

LONDON BOROUGH OF BROMLEY



Community Infrastructure Levy Draft Charging Schedule (DCS)

Background Evidence



Schedule of Representations to the CIL Preliminary Draft Charging Schedule Consultation

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Schedule of Representations to the CIL Preliminary Draft Charging Schedule Consultation and LB Bromley responses.

ID CIL PDCS	Organisation	Summary of Representation	Council's Response
001	Resident	What rules will be in place to ensure that the levy is spent on the relevant infrastructure rather than being treated as an addition to the Council Tax?	Specific Governance arrangements of local CIL have yet to be decided however the list of specific infrastructure projects on which CIL can be spent will be compiled and published in compliance with Government CIL Regulations via the requirement to produce an 'annual Infrastructure Funding Statement'
002	Natural England	The topic of the Community Infrastructure Levy Charging Schedule does not appear to relate to interests to any significant extent. Therefore do not wish to comment.	Noted
003	Highways England	Development contributions towards SRN improvements would be secured via S278 agreements, and not via a CIL Reg123 List or S106. The use of S278s will enable multiple sites to contribute if appropriate, and also secures the Secretary of State's position by ensuring that 100% of contributions go towards the SRN improvement.	Noted
004	Clarion Housing Group	We very much support Bromley establishing a CIL as we believe this to be a clearer, more transparent method of local authorities funding infrastructure. It also provides housebuilders with more certainty upfront in terms of costs and makes the building of affordable homes more attractive.	Support noted
005	Sport England	Support for addressing site specific matters under s106.	Support noted
		However, SE does not support the approach for collecting s106 for new sporting infrastructure as set out in the 123 list under the very broad categories of open space and health and wellbeing.	Noted
		The IDP approach for provision of open space and built sport facilities does not work for sports facilities as it accounts only for quantity of the facilities, not the quality.	Noted
		SE remains of the view that the Council should undertake a playing pitch strategy and a built sports facilities strategy at the earliest opportunity. This is supported by the current NPPF (paragraph 71), the draft NPPF (paragraph 97) and the draft London Plan further highlights the requirement for the Council to undertake a Playing Pitch Strategy (see paragraph 5.5.4).	Noted.

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006	GLA	The Mayor welcomes the principle of Bromley seeking to secure appropriate developer contributions in order to support the funding and delivery of improved infrastructure.	Noted
		Issues arising from the consultation including the MCIL2, and Indexation, should be discussed in a meeting with the GLA.	Meeting undertaken with GLA and TfL April 2018. Agreed Viability refresh necessary. This has been undertaken in the 2020 DSP report.
007	Civic Society	Clarity is needed on items of infrastructure that could be funded through CIL, and for arrangements of spending funds that are received.	This will be undertaken as part of future annual Infrastructure Funding Statements
		What is the scope for using the funds obtained through the CIL for the support of non-commercial, cultural community facilities such as arts centres, galleries and venues for performance arts and music? Such support will be needed in Bromley Town Centre where there is a substantial increase in the population arising from planned development and demand for retail floorspace has plateaued.	As above
		What is the scope for using the funds obtained through the CIL for the restoration and re-use of heritage assets or for the promotion and interpretation of an area's heritage? Such measures are important in Bromley Town Centre where heritage is under pressure from increased intensification.	As above
		In the PDCS section entitled 'Neighbourhood Plans' it says 'Neighbourhoods without a Neighbourhood Development Plan, but where the CIL is charged will receive a capped share of 15% of the levy arising from development in their area.' How and to whom will this 'capped share' be paid? Will it be necessary to have a Neighbourhood Forum in place or a Neighbourhood Planning Area defined before the money can be paid?	As above
		In the PDCS section entitled 'Neighbourhood Plans', that: 'The Council must agree with the local community how to spend the money'. What is the process for this and how is the 'local community' defined?	As yet not defined – this will be considered once CIL is adopted
008	BE Living	BE Living are critical of no differential between sites especially town centre sites and despite noting this was considered it is not clear as to why this was discounted. The delivery of these sites is critical the delivery of the Plan. Bromley cannot demonstrate that it has struck	The Council acknowledge this observation, which is covered in the Viability report update by DSP (2020). The Council consider that a flat rate is more practical approach and has been deemed affordable.

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		<p>an 'appropriate balance' Reg14 (1).</p> <p>Viability evidence does not specifically assess the viability of town centre sites allocated for residential development in the draft Local Plan. This is considered a major shortcoming of the viability evidence.</p> <p>Bromley Town Centre and in particular Bromley North Station would be rendered unviable. Viability matters should be reviewed. Propose Bromley North brought forward under s106 and s278 regime.</p> <p>Has potential to prejudice the delivery of the Local Plan. Setting of an unrealistic high CIL rate places Local plan policies at risk. Residential rate put an unreasonable burden on town centre sites.</p>	<p>This has been covered in the DSP 2020 viability review.</p> <p>This has been covered in the DSP 2020 viability review. The testing of CIL is not required to demonstrate viability of specific sites and specific development models.</p> <p>See Above</p>
009	Environment Agency	<p>States it is essential that key environmental infrastructure elements are embedded in the Community Infrastructure Levy documents. The response points out that Capital funding sources must be identified and a clear commitment shown to the provision of infrastructure before new housing is allowed to proceed so as to mitigate the impact and not make any deficiencies worse. Information is given regarding flood schemes being currently assessed in the Borough, and schemes that contribute to outcomes for 2021.</p> <p>Consideration should be given to whether it would be best to include schemes in the Reg 123 list or that they remain within the s106 approach.</p>	<p>LB Bromley can confirm that all schemes and data mentioned were included in the LB Bromley Infrastructure Delivery Plan (IDP) 2016 (since updated in 2020) which also forms part of the evidence base for the CIL as well as the Local Plan) and also the draft Local Plan IDP schedule Appendix 10.13.</p> <p>Regulation 123 no longer applies – further commentary on the prioritisation of CIL will be covered in future annual Infrastructure Funding Statements</p>
010	St William (Berkeley Group and National Grid)	<p>Currently the PDCS applies a flat rate of £100 per m² to chargeable residential development across the Borough. Whilst this may be the simplest approach, St William are of the view that the Council should consider setting a variable rate to account for the varying viability of residential development across the Borough. As the PDCS notes, the key driver of development is local values. For instance a flat rate below £100 per m² should be considered for the north west of the Borough. This would accord with CIL Guidance</p>	<p>The Council acknowledge this observation, which is covered in the Viability report update by DSP (2020). The Council consider that a flat rate is more practical approach and has been deemed affordable</p>

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		<p>which makes clear that Councils can set differential rates by area stating that:</p> <p><i>"If the evidence shows that the area includes a zone, which could be a strategic site, which has low, very low or zero viability, the charging authority should consider setting a low or zero levy rate in that area."</i></p> <p>Assumes that the CIL viability assessment produced in 2015- 2016 will be updated as the CIL Charging Schedule is progressed to ensure that the overall delivery of the Local Plan, including the much needed delivery of affordable housing, is not adversely impacted.</p>	Updated by the 2020 DSP Viability report
011	Transport for London	TfL has two main concerns, which need to be corrected for the Draft Charging Schedule, is that your proposals/appraisals have generally failed to take account of the Mayor's revised proposals for his own CIL (MCIL2), together with the current MCIL and the Indexation rate is incorrect.	Updated by the 2020 DSP Viability report
12	Hta (Riverside Group)	<p>Recommends that the infrastructure delivery plan be revised to reflect the significant uplift in the borough's housing target as set out in the Draft London Plan (due to be adopted 2019).</p> <p>Recommends that the financial viability assessments take into consideration the full range of planning policy requirements set to be introduced within the replacement London Plan (due to be adopted in 2019).</p> <p>Recommends that the financial viability assessment be tested using the proposed MCIL2 rates which are set to come into force from 2019, to coincide with the introduction of the LB Bromley CIL, which proposes an increased MCIL of £60/sqm (increased from £35/sqm in the currently adopted MCIL1).</p>	<p>Infrastructure Delivery Plan updated in 2020</p> <p>Updated by the 2020 DSP Viability report</p> <p>Updated by the 2020 DSP Viability report</p>

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		<p>Recommends that the financial viability assessments underpinning the CIL rates test a wider range of development types within the borough, including higher density development, and build to rent, and estate regeneration projects, and ensure that these accurately reflect the associated build costs, including the costs of expensive parking solutions, to provide a more realistic set of assumptions to underpin viability assumptions.</p>	<p>Updated by the 2020 DSP Viability report</p>
		<p>Recommends that the Council consider setting differential CIL rates across the borough, with the lower CIL rates in the renewal areas, to support the objectives of the development plan.</p>	<p>The Council acknowledge this observation, which is covered in the Viability report update by DSP (2020). The Council consider that a flat rate is more practical approach and has been deemed affordable</p>
		<p>Recommends that the Council include provision for discretionary relief in exceptional circumstances, (such as in the case of estate regeneration projects which can be encumbered with significant development costs not associated with typical developments) within the CIL Charging Schedule.</p>	<p>Based on the viability evidence, the Council considers the rates to be affordable and does not envisage the need for further relief measures. The Councils approach to relief will be covered in a CIL Operational Guidance document.</p>
013	Lambert Smith Hampton (Met Police)	<p>Concern that no infrastructure costs identified for the Metropolitan Police (MPS) in the IDP. Considers CIL charges to support policing at Borough Level are necessary and appropriate. There is no mention in the PDCS the collection of CIL payments to fund policing infrastructure. MPS believes there is a strong case for inclusion of funding for policing infrastructure due to envisaged growth in the delivery of new homes, commercial space, and employment over the Draft Local Plan period which will significantly increase the need for policing and the cost for associated infrastructure. The respondent states this represents a legitimate infrastructure requirement that should be accounted for within Bromley CIL and includes quotes from 2 planning appeal cases whereby the Inspectors supported financial planning contributions in principle for police equipment and other items of capital expenditure.</p>	<p>Infrastructure Delivery Plan updated in 2020 in consultation with the Met Police</p>
014	Network Rail	<p>It is necessary to seek alternative funding sources and Network Rail call on LB Bromley to invest revenue to improve London's railway and welcome the commitment in the CIL Regulation 123 list to support the Borough's and Mayor's transport priorities and seek third party funding contributions to the railway.</p>	<p>Regulation 123 no longer applies – further commentary on the prioritisation of CIL will be covered in future annual Infrastructure Funding Statements.. The testing of CIL is not required to demonstrate viability of specific sites and specific development models. The Council consider that a flat rate is more practical</p>

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		<p>Proposed levy in relation to Bromley Town Centre allocated sites and in particular Bromley North Station one of the largest site allocations, would potentially render development unviable prejudicing the achievement of strategic objectives that are central to delivering sustainable development in the borough.</p> <p>The site carries significant 'abnormal' costs than development elsewhere without constraints of replacing existing infrastructure such as a TfL bus stand, multi-storey carpark, station improvements etc and should not be subjected to an additional CIL cost – new infrastructure should be secured through s106 contributions as opposed to Reg 123 list.</p> <p>The charging schedule shows no differential between sites especially town centre sites, and it is not clear why this was discounted. In order to preserve the wider green belt, the delivery of these sites is critical to the delivery of the Plan and the proposed Charging Schedule should not prejudice this in any way. It is therefore imperative that the schedule is amended to better reflect the abnormal nature of the Bromley North site.</p>	<p>approach and has been deemed affordable</p>
015	Dron & Wright (London Fire & Emergency Planning)	<p>The following LEEPA sites in the borough are, Beckenham Fire Station, Biggin Hill Fire Station, Bromley Fire Station and Orpington Fire Station. Fire stations would fall under 'other forms of development' and therefore Nil rated which is welcomed as fire stations are a vital community safety facility.</p> <p>Bromley and Biggin Hill Fire Stations are priorities for improvement, requiring replacement/refurbishment, costs are unknown at this stage but LEEFA requests fire-fighting facilities are added to the borough draft Reg 123 list and are considered for funding/part-funding by CIL.</p>	<p>Welcome noted.</p> <p>Request noted.</p>
016	Aperfield Green Belt Action Group	<p>Welcomes information on proposed changes and are pleased to learn developments in and around Bromley (Town Centre) will provide the majority of housing needs.</p>	<p>Support noted.</p>
017	Parish of SS Joseph & Swithun	<p>No comment at this stage.</p>	<p>Noted</p>