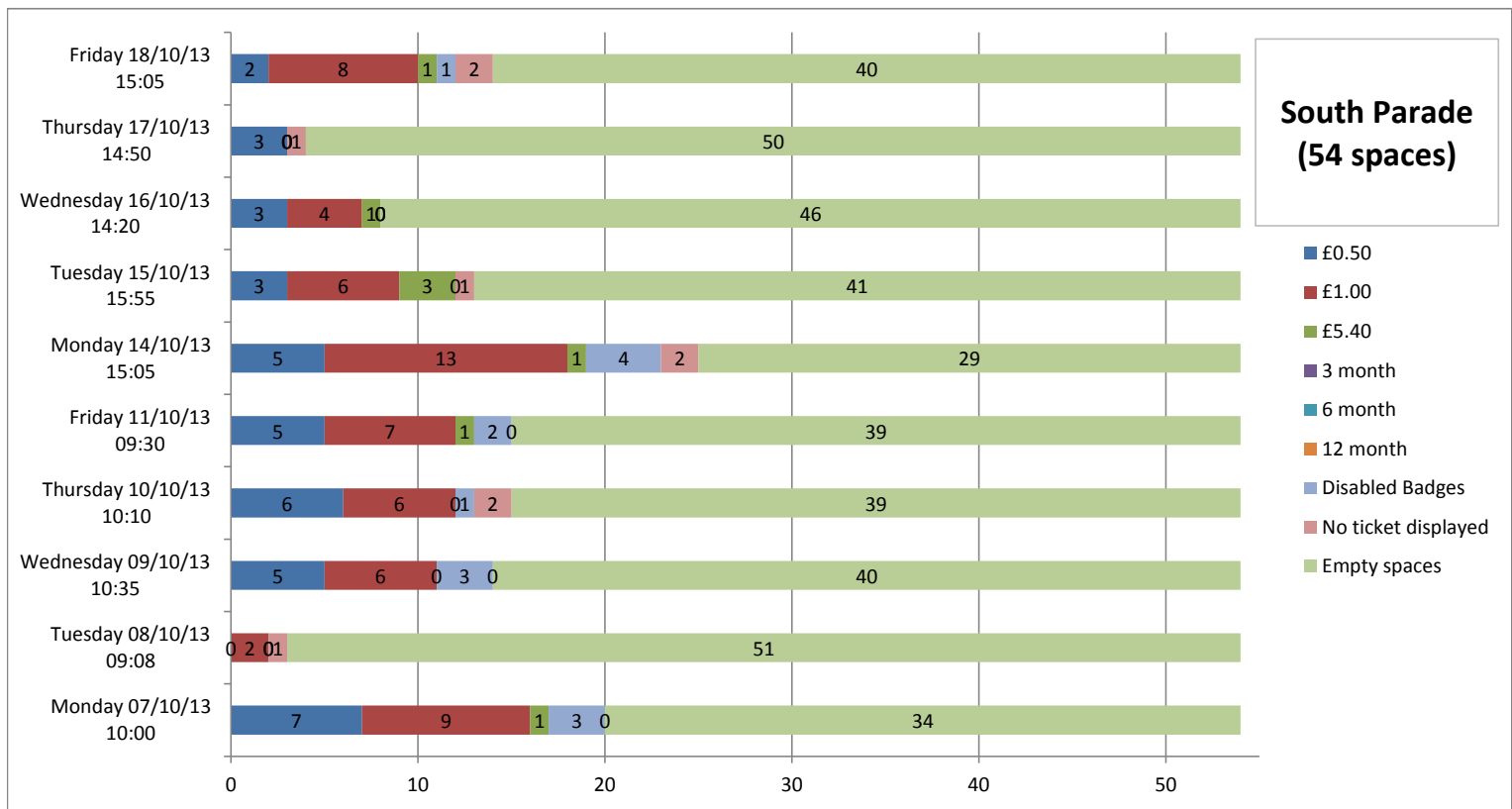
		£0.50	£1.00	£5.40	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty spaces
09:35	Monday 07/10/13	3	3	1	0	0	0	0	0	1
09:55	Tuesday 08/10/13	0	2	1	0	0	0	0	0	5
10:20	Wednesday 09/10/13	2	2	1	0	0	1	1	0	1
09:35	Thursday 10/10/13	1	2	0	0	0	1	0	0	4
09:25	Friday 11/10/13	1	0	0	0	0	1	0	0	6
14:40	Monday 14/10/13	2	1	0	0	0	0	0	0	5
15:05	Tuesday 15/10/13	0	2	3	0	0	0	0	0	3
16:15	Wednesday 16/10/13	1	2	2	0	0	0	0	0	3
15:25	Thursday 17/10/13	0	5	0	0	0	0	0	0	3
14:25	Friday 18/10/13	2	4	0	0	0	0	0	0	2



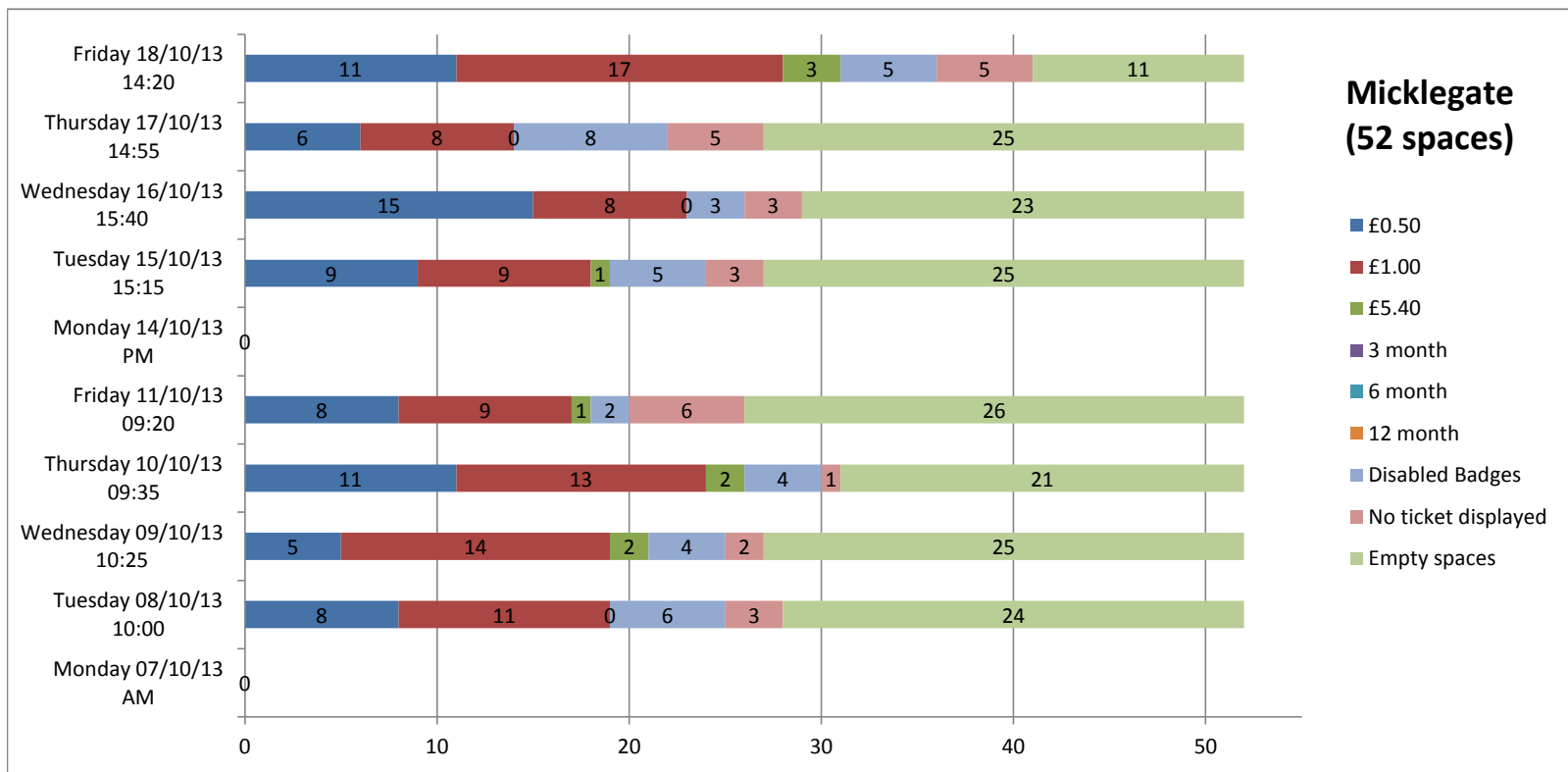
		£0.50	£1.00	£5.40	Access Selby	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty spaces
09:50	Monday 07/10/13	7	17	1	0	0	0	0	6	1	16
09:16	Tuesday 08/10/13	7	13	0	1	0	0	0	1	0	26
09:55	Wednesday 09/10/13	5	12	2	0	0	0	0	3	0	26
10:50	Thursday 10/10/13	11	23	3	0	0	0	0	5	1	5
09:40	Friday 11/10/13	12	15	2	0	0	0	0	6	1	12
15:30	Monday 14/10/13	6	8	3	0	0	0	0	6	1	24
14:15	Tuesday 15/10/13	12	11	0	0	0	0	0	5	0	20
14:35	Wednesday 16/10/13	13	11	0	0	0	0	0	2	0	22
14:55	Thursday 17/10/13	7	16	0	0	0	0	0	8	4	13
15:00	Friday 18/10/13	15	12	2	0	0	0	0	4	4	11



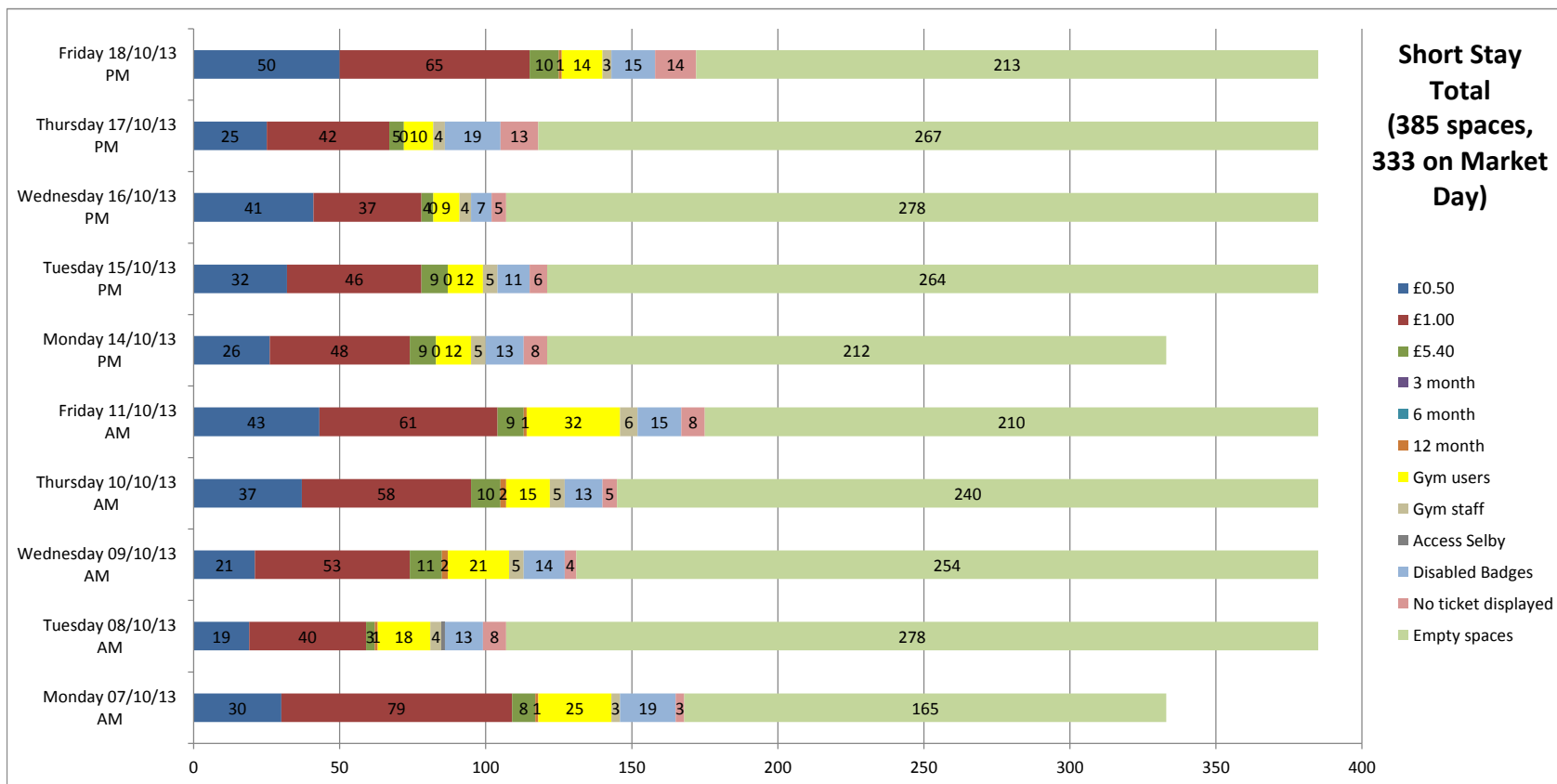
		£0.50	£1.00	£5.40	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty spaces
10:00	Monday 07/10/13	7	9	1	0	0	0	3	0	34
09:08	Tuesday 08/10/13	0	2	0	0	0	0	0	1	51
10:35	Wednesday 09/10/13	5	6	0	0	0	0	3	0	40
10:10	Thursday 10/10/13	6	6	0	0	0	0	1	2	39
09:30	Friday 11/10/13	5	7	1	0	0	0	2	0	39
15:05	Monday 14/10/13	5	13	1	0	0	0	4	2	29
15:55	Tuesday 15/10/13	3	6	3	0	0	0	0	1	41
14:20	Wednesday 16/10/13	3	4	1	0	0	0	0	0	46
14:50	Thursday 17/10/13	3	0	0	0	0	0	0	1	50
15:05	Friday 18/10/13	2	8	1	0	0	0	1	2	40



		£0.50	£1.00	£5.40	3 month	6 month	12 month	Disabled Badges	No ticket displayed	Empty spaces
AM	Monday 07/10/13	Market Day								
10:00	Tuesday 08/10/13	8	11	0	0	0	0	6	3	24
10:25	Wednesday 09/10/13	5	14	2	0	0	0	4	2	25
09:35	Thursday 10/10/13	11	13	2	0	0	0	4	1	21
09:20	Friday 11/10/13	8	9	1	0	0	0	2	6	26
PM	Monday 14/10/13	Market Day								
15:15	Tuesday 15/10/13	9	9	1	0	0	0	5	3	25
15:40	Wednesday 16/10/13	15	8	0	0	0	0	3	3	23
14:55	Thursday 17/10/13	6	8	0	0	0	0	8	5	25
14:20	Friday 18/10/13	11	17	3	0	0	0	5	5	11



		£0.50	£1.00	£5.40	3 month	6 month	12 month	Gym users	Gym staff	Access Selby	Disabled Badges	No ticket displayed	Empty spaces	
AM	Monday 07/10/13	30	79	8	0	0	1	25	3	0	19	3	165	(52 less available due to market)
AM	Tuesday 08/10/13	19	40	3	0	0	1	18	4	1	13	8	278	
AM	Wednesday 09/10/13	21	53	11	0	0	2	21	5	0	14	4	254	
AM	Thursday 10/10/13	37	58	10	0	0	2	15	5	0	13	5	240	
AM	Friday 11/10/13	43	61	9	0	0	1	32	6	0	15	8	210	
PM	Monday 14/10/13	26	48	9	0	0	0	12	5	0	13	8	212	(52 less available due to market)
PM	Tuesday 15/10/13	32	46	9	0	0	0	12	5	0	11	6	264	
PM	Wednesday 16/10/13	41	37	4	0	0	0	9	4	0	7	5	278	
PM	Thursday 17/10/13	25	42	5	0	0	0	10	4	0	19	13	267	
PM	Friday 18/10/13	50	65	10	0	0	1	14	3	0	15	14	213	



Selby District Council

REPORT

Reference: E/14/11

Public – Item 11



To: The Executive
Date: 5 June 2014
Status: Non Key Decision
Report Published: 28 May 2014
Author: Glenn Shelley – Democratic Service Manager
Executive Member: Councillor M Crane
Lead Officer: Keith Dawson – Director

Title: Executive Representatives on Outside Bodies

Summary:

This report informs the Executive of the current representatives on Outside Bodies which it appoints. It asks the Executive to consider these appointments for 2014/15.

Recommendation:

That the Executive make its appointments to outside bodies for the 2014/15 municipal year.

Reasons for recommendation

To ensure the Council is represented on Outside Bodies as necessary in 2014/15.

1. Introduction and background

Under the current Executive arrangements, the responsibility for appointing representatives on Outside Bodies is split between the Executive and the Council. This report asks the Executive to consider those appointments within its remit.

2. The Report

- 2.1 The list of 2013/14 Executive appointed representatives is attached at Appendix A.
- 2.2 Ahead of the move to 31 Councillors in May 2015, a more detailed review of representation on outside bodies will take place in 2014.

3 Legal/Financial Controls and other Policy matters

3.1 Legal Issues

None within the context of the report.

3.2 Financial Issues

Travel expenses may be incurred for Councillors attending meetings.

4. Conclusion

To ensure the Council is informed it is essential that representatives attend outside body meetings to feed back information to Councillors.

Contact Details

gshelley@selby.gov.uk

**Appendix A – Executive Representatives on Outside Bodies
2013/14**

OUTSIDE BODY	CURRENT COUNCILLORS REPRESENTATIVE	TERM EXPIRES/NO. OF PLACES	REPORT REFERENCE NO.
Local Government North Yorkshire and York	Cllr M Crane Deputy – Cllr G Ivey	2014 (1)	E/12/71
Local Government Association	Cllr C Metcalfe Deputy – Cllr C Lunn	2014(2)	E/12/71
Local Authorities -Yorkshire and the Humber	Cllr M Crane	2014 (1)	E/12/71
Yorkshire and Humber Employers' Committee	Cllr M Crane	2014 (1)	E/121
Selby District Local Strategic Partnership	Cllr G Ivey	2014 (1)	E/12/71
York & North Yorkshire Strategic Housing Board	Cllr G Ivey sub: Cllr J Mackman	2014 (1)	E/12/71
Leeds City Region	Cllr M Crane	2014 (1)	E/12/71
The First Ainsty Internal Drainage Board	Cllr D Mackay Cllr K Ellis	2014 (2)	E/12/71
Danvm Drainage Board	Cllr Mrs G Ivey Cllr Mrs S Ryder Cllr M Jordan Cllr Mrs A Spetch Cllr Mrs C Mackman	2014 (5)	E/12/71
Ouse and Derwent Internal Drainage Board First Electoral Division – Ouse Third Electoral Division – Cliffe	Cllr W Inness Cllr J Cattanach Cllr K Ellis Cllr B Marshall Cllr Mrs K McSherry Cllr J Deans	2014 (6)	E/12/71
Selby Area Internal Drainage Board	Cllr J Mackman Cllr M Dyson Cllr C Pearson Cllr J Cattanach Cllr I Chilvers Cllr Mrs A Spetch Mrs J Dyson Cllr M Crane Cllr Mrs C Mackman Cllr D Peart Cllr M Jordan Cllr J Deans Cllr D Mackay Cllr G Ivey Cllr S Ryder Cllr R Sayner Cllr C Metcalfe Cllr Mrs E Metcalfe Cllr M Hobson Cllr C Lunn Neville Parkinson Glenn Shelley Caroline Sampson Paver Eileen Scothern Simon Parkinson Dean Richardson Gillian Marshall	2014 (11)	E/12/71
North Yorkshire Building Control Partnership	Cllr C lunn Sub: Cllr M Crane	2014 (1 place and 1 sub)	E/12/71
Groundwork (North Yorkshire)	Cllr D Peart Cllr J Thurlow	2014 (2)	E/12/71
Community Safety Partnership	Cllr M Hobson	2014 (1)	E/12/71
North Yorkshire Joint Procurement Committee	Cllr M Crane	2014	E/12/71
North Yorkshire Spatial Planning Board	Cllr J Mackman	2014 (1)	E/12/71
Housing Trust	Cllr J Mackman Cllr I Reynolds Cllr R Packham	2014 (3)	E/12/71 and E/12/69