

North Tyneside Community Infrastructure Levy Consultation Statement



February 2018



Introduction

This statement sets out how North Tyneside Council has complied with Regulation 19 of Community Infrastructure Levy, England and Wales – The Community Infrastructure Levy Regulations 2010 (amended).

The North Tyneside Council Community Infrastructure Levy Draft Charging Schedule (DCS) was published for consultation on 29th August 2017 for 5 weeks subsequent to consultation of the Preliminary Draft Charging Schedule (February 2017).

To comply with regulation 16 the Council made a copy of the DCS and representation forms (Appendix 4) available for inspection at the following locations:

- North Tyneside Council, Quadrant East, Cobalt Business Park, NE27 0BY
- White Swan Centre, Citadel East, Killingworth, NE12 6SS
- Whitley Bay Customer First Centre, York Road, Whitley Bay, NE26 1AB
- Wallsend Customer First Centre, 16 The Forum, Wallsend, NE28 8GR
- North Shields Library, Northumberland Square, North Shields, NE30 1QU

The Council also published these documents on the website: http://northtyneside-consult.limehouse.co.uk/portal/cil_draft_charging_schedule_and_planning_obligations_spd

The Council contacted 556 people from its contact database to notify them of the consultation of the DCS and the proposed update to the Planning Obligations Supplementary Planning Document. To comply with Regulation 17 consultees were asked if they wished to make comment on the draft charging schedule, and if they would like to be heard by the examiner (under Regulation 21).

An advertisement notice (Appendix 2) which includes the statement of representation procedure and statement of fact was placed in the local press on 31st August 2017.

Developers and House-builders workshop

The Council met with the principal house builders in North Tyneside on 27 September 2017 to discuss the DCS and listen to their views. Barratt Homes, Persimmon Homes, Bellway Homes, Banks Group, Northumberland Estates, Storys Homes all attended. Feedback at this workshop established a general view amongst developers that their preferred method for infrastructure payments would be to continue with the existing S106 arrangement and not pursue CIL.

The feedback received expressed concern that that CIL increased uncertainty and therefore placed greater risks on future deliverability of schemes. The overall administration of CIL was identified as a complication to the established process of site delivery. In relation to application of CIL in funding specific infrastructure the developers and housebuilders requested further understanding of infrastructure costs. Where infrastructure is included in the Regulation 123 List comfort was sought to establish that it could be reliably delivered. In particular, the absence of land costs in the Regulation 123 List, should a new secondary school site be sought at Killingworth Moor, was identified as a key risk to delivery of sufficient school places that gave rise to concern that this would bring limitations to development outside of a developers control.

Feedback at the workshop also established that differing views on probably CIL revenue from larger greenfield development reflecting differences in assumptions regarding average floor areas of homes.

Representations received

In total 11 representations were made to the Council on the DCS by 3 October 2017. A full response schedule with officer feedback is provided below. A copy of all the responses is available to view in Appendix 3.

Table 1: Respondents to the Draft Charging Schedule Consultation, October 2017

Nexus (DCS 1)	KLR Planning (DCS 5)	Sport England (DCS 9)
Northumberland Estates (DCS2)	Historic England (DCS 6)	North Tyneside Business Forum (DCS 10)
Banks Property Ltd (DSC 3)	Barton Wilmore (DCS 7)	Natural England (DCS 11)
Highways England (DCS 4)	Persimmon Homes (DCS 8)	

How to view a comment that you have submitted

This document is saved in Adobe PDF format and you can use the “Find” function to navigate to particular Comments you are interested in. You can access find by the keyboard shortcut “Ctrl F”, within the “Edit” menu on Adobe Reader, or via a toolbar link at the top of your page.

Consultee IDs – If you are a previous respondent to Planning Policy documents, you will have a Person ID. You can type this ID into “Find” within the document to locate each site where your ID and comment has been recorded and summarised.

If you would like any assistance accessing this information or finding specific information within this schedule of representations, you can contact the Planning Policy Team at:

planning.policy@northtyneside.uk

Tel: 0191 643 2310

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			

Comments Details

Comment ID	DCS2	Consultation Point	Do you agree with the proposed levy rates in the Draft Charging Schedule (Table 1)?
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Consultee Comment

No.
 The highest rate (R2) of £80 per square metre is notably higher than in the neighbouring authority Newcastle, which has an adopted CIL Charging Schedule with the highest rate being £60 per square metre. It is questioned why the upper limit of £80 has been suggested in North Tyneside, when the highest value areas in Newcastle are only £60, and the higher value areas of Newcastle being greater value than the highest value areas of North Tyneside. For example, the highest CIL rated areas in Newcastle such as Callerton and Great Park are more highly desirable and valuable locations to live, more so than Murton Gap and Killingworth Moor, and it is queried why the charging rate of the North Tyneside strategic sites should be more than neighbouring Newcastle.

North Tyneside Council Response

The rate set in the Draft Charging Schedule has been based upon an assessment of the viability of development and the infrastructure to be funded through CIL. Comparison with charging rates and house prices in the Newcastle City Council area is clearly of importance but the overall context for the charge is not comparable. In relation to the overall desirability and value of development in Newcastle versus the R2 development zones in North Tyneside further evidence would be welcomed in support of this position. Within a further Viability Assessment update a brief analysis has been included of New Home sales in 2016 and 2017 in each Authority area. The evidence provided by this data is that there is little or no substantial variance in sales values.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	786388	Name	Justin Hancock	Group Representation?	Y	Group Numbers	3
Agent ID		Organisation	Banks Group	Agent if applicable			

Comments Details

Comment ID	DCS3	Consultation Point	Do you agree with the proposed levy rates in the Draft Charging Schedule (Table 1)?
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Consultee Comment

The higher rate of £80 per square metre is notably higher than neighbouring Newcastle (£60). From the point of view of Killingworth Moor strategic housing allocation it is noted that the final gross contribution towards infrastructure whether by CIL or S106 is likely to exceed this amount so it is prima facie “affordable”. However if the distribution of contributions within Section 106 does not reduce sufficiently, the CIL rate of £80 would be too high and would impinge on the ability to provide 25% affordable housing in line with Policy DM4.7.

North Tyneside Council Response

The CIL charging rates set in Draft Charging schedule have been considered in light of the latest available evidence. A further update to the Viability Assessment has been prepared ahead of submission that takes into consideration revised assumptions, particularly regarding the average floor area of development. Forecast s106 contributions from the Killingworth Moor strategic allocation equated approximately £10m in s106 contributions towards secondary provision, health, community facilities and pedestrian and cycle connectivity. A broadly equivalent contribution would be secured via CIL based upon the charging rates proposed.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	959891	Name	Mark Goodwill	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Highways England	Agent if applicable			

Comments Details

Comment ID	DCS4	Consultation Point	Do you agree with the proposed levy rates in the Draft Charging Schedule (Table 1)?
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Consultee Comment

The purpose of CIL is to ensure that new development contributes towards the cost of the new and improved infrastructure that is required to support the delivery of the Local Plan’s development aspirations, including contributions towards the cost of transport improvements, as proposed within the Local Plan and the supporting Infrastructure Delivery Plan.

It is noted in Paragraph 1.6 that, *“It is anticipated that following adoption of the CIL the Council will continue to seek agreement of s106 funds towards infrastructure not identified in a Regulation 123 list to meet the specific impacts of development in parallel with use of CIL funds to meet wider and strategic infrastructure needs.”* Regulation 123 of the CIL Regulations enables the Council to identify a list of infrastructure projects that it intends to seek funding for through the CIL. The list proposed by the Council differentiates between those types of infrastructure that are intended to be funded through CIL and those where planning obligations will be sought under S106 of the Town and Country Planning Act 1990 (as amended) or an alternative source of funding. Clarification is provided that developer contributions towards the projects identified in the Regulation 123 List will not be sought through planning obligations or S278 of Highways Act 1980 once CIL comes into force.

The Council's proposed Draft CIL Charging Schedule rates are identified in Table 1 and linked to the Residential and Commercial maps. Five residential zones are proposed along with 3 commercial zones. It is acknowledged that the rates have been established based on the need to strike a balance between securing the required investment in the infrastructure needed to support a new development and the effect that the charge could have on the viability and deliverability of the development. We note that the methodology and assumptions for assessing the viability of new development is provided in the supporting ‘Area Wide Viability Assessment – CIL Appraisal (2017)’. Highways England therefore has no concerns with zones proposed nor the proposed rates.

Section 5 establishes the ‘Infrastructure Needs Evidence’ and provides the linkage between the CIL and the two IDPs. Paragraph 5.5. states that, “The infrastructure proposed within the IDP may be delivered via CIL, site specific planning obligations or external public and private funding opportunities that may arise and deliver specific projects in full or supplement any developer contributions that are secured.” It is also recognised in Paragraph 6.3 that it is not expected that developer contributions through CIL and S106 will fill the entire funding gap identified and that other funding sources including from Highways England, may provide

additional funding.

The Regulation 123 List of infrastructure focuses on education, health, community facilities, green spaces and walking and cycling infrastructure and does not include any physical road schemes relating to the SRN. As noted above with reference to the JPS, Highways England have stated a commitment to continue to seek funding through future Road Investment Strategies and will also investigate other available sources of funding to support the delivery of the improvements to the SRN required to facilitate the Local Plan's development aspirations. However, there is also a requirement for developer funding to be sought through the Local Plan and this has not been recognised within the Draft Charging Schedule.

North Tyneside Council Response

The Council welcome Highways England commitment to continue to seek funding through the Road Investment Strategies and any other available sources of funding to deliver the improvement to the SRN. As recognised the Council are also committed to seek developer funding towards transport and highway schemes that pass the necessary tests concerning developer contributions.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1096012	Name	Karen Read	Group Representation?	N	Group Numbers	
Agent ID	806145	Organisation	Aldi Ltd	Agent if applicable	KLR Planning		

Comments Details

Comment ID	DCS5	Consultation Point	Do you agree with the proposed levy rates in the Draft Charging Schedule (Table 1)?				
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Consultee Comment

The council’s proposed CIL charging rates are set out in Table 1 on page 5 of this document.

Aldi objected to the proposed CIL charge of £20per/sqm for supermarkets across all CIL charging zones in the PDCS on the basis that insufficient evidence had been presented by the council and conclusions that had not been justified.

The DCS reduces the proposed CIL rate to £10per/sqm for supermarkets across all CIL charging zones. However, at this point no comment can be made as to whether this is justified as the Area Wide Viability Assessment Update 2017 is not available to understand the evidence the council has relied on to support this. As stated above, we reserve Aldi’s position and will review and submit representations once the document is available.

In the representations to the PDCS the following objection was made:

“At paragraph 4.15 (of the PDCS), it states that viability assessment demonstrates the economic viability of retail schemes in town centre locations is lessened and as such a CIL charge in the Borough’s town centres (Commercial Zone A) would harm the delivery of potential developments. This is reflected for small shops and retail A1 in Table 1 above but not for supermarkets where a £20per/sqm CIL charge is proposed. Supermarkets are a town centre use and can be developed in town centres so the council’s reasoning for a £0per/sqm CIL charge on small retail and retail A1 for Zone A should be applied to supermarkets also.”

In response to this point, the council states in the comments and response schedule, that:

“...its evidence does highlight that developments of supermarkets have a greater resilience to a CIL charge and are more generally viable across all location in North Tyneside. However, the principle that there would also be a differential in the viability for supermarkets between the wider urban area and town centre, supported in the comments on behalf of Aldi are recognised. Any revisions with the DCS will be given consideration to including a differential rate across the borough for supermarket developments.”

No such differential has been made in the DCS. A CIL charge is still proposed for supermarkets across all commercial charging zones A (Town Centres), B and C. This is contrary to the council’s own conclusions regarding the viability of retail development in town centres (which includes supermarkets), as given at paragraph 4.15 of the DCS. No explanation has been given in the DCS or any of the available supporting documents as to how and why this conclusion is drawn. On this basis, it can only be concluded that it is not justified and therefore not sound. If the Area Wide Viability Assessment Update 2017 reconsiders this, we reserve Aldi’s position and will respond when this document is available.

North Tyneside Council Response

Following the Preliminary Draft Charging Schedule the Council agreed that the charge for supermarkets would be adjusted to £10per/sqm. The Council further recognise that the town centres within North Tyneside often present challenges that can lessen the economic viability of bringing forward a retail scheme in these areas and accepts the argument presented that this should apply equally to supermarket development. A modification to the proposed charge for supermarkets in a town centre location is therefore proposed reducing the charging rate to zero in town centre locations.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	960257	Name	Martyn Earle	Group Representation?	Y	Group Numbers	3
Agent ID	1010551	Organisation	Murton Consortium	Agent if applicable	Barton Wilmore		

Comments Details

Comment ID	DCS7	Consultation Point	Do you agree with the proposed levy rates in the Draft Charging Schedule (Table 1)?
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Consultee Comment

In conclusion it is evident that the CIL funding mechanism, whilst an important asset for the Council in meeting gap funding, is unnecessary in meeting the infrastructure needs resulting from the strategic sites and could potentially make their delivery unworkable and/or unviable. The Murton development is supported by a site-specific Infrastructure Delivery Plan which identifies the various components needed to furnish its development. There are only limited elements of off-site CIL attributable elements expected; Primary Health Care, Secondary School Education, external sustainable transport improvements and community facility enhancement. These are all elements which could be suitably controlled by specific 106 obligations.

The purpose of CIL is to gap fund infrastructure projects that do not already have a finance stream in place for their procurement. However, the rate expected per sqm for residential development when applied to the Murton development could massively exceed the monies actually required. The IDP supporting the Draft Charging Schedule identifies a requirement of £13,493,998 to come forward through CIL. However, the value of charging a CIL rate of £80 per square metre within the R2 zone for dwellings (C3) would result, based on an average property having 104 sqm Net Internal Area (NIA) of £20,289,160 (including £5,000 for the retail element), vastly exceeding the actual funding need to facilitate the necessary infrastructure.

This picture becomes even more startling when you consider that £2,454,240 of this is attributed to infrastructure to be delivered on site and will therefore be offset as a payment in kind through land provision. There is also concern as to the valuations which have been used within the IDP at this stage with all calculation being based on a Net Sales Area (NSA) as opposed to NIA. As such the developer is being valued on a calculation based on a product that is of lesser size than that which they are being sought financial contributions on. This has not been recognised within the Draft Charging Schedule and is matter which needs to be given closer scrutiny to ensure consistency and a realistic charging schedule.

Likewise, there has not been sufficient detail provided as to how the cost estimates for the infrastructure delivery has been calculated, indeed no cost estimate has even been provided for the SANGS provision, a facet of the development which is intrinsic to the scheme (provision on-site). Again, the Consortium have committed to the delivery of a Landscape Scheme which incorporates SANGS, but needs the flexibility provided outside of a CIL regime in order to realise this; and is in far

better position to do this than the Council. This detail is essential, as it provides the basis for a reasonable CIL charge and gives the basis for calculating the viability of development, without which other expected contributions, such as affordable housing could be reduced through necessity. It is therefore our suggestion that the Murton site is re-classified as a zero-charge area with the necessary infrastructure, as originally intended, to be sought via s106 obligations, with care taken to be specific on the purpose of each individual contribution.

If the Council were insistent on CIL charging for the strategic sites then it would be logical for the contribution to be capped at £11,039,758, namely the off-site contribution currently identified to mitigate the development. The on-site contribution should be excluded in any event, as the masterplan to be approved will ensure suitable delivery.

North Tyneside Council Response

The Council agree that, as stated in this response, the broad infrastructure requirements of the strategic sites are well understood through a Site Specific Infrastructure Delivery Plan. The Council has been clear that throughout the Plan making and subsequent Masterplan process that some elements of the required infrastructure may be best delivered via a CIL charge. The option to specifically exclude or zero charge the Strategic Allocations has been referred to as an option through this process, but always on the understanding that this would require sufficient certainty that the necessary infrastructure was deliverable. Without this understanding the Council consider that for some forms of infrastructure such as the secondary school, there are significant risks of exceeding the regulatory pooling threshold. The potential for creative approaches to the description of infrastructure projects is recognised but the Council consider that to date no evidence or demonstrable examples have been provided by the development industry that would give sufficient confidence that such an approach could be followed without risk of challenge from landowners and housebuilders, including those who may take up future development options in the Borough. Meanwhile, for other forms of infrastructure such as health provision and community facilities an approach based upon CIL funding provides certainty for developers both of the strategic sites and the many smaller developments that will take place across the Borough and the opportunity for the Council to direct available funding to secure the greatest benefit for the Borough as a whole.

The commentary provided regarding the anticipated revenue from CIL, particularly from the strategic sites is noted and a revised average Net Internal Area (NIA) for a new home has been considered in a further update to the Viability Assessment. This has identified that based upon an increased average NIA of 105sqm for development such as a Murton Gap the CIL rate can be reduced to £68.60 whilst securing sufficient funding for the infrastructure identified. With this adjustment the Council estimate a total CIL charge of £16.2m for Murton Gap. The total estimated cost of infrastructure identified in the Regulation 123 List from the published Infrastructure Delivery Plan Schedule is currently £15.05m. Further detail regarding the Regulation 123 Infrastructure costs is provided within the updated Viability Assessment 2018.

The provision of a SANG on site at Murton Gap is a policy requirement of the Local Plan included specifically in relation to this site at Policy 4.4a) and must be included in any future planning application for the site in order for the development to appropriately mitigate the international protected coastline. The Council recognise it would not be practical or appropriate to seek delivery of such mitigation via a CIL contribution. Reflecting this, the proposed Regulation 123 List specifically excludes the delivery of SANGs required on-site, as is the case for the Murton Gap Strategic Allocation from provision via CIL. Meanwhile, through policy

DM5.6 SANGs are identified by the Local Plan as one of a number of potential methods of mitigation for development across the borough within 6km of the coast. If SANGs are to be successfully implemented as one form of mitigation for all such sites where on site delivery is not appropriate or practicable, use of CIL is currently viewed as the most appropriate funding mechanism. At this time, no specific project for the delivery SANGs on the ground has been established and appropriate alternative forms of mitigation will be sought for other development in the Borough.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			

Comments Details

Comment ID	DCS1	Consultation Point	Do you agree with the geographical charging zones in the Draft Charging Schedule?
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Consultee Comment

Yes. The charging zones appear to reflect relative levels of deprivation, economic activity and house prices across the borough and encourage development in more deprived areas, where additional economic activity would help to sustain established public transport networks with adequate spare capacity to accommodate growth.

North Tyneside Council Response

Comments noted.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			

Comments Details

Comment ID	DCS2	Consultation Point	Do you agree with the geographical charging zones in the Draft Charging Schedule?
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Consultee Comment

No.

It is unclear why the residential charging zones have been set as they are, and the Council should provide more detail as to how the zones have been set. Paragraph 4.2 states that the charging zone has been refined by a postcode level analysis of residential sales data for 2016, with the boundary of the charging zone established using average house price 'heat' maps. The two strategic sites, Killingworth Moor and Murton Gap, are currently agricultural land and it is therefore unclear what data has been used to establish house prices in these areas, given that there are no house prices across the area or sales data. The land surrounding the strategic sites is largely 'U1', which is the lowest charging schedule band (£19). It is unclear why the surrounding land is classified as 'U1' based on the actual house prices, yet the strategic sites are classified as 'R2', which is the highest charging schedule band (£80).

Paragraph 4.3 states that the viability of development and land value uplift from residential planning permission is greater on agricultural land than existing brownfield sites, with most greenfield opportunities located in stronger market areas. This assumption is queried, and it is disputed whether the two strategic sites (Killingworth Moor and Murton Gap) are located within the strongest market areas simply by being greenfield sites, given that they are surrounded by 'U1' classified areas, i.e. residential areas of lower market value. The strategic sites are not within the greenbelt, and it is questionable why they should be regarded as 'R2' whereas the majority of greenbelt land is classified as 'R1' (£55), yet presumably a stronger market area in terms of house prices. It is considered that the strategic sites should be classified at a lower rate of CIL than all of the greenbelt land, as the greenbelt land is the strongest market value and has the higher area of house prices.

Paragraph 4.3 states that greenfield sites are economically more viable than brownfield sites, therefore the CIL charging rate should be higher in greenfield areas than brownfield areas where the cost of development may be prohibited by CIL as an additional planning obligation. This assumption is seriously questioned, as it is not the case that greenfield sites are more economically viable for development just by virtue of being greenfield. For example, Killingworth Moor and Murton Gap are greenfield sites but have significant abnormal development costs. As ongoing survey and assessment work has shown, there are significant areas of former opencast mining in these areas, which will involve significant remediation costs and development costs. These conditions threaten the overall viability of the strategic sites and it is not considered that because they are greenfield sites they should involve a higher level of CIL than a brownfield site (which conversely, may

or may not have significant development costs associated with it). It is considered that being greenfield or brownfield is not a generalisation for development costs, and there should be an allowance for abnormal costs for greenfield sites which may threaten viability when combined with a higher CIL rate.

North Tyneside Council Response

The charging zones have drawn on the evidence from the Area Wide Viability Assessment (AWVA 2016), which includes house sales data and indicates the variation in sales values by postcode and reference to the North Tyneside Strategic Housing Market Assessment, which together have identified three value bands (High/Medium/Low). A reasonable uplift of land value is considered to be approximately 30 times the Existing Use Value (EUUV) on a greenfield site and 2 or 3 times the land value on a brownfield site. Clearly, where sites are in agricultural use, sales values are either absent or distorted. However, the general pattern of sales values can be readily ascertained and it is considered provides a robust indicator of the likely sales value of new build homes in adjacent areas. Where an R2 zone is identified adjacent to a U1 urban area the Council the specific characteristics, unique selling points and associated data arising from new build sales prices are considered as further supporting the Council's position. To further justify the approach taken, an updated postcode based sales mapping is included in the AWVA Update based on 2017 sales data. This update additionally includes recorded new build sales prices on major sites in the Borough.

The assessment of CIL charging zones is not based upon the Local Plan policy position regarding areas of land. The assessment is based upon the probable viability of development in a location based upon sales values and constraints and the likely form of development in those locations. It is therefore not clear why this response suggests a greenbelt location would presumably be a stronger market area than a strategic site. In terms of how the CIL zones are actually split across the green belt area, those locations to the east of the Borough closer to the coast and Whitley Bay are in zone R2, and those to the west of the Borough and more closely associated with the north west villages is generally in zone R1.

The viability assessments undertaken for Killingworth Moor and Murton Gap have incorporated initial assumptions regarding potential abnormal costs. In addition the greenfield site specific development typology makes a general allowance for contingencies. The key differential between the viability for brownfield land and greenfield land lies in the overall cost for bringing most brownfield land back in to use and the alternative / existing land use value of brownfield land. Meanwhile, a "greenfield" site, in the context of the CIL charging zones relates to the wider agricultural land predominantly out with the existing urban area where greater opportunities exist both in terms of economies of scale and in place making that can enable sales values to be mitigated. This is reflected in the charging zone descriptions of Urban (U) and Remaining (R).

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	786388	Name	Justin Hancock	Group Representation?	Y	Group Numbers	3
Agent ID		Organisation	Banks Group	Agent if applicable			

Comments Details

Comment ID	DCS3	Consultation Point	Do you agree with the geographical charging zones in the Draft Charging Schedule?
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Consultee Comment

Zone R2 is focused on the strategic housing allocations at Killingworth Moor and Murton as well as Green Belt land which is prohibited from development by national and local policy. This higher charging zone has therefore been set to capture a higher amount of contribution from the strategic sites than any other sites likely to come forward for housing development in the next decade. At the EIP for the Local Plan a different strategy was mooted which was to exempt the strategic sites from CIL because the S106 requirement was likely to deliver significant and sufficient infrastructure benefits. We understand that the change in approach has been prompted by concern that pooling restrictions might render S106 undeliverable for secondary education. It is regrettable that the Government has not yet acted upon the recommendation of the CIL Review Body to remove these pooling restrictions but this may yet happen within the period of establishing CIL for North Tyneside. We believe that S106 is the best vehicle for securing the infrastructure contributions but if CIL is needed for secondary education then the CIL rate for strategic sites should be calculated to meet this requirement alone which would lead to a significant reduction from £80.

North Tyneside Council Response

The Council has been clear that throughout the Plan making and subsequent Masterplan process that some elements of the required infrastructure may be best delivered via a CIL charge. The option to specifically exclude or zero charge the Strategic Allocations has been referred to as an option through this process, but always on the understanding that this would require sufficient certainty that the necessary infrastructure was deliverable. Without this understanding the Council consider that for some forms of infrastructure such as the secondary school, there are significant risks of exceeding the regulatory pooling threshold. However, as referenced the Council is also aware of the continuing evolution of the governments policy and legislative position regarding developer contributions. As far as reasonable the Council's approach will evolve in accordance with such changes once they are in place but at this time must act in accordance with the existing legislation and adopted national policy context.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Richard Holland (recorded under Stuart Grimes)	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Persimmon Homes	Agent if applicable			

Comments Details

Comment ID	DCS8	Consultation Point	Do you agree with the geographical charging zones in the Draft Charging Schedule?
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Consultee Comment

In conclusion from the above Persimmon Homes strongly object to the inclusion of the Murton Strategic Site within a Chargeable zone for the reasons set out above. We firmly consider that the site is best place to move forward and actually delivery the required infrastructure through a considered joint approach with the LPA via S106 agreements.

Furthermore we would ask that the sites within the chargeable areas which have planning consent and S106 agreements be removed or subject to zero rating to avoid future confusion as was done in Newcastle City CIL previously.

North Tyneside Council Response

The Council has been clear that throughout the Plan making and subsequent Masterplan process that some elements of the required infrastructure may be best delivered via a CIL charge. The option to specifically exclude or zero charge the Strategic Allocations has been referred to as an option through this process, but always on the understanding that this would require sufficient certainty that the necessary infrastructure was deliverable. Without this understanding the Council consider that for some forms of infrastructure such as the secondary school, there are significant risks of exceeding the regulatory pooling threshold.

The charging zones apply to the Borough as a whole fairly and with reference to the viability of development. Developments with planning approval and signed s106 agreements can proceed without being subject to any subsequent adoption of a CIL charge. Whilst it may not be immediately apparent to all with an interest in a development that a scheme with a signed s106 agreement in place prior to adoption of CIL would not make a CIL payment, the approach does not appear confusing. Such developments make a developer contribution based on their signed s106 agreement whilst any applications for development submitted after adoption of CIL would be CIL liable based upon the charging zone they are located within.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details							
Consultee ID	960389	Name	Barbara Hooper	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Historic England	Agent if applicable			
Comments Details							
Comment ID	DCS6	Consultation Point	Do you consider that the proposed rates are informed by, and consistent with, the viability evidence across the Borough?				
Consultee Comment							
<p>With regards Discretionary Relief for Exceptional Circumstances, both the regulations and the National Planning Policy Framework (paragraph173) comment upon the need to strike an appropriate balance between the opportunities of funding infrastructure from the levy, and the possible effects upon the economic viability of the development. Schemes which seek to conserve and enhance heritage assets and their setting can often be finely balanced in terms of their economic viability, and it is possible that this viability might be compromised by the requirement for CIL payments. We would therefore encourage the Council to consider discretionary relief where development which seeks a positive change in the historic environment may become unviable if subject to CIL.</p> <p>Historic England would also recommend that the Charging Schedule is fully informed by an up to date and relevant evidence base for the historic environment and its heritage assets. This is likely to include ‘heritage at risk’, which could provide a useful insight into project opportunities for the Regulation 123 list.</p>							
North Tyneside Council Response							
<p>The Council is not currently considering discretionary relief for exceptional circumstances in the CIL, but the Council will keep this under review. At this stage the CIL rates proposed reflect the overarching viability of development and are not considered to place an unreasonable burden upon development. Across a significant part of the Borough where development viability is considered to be at its lowest a Zero Rate has been identified.</p>							

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1096012	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID	806145	Organisation	Aldi Ltd	Agent if applicable	KLR Planning Ltd		

Comments Details

Comment ID	DCS5	Consultation Point	Do you consider that the proposed rates are informed by, and consistent with, the viability evidence across the Borough?
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Consultee Comment

Further representations are submitted in response to the DCS and are based on the documents listed below:

- Community Infrastructure Levy Draft Charging Schedule August 2017;
- Draft Infrastructure Schedule (Regulation 123 List) August 2017;
- North Tyneside Council Infrastructure Delivery Plan August 2017;
- Draft Planning Obligations SPD August 2017.

The Area Wide Viability Assessment Update 2017 has not been published by the council prior to the consultation deadline for the DCS. A full evidence base has not been provided and it is not therefore possible to determine whether the proposed CIL charging rates presented in the DCS are fully justified and sound. We wish to reserve Aldi’s position on this and will submit further representations once this document has been made available.

These representations focus on the content of the four documents listed above.

North Tyneside Council Infrastructure Delivery Plan August 2017

It is noted items 75-77 on the Infrastructure Delivery Schedule relating to ‘Community Services and Facilities’ are expected to be funded by CIL but it is not clear exactly what will be funded. In section 4.0 of the document, reference is made to community services and facilities being libraries and activities in community centres; fire & rescue services and police stations; and education establishments. No specific projects are mentioned in terms of library facilities and for emergency services at paragraph 4.12 it states there is no information provided of future infrastructure requirements or proposals. It is not clear therefore how a cost estimate has been put against items 75-77. Priorities for investment relating to education are listed at paragraph 4.21 but there seems to be some duplication as items 22-28 of the IDS list specific projects.

In summary, it cannot be concluded from the evidence base currently available whether the proposed CIL rates in the DCS are justified and considered sound. Aldi reserve their position to submit further representations when the Area Wide Viability Assessment Update 2017 is published.

At this time, we request the right to be heard by the examiner.

We trust full consideration will be given to the representations made here on behalf of Aldi Stores Ltd.

North Tyneside Council Response

The Council recognises that consultation on the Draft Charging Schedule was supported by the Area Wide Viability Assessment CIL Addendum 2017 that set out the assumptions upon which commercial assessments were made. However, it is recognised that the Draft Charging Schedule was not accompanied by a further update in response to queries identified by Aldi in relation to the commercial viability assessment. The Council do not consider the information available limited Aldi's ability to respond to the Draft Charging Schedule with its own view on the impact of the proposed charging schedule upon the viability of supermarket development.

Items 22-28 in the IDS all relate to secondary school provision in North Tyneside. For clarity and in order to provide future flexibility regarding the mechanism for securing contributions, this single project is broken down into elements based upon funding source and contribution from either a strategic site or the rest of the Borough. Items 75-77 on the IDS and associated costs are based on the work of the planning obligations SPD and the Strategic sites IDP.

The costs associated with items 75-77 within the IDS are based upon the Planning Obligations SPD and the Strategic sites IDP. At this stage they do not reflect specific programmes but are infrastructure types. Their inclusion within the Regulation 123 List simply means the Authority will not seek section 106 contributions towards this form of infrastructure.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Richard Holland (recorded under Stuart Grimes)	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Persimmon Homes	Agent if applicable			

Comments Details

Comment ID	DCS8	Consultation Point	Do you consider that the proposed rates are informed by, and consistent with, the viability evidence across the Borough?
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Consultee Comment

Persimmon Homes as with our delivery partners on the Murton Consortium have significant joint and individual experience in delivering large scale strategic sites across a large timescale. As part of this we must be assured that we can cost and understand the total liability prior to committing to delivering a scheme to ensure that the scheme actually takes place, otherwise there is no point in any of this work being undertaken.

As set out above at present the CIL in its present form does not allow for this surety for the following reasons.

Evidence Base:

The information provided as part of this consultation does not provide any more detailed information nor any suitable justification as to the charging rates set in the schedule. Key pieces of infrastructure are missing any attributable costs which are significant holes in the evidence.

This is particularly pertinent as significant amounts of infrastructure for the Murton development site is anticipated to come forward as part of a Land in lieu contribution. In the instance where no costs have been identified for these elements how can a discount be agreed to the total CIL rate or even how can a charge for the GAP in funding needed be calculated in the first instance.

An example of this is the significant gap in the evidence in relation to the costs of delivering SANG sites on the Murton Development site which we would consider to be a significant on site delivery cost and in lieu contribution but no discussion or evidence is provided in this instance.

Double Counted Costs and Uncertainty:

At the present time if the CIL were to be adopted the consortium would be in a position where the delivery of key elements included within the CIL would fall fully

to the Consortium to deliver, in addition to paying for these elements through a flat CIL rate. The in lieu contribution discount is not calculated until after full liability for the CIL rate and as there is no agreed calculation methodology no certainty can be given that our liability will not increase significantly in instances such as this.

As set out in our Consortium representation for the Murton Site the total liability set out not being directly funded fully by the consortium and the development can be listed as Secondary Education, Healthcare and Community Facilities all of which can be directly funded by S106 and quantified now in place of having an unknown amount of additional CIL payments which we may have to fund and unknown until after the approval of planning permission.

Worked example:

The total liability for the Murton Consortium in CIL is set to be £20,284,160.0 this calculated using the total chargeable number of dwellings (2438) removing those dwellings which will be Affordable or Social rented, and an average household size of 104sqm.

The total known amounts for the strategic elements of infrastructure included on the S123 list are as follows:

Primary Health Care £1,095,820 Expected Cost Estimate. Secondary Education £8,774,190 Expected Cost Estimate. Community Services and Facilities £540,000 Expected cost estimate.

TOTAL £10,410,010.00

This would leave a total amount of possible uncertainty over the remaining £9,874,150.00 which would need to be subject to future negotiation and agreement on in lieu discount. If zero rated this amount could be secured and agreed via S106

North Tyneside Council Response

The Council welcome Persimmon's experience in delivering major sites and looks forward to a positive working relationship throughout delivery of the Local Plan and Strategic Allocations in particular. However, whilst the comments raised regarding uncertainty relating to implementation of CIL are noted the Council consider the application of a CIL charging schedule would ensure certainty for developers at an early stage on the costs associated with infrastructure identified in the Regulation 123 List. It will be the Council's responsibility to bring about delivery of required infrastructure funded through CIL and such items and their delivery will not pose a restriction to the delivery of development in the Borough. Specifically in relation to on-site infrastructure at the Strategic Allocations, the Council recognise the unnecessary complication the Draft Regulation 123 List created with inclusion of on-site Pedestrian and Cycle Access as an infrastructure item. It is proposed that this item is sought via s106 or other condition as part of planning applications. Meanwhile, the Regulation 123 List has been clear that the SANGs infrastructure item relates to delivery of such a project on behalf of all development within the 6km buffer where no on-site option for SANGs delivery exists.

Delivery of this would be one of a number of mitigations available for such development and schemes will be able to proceed prior to implementation of a SANGs project provided appropriate alternative mitigation as referenced in Policy DM 5.6 of the Local Plan is secured. In relation to Murton Gap the delivery of on-site SANGs is a policy requirement and this specific on-site infrastructure requirement is excluded from the Draft Regulation 123 List.

Further work reflecting upon the viability of development and the cost impacts of application of CIL are considered within an updated Area Wide Viability Assessment published to accompany the proposed modifications to the CIL Charging Schedule.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			

Comments Details

Comment ID	DCS2	Consultation Point	Do you consider that the proposed levy rates would strike an appropriate balance between securing additional investment to support the development identified in the Local Plan, and the potential effects on the viability of developments in the Borough?
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Consultee Comment

No.
North Tyneside Council has prepared viability evidence for the two strategic housing sites and has referenced that evidence in the CIL Charging Schedule. However viability is a constantly evolving picture and further assessment of costs and values will be required prior to concluding a S106 agreement for the development. There is potentially an increase in the burden upon strategic housing developments which could render them unviable, for example significant abnormal costs. Further assessment work is required to inform an accurate picture of viability. Changes to the burden can be achieved either by:

- Exempting strategic housing sites from CIL and concentrating on S106
- Reducing the CIL rate
- Reducing S106 requirements by moving them into the CIL Reg 123 List
- Reducing the quantum of affordable housing.

North Tyneside Council Response

The Council has sought to set a CIL Charging Rate in the Draft Charging Schedule at a level broadly equivalent to the cost of infrastructure identified in the Regulation 123 List and informed by an assessment of overall viability of development. CIL is a borough wide charge that is intended to be based upon area wide viability. In the case of North Tyneside, it is acknowledged that the relative scale of the strategic sites means they provide approximately 50% of planned housing development and consequently a significant proportion of CIL revenue.

In relation to the suggested amendments highlighted in this response, proposed modifications would reduce the CIL Charging Rate. This reflects the submission of evidence that indicates the average floor area of homes at the strategic sites are likely to be larger than initially tested and therefore CIL revenue would be greater than anticipated. Inclusion of additional Section 106 requirements within the Regulation 123 List based upon the reduced charging rate would lead to a significant shortfall in available CIL funding that would endanger the overall delivery of infrastructure in the Borough. Meanwhile, the Council consider that the evidence available regarding a requirements for provision of 25% affordable housing, s106 contributions and a CIL contribution is robust.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	786388	Name	Justin Hancock	Group Representation?	Y	Group Numbers	3
Agent ID		Organisation	Banks Group	Agent if applicable			

Comments Details

Comment ID	DCS3	Consultation Point	Do you consider that the proposed levy rates would strike an appropriate balance between securing additional investment to support the development identified in the Local Plan, and the potential effects on the viability of developments in the Borough?
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Consultee Comment

It is not possible at this stage to say whether the levy rate would strike an appropriate balance for the Killingworth Moor strategic housing site because we are not certain what the balance between CIL and S106 will be. We are concerned that the introduction of CIL will increase the burden above that which was anticipated at the EIP for the Local Plan and above that which can be supported by the development. If this is the case the most likely outcome would be a significant reduction in affordable housing, contrary to the Council's stated policy objective.

North Tyneside Council Response

The Council has sought to set a CIL Charging Rate in the Draft Charging Schedule at a level broadly equivalent to the cost of infrastructure identified in the Regulation 123 List and informed by an assessment of overall viability of development. Further work reflecting upon the viability of development and the cost impacts of application of CIL are considered within an updated Area Wide Viability Assessment published to accompany the proposed modifications to the CIL Charging Schedule.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	960257	Name	Martyn Earle	Group Representation?	Y	Group Numbers	3
Agent ID	1010551	Organisation	Murton Consortium	Agent if applicable	Barton Wilmore		

Comments Details

Comment ID	DCS7	Consultation Point	Do you consider that the proposed levy rates would strike an appropriate balance between securing additional investment to support the development identified in the Local Plan, and the potential effects on the viability of developments in the Borough?
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Consultee Comment

In the case of North Tyneside there is a clear need to deliver significant amounts of new housing to support the growth of the Borough, with a particular reliance upon the strategic sites, as outlined within the recently adopted Local Plan. The Council as charging authority therefore need to ensure when setting CIL tariffs that above all, the underlying viability of residential allocations (specifically those strategic allocations such as Murton, which will deliver the bulk of the city's future housing growth) is not fettered or unduly burdened to a degree that would delay or prevent these sites coming forward.

It is our Client's view that the level of detail which informed the Local Plan was sufficient to allow a suitable Infrastructure Delivery Plan that outlined the infrastructure needs of the strategic developments and as such could be suitably controlled through s106 obligations, as specifics are understood and agreed (with a Statement of Common Ground having been signed prior to the examination of the Plan). As such in the first instance CIL is not required to meet the gap fund for infrastructure development, as they would be borne from the development. Irrespective of this the CIL charging rate would appear to be excessive and unnecessary at £80 psqm for dwellings within the R2 charging zone, exceeding the monies required to deliver the necessary infrastructure. The consortium reserve their right to scrutinise this charging rate further, but have not done so at this stage as they disagree with the principle of including the Murton site within a chargeable zone.

In addition, following the publication of the Housing White Paper the CIL Review Team published a report entitled 'a new approach to developer contributions', in which they highlighted the problems that have occurred with applying CIL to large strategic sites due to the lack of flexibility which results. These problems focusing upon timing and distribution and the level of competence in delivering necessary infrastructure, unlike the development industry, which have the history of bringing forward such schemes. It was particularly noted that for large sites this can result in a 'Catch 22' situation where charging authorities have not accumulated sufficient CIL revenues to fund key elements of enabling infrastructure. It was evident that CIL implementation is not providing the answers to infrastructure delivery needed and that s106 obligations can still be used as a more than adequate tool for delivery. IN summary the report identified that "where CIL has been introduced, it has not necessarily worked well for larger sites with complex site-specific mitigation requirements. It has effectively transferred the burden and risk of providing infrastructure from developers to local authorities who are not well placed to deliver".

Against this background and given that once CIL is in place, only limited changes and reviews can be made, it is imperative that the Council get the charging areas and tariffs set appropriately, so as to find the balance between infrastructure provision and viability and ensure suitable provision. Likewise, the elements to be controlled by CIL also need to be carefully considered, so as to ensure the best methodology for their delivery is executed. At the moment and on the basis of the current evidence presented, our Client is unconvinced that the Draft Charging Schedule provides the most reasonable and certain way of delivering the necessary infrastructure to facilitate housing delivery, in particular that of the strategic sites.

In the first instance the Murton proposal seeks to provide a significant proportion of its needed infrastructure within the curtilage of the site. As such the mechanism for the delivery of CIL infrastructure with regard to payment in kind is over-complicated and unnecessary in order to facilitate these infrastructure elements (sustainable transport inclusion).

The payment in kind mechanism, whereby the person (or in this case persons) liable for CIL may offer land and/or infrastructure to be provided instead of money in order to satisfy a charge arising from CIL, is, in theory a useful caveat to the Draft Charging Schedule. Whilst the Draft Charging Schedule states that 'payment in kind can enable developers, users and authorities to have more certainty about the timescale over which elements of infrastructure items will be delivered', in this instance the opposite may be true.

The drawdown of CIL payments cannot occur until the issuing of a reserved matters or detailed application, as the drawdown is obviously based on the specifics of any proposal; being based on square metre of development. In the case of the Murton Strategic Site, any outline application would need to be consistent with the approved masterplan, however, it is undoubtedly inevitable that the reserved matters applications will form far smaller chunks of development. As such, both the Council and the Consortium will need to consider the full financial quantum of the infrastructure provision within their viability assessment to ensure that it can be suitably delivered. The identification of the necessary infrastructure, both on-site and off-site took place within the evidence base to the Local Plan, with the production of a site-specific Infrastructure Delivery Plan leading to a Statement of Common Ground between the Consortium and the Council being agreed.

It therefore seems illogical to seek to control the delivery of infrastructure associated with the Murton proposal through CIL when it has adequately been identified already and can therefore be suitably specified and controlled via s106 obligations. The reason for these elements being controlled through CIL, as cited by the Council, is that there is a risk of falling foul of the rule of 5, whereby there can be no more than 5 parties liable for the same element of infrastructure. However, there is enough detail to be specific about the planning obligations to facilitate delivery without control via CIL.

At present the consortium would be 'on the hook' for both the payment of the full CIL money, as well as the masterplan identifying the infrastructure provision itself.

This provides a level of uncertainty that is unacceptable to the Consortium. The offset of the provision of land in terms of valuation has not been clearly defined and has the potential to be a major point of conflict between the Consortium and the Council. Likewise, there is no clear indication as to how this valuation work across multiple reserved matters application; in which the infrastructure may span across several application sites, has been calculated.

The Consortium needs to control and manage the phasing of the development, so that infrastructure cost outlay is suitably offset with the value of assets (house-builds) ensuring that infrastructure is delivered when needed at a cost that makes the development viable. At present there are too many uncertainties resulting from the Draft Charging Schedule to ensure this happens and as CIL is mandatory, once the Schedule is adopted there is no mechanism to find alternative methods for delivery.

Firstly, it is unclear at present as to whether the contributions expected for Borough Wide Infrastructure Delivery are expected to be funded from CIL revenue streams associated with the strategic sites. Whilst they do not have either of the strategic sites listed as 'potential delivery leads' they have not been explicitly excluded from expected contribution in the same way that Primary Health Care excludes the Strategic Sites in IDS Ref 1. Clarity on this is required, as the expected payments are significant, amounting to £5,290,250 (albeit noted that not all would be derived from the strategic sites). The Consortium would not expect the Murton site to be contributing to these elements, as the on-site and off-site infrastructure requirements have already been established to fully mitigate the development, but clarity is required.

Turning to the specific infrastructure items expecting to be delivered though CIL as a result/as a necessity of the strategic sites. These elements total some £13,493,998, of which £2,454,240 are expected to be delivered on site; and could theoretically eventually be offset by the payment in kind mechanism. As highlighted within Section 1 of these representations, this is money that could potentially be delayed in its release by the nature of the reserved matters applications coming forward and the multiple parties included within the Consortium.

Removing the contribution for infrastructure for elements which are to be delivered on-site would also remove any debate as to the valuation of land (in lieu). At present this is a matter which would be agreed as a payment-in-kind, however the Draft Charging Schedule does not identify the protocol for this or whether the £2,454,240 is directly equivalent to the value attributed to the land provision for these elements of infrastructure, namely the provision of Sustainable Transport networks within the site. This is a matter which could cause significant delay in delivery further into the Plan period.

As the Local Plan requires a masterplan to be produced to guide forthcoming applications (for the Strategic Sites), the necessary internal infrastructure needed to facilitate the development will be understood, identified and structured intrinsically within the design. As such the ability to be specific about the apportion each subsequent application needs to make in order to fit into the wider provision would be a more than feasible task. There is therefore no risk to the Council of falling within the rule of 5 trap.

It would be a far more pragmatic course of action therefore to source infrastructure via s106 obligations, in line with the agreed masterplan and subsequent outline and reserved matters applications. This would also resolve issues regarding trigger points for on-site provision and valuation of land.

Moving specifically to off-site provision, the Consortium would reiterate the point that the infrastructure expected to be part-funded by the Murton development is known and as such is a definable project that can be suitably broken down in their components, so as to be furnished via s106 obligations. Using secondary

education as an example the expected contribution from the Murton development amounts to £8,774,190; the bulk of the CIL gap funding requirement for Murton. The land is reserved on the Killingworth Moor site and its specification is well established. As such it is unclear as to why the various parties contributing towards its implementation can't be suitably attributed a component of its design e.g. design, site preparation, foundation, split of structure, etc. In this manner the shackles of CIL with regards timing, land value and build cost are not placed on development which is needed to ensure a ready supply of housing. In addition, the Draft Charging Schedule does not make reference to existing funds having previously been garnered from s106 obligations, albeit it's noted that Secondary Education makes reference to committed s106 monies. Without this information the gap fund CIL is seeking to plug cannot be scrutinised in detail nor can the ability to furnish infrastructure outside of the Regulation 123 list i.e. through s106 contributions.

North Tyneside Council Response

The Council agree that, as stated in this response, the broad infrastructure requirements of the strategic sites are well understood through a Site Specific Infrastructure Delivery Plan. The Council has been clear that throughout the Plan making and subsequent Masterplan process that some elements of the required infrastructure may be best delivered via a CIL charge. The option to specifically exclude or zero charge the Strategic Allocations has been referred to as an option through this process, but always on the understanding that this would require sufficient certainty that the necessary infrastructure was deliverable. Without this understanding the Council consider that for some forms of infrastructure such as the secondary school, there are significant risks of exceeding the regulatory pooling threshold. The potential for creative approaches to the description of infrastructure projects is recognised but the Council consider that to date no evidence or demonstrable examples have been provided by the development industry that would give sufficient confidence that such an approach could be followed without risk of challenge from landowners and housebuilders, including those who may take up future development options in the Borough. Meanwhile, for other forms of infrastructure such as health provision and community facilities an approach based upon CIL funding provides certainty for developers both of the strategic sites and the many smaller developments that will take place across the Borough and the opportunity for the Council to direct available funding to secure the greatest benefit for the Borough as a whole.

The commentary provided regarding the anticipated revenue from CIL, particularly from the strategic sites is noted and a revised average Net Internal Area (NIA) for a new home has been considered in a further update to the Viability Assessment. This has identified that based upon an increased average NIA of 105sqm for development such as a Murton Gap the CIL rate can be reduced to £68.60 whilst securing sufficient funding for the infrastructure identified. With this adjustment the Council estimate a total CIL charge of £16.2m for Murton Gap. The total estimated cost of infrastructure identified in the Regulation 123 List from the published Infrastructure Delivery Plan Schedule is currently £15.05m. Further detail regarding the Regulation 123 Infrastructure costs is provided within the updated Viability Assessment 2018.

Reference to the assessment of the current CIL regulatory arrangements within "A new approach to developer contributions" is noted. The Council agrees with the broad discussion outlined in that document and recognises many of the difficulties it highlights regarding the impact of current regulations upon Strategic Allocations from its own experiences considering developer contributions in the current regulatory regime. However, the review group highlight the impact of CIL regulations upon s106 agreements as the core issue in this regard – this is referenced notably at 3.5.5 "*We did also find some very specific problems related to Section 106. The first concerned the restriction on pooling planning obligations set out in Regulation 123, which is a particular issue on large strategic sites which are often brought forward under*

separate planning applications and/or by different landowners. This means that the five-obligation threshold is often reached without it being possible to ensure all parts of the site contribute to the infrastructure required to mitigate the impacts of the development.“ This problem precisely outlines the primary driver for implementation of CIL and the reason North Tyneside at this time is seeking adoption of a CIL charge. Without implementation of a CIL charge, or an amendment to regulations that would allow pooling towards specific infrastructure projects, the risk to delivery either of the housing the Borough needs, or the infrastructure the Borough needs is great.

Regarding the scope of infrastructure that would be delivered through CIL funding, the Council acknowledge that wherever possible (particularly in relation to the strategic allocations) on site delivery of infrastructure based upon clearly identifiable triggers would be preferable. In this regard, the Regulation 123 List has been limited to relatively few infrastructure projects that the Council considered would be more deliverable through CIL. Infrastructure such as new primary schools and open space provision are not included in the Regulation 123 List. Recognising that the draft Regulation 123 List could be further improved and simplified, cycle and pedestrian connections that would be delivered on the strategic sites are proposed to be removed from CIL. For strategic infrastructure such as a potential new secondary school at Killingworth Moor the limitations of section 106 agreements or other conditions become apparent. The Council is clear that a new secondary school – if required would be the result of Borough wide growth – and also expects this to be the view of landowners and house builders. It would therefore be unreasonable to burden any one strategic allocation or part of any one allocation with its delivery alone. Seeking multiple section 106 agreements to secure funding of land purchase and construction would require a relatively small number of planning applications to make a disproportionately large contribution that the Council consider would harm the viability of the schemes required affected. In these circumstances and with the regulations expected to be in place when major planning applications would be considered and agreed, introduction of CIL is viewed as the only option available to the Council.

The fundamental purpose of CIL is that it is a Borough wide source of funding that contributes to the infrastructure needed to meet the impacts of growth across the Borough as a whole. Where the Infrastructure Delivery Plan and Schedule provide a breakdown of each infrastructure projects and the associated description as Murton and Killingworth or Borough Wide – this is associated with the source of funding rather than whether a project would be delivered on a strategic site or elsewhere. This further information has been provided to enable consultees, landowners and developers to identify how the likely contribution towards that form of infrastructure. For example secondary education provision is split between the likely funding from the Borough as a whole, Murton and Killingworth and already committed section 106 agreements. For other forms of infrastructure such as health or community facilities the costs attributed to the strategic sites and rest of the borough reflect the scale of growth. The delivery of infrastructure will be based upon the total funding available from all sources and delivered in a manner that best meets the needs of the Borough. This again reflects the fundamental purpose of use of CIL. Again it is important for the development consortia to recognise that where an infrastructure item such as Health is included in the Regulation 123 List they will not be subject to any planning conditions or obligations related to this infrastructure and will not face any constraint to delivery of homes arising from that infrastructure impact because their contribution is discharged through the CIL payment.

The reference made in this comment to the payment of CIL against each Reserved Matter application is recognised. The Council would expect in the case of strategic sites that a phasing arrangement is agreed as part of Outline Planning Consent that would enable certainty over the CIL costs at each phase / Reserve Matter application. The Instalment policy would then further support cashflow through each phase. The further complications associated with a phased approach to delivery against provision of infrastructure identified in the Regulation 123 List is assumed to relate to the inclusion of on-site pedestrian and cycle infrastructure. As

noted the Council proposes a modification to the Regulation 123 List so that onsite walking and cycling connections would be funded through S106 or other conditions. CIL would therefore be used to fund offsite walking and cycling connections associated with the Strategic Allocations

In relation to the Health infrastructure item cited in this response the Council note that this response highlights a discrepancy between the IDS and Regulation 123 List. The Council's intention within the IDS as noted above had been to enable clarity over the nature of works that would be delivered under the health infrastructure category. As such for Murton Gap the identified health contribution accords with the cost identified in the Site Specific Infrastructure Delivery Plan. However, as CIL is not necessarily a means for providing site specific mitigation the Regulation 123 list takes a classic approach to identifying health as a general category to which CIL money would be directed to address capacity issues where they arise. To ensure appropriate alignment between the IDS and Regulation 123 list an updated IDP 2018 prepared to accompany submission has modified description of the health infrastructure projects.

In terms of the proposed ability to break down an infrastructure project such as a new secondary school into component parts the Council has significant doubt over the likely success of such an approach. Firstly this would require a meaningful breakdown of each component part and a reasonable understanding of the likely cost of each component part. The Council would then be reliant upon not only the applications coming forward but successful negotiation of numerous section 106 agreements that would deliver the correct volume of money to the correct component of the school as a whole. Depending upon the arrangement and sequence in which applications and agreements came forward the Council would have limited control over what component parts were fully funded and which were not, potential severely compromising the authority's ability to deliver a school. Meanwhile, any applicant presented with an agreement requesting money towards the foundations of a secondary school or any other component part could reasonably claim their pooled contribution would not create any additional secondary school spaces – conflicting with the legal tests governing planning obligations. This failing could only be overcome by completion of the school with money from each component, which by definition would mean more than five agreements had been pooled to achieve delivery of the necessary infrastructure.

In terms of the committed funding the Infrastructure Delivery Plan Schedule was very clear on the sources of funding for secondary education. This identifies £2.85 million from S106 contributions towards secondary school provision agreed prior to adoption of CIL. The cost estimates for the contribution that CIL payments would make towards secondary school provision take this committed s106 funding into account.

In review of the evidence and consultation responses, the updated viability assessment 2017 provides a further breakdown of infrastructure costs, anticipated CIL funding and the breakdown of CIL residential receipts.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			

Comments Details

Comment ID	DCS2	Consultation Point	Do you have any comments to make on whether the council has complied with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations (as amended)?
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Consultee Comment

No.

North Tyneside Council has prepared viability evidence for the two strategic housing sites and has referenced that evidence in the CIL Charging Schedule. However viability is a constantly evolving picture and further assessment of costs and values will be required prior to concluding a S106 agreement for the development. There is potentially an increase in the burden upon strategic housing developments which could render them unviable, for example significant abnormal costs. Further assessment work is required to inform an accurate picture of viability. Changes to the burden can be achieved either by:

- a) Exempting strategic housing sites from CIL and concentrating on S106
- b) Reducing the CIL rate
- c) Reducing S106 requirements by moving them into the CIL Reg 123 List
- d) Reducing the quantum of affordable housing.

North Tyneside Council Response

The Council has sought to set a CIL Charging Rate in the Draft Charging Schedule at a level broadly equivalent to the cost of infrastructure identified in the Regulation 123 List and informed by an assessment of overall viability of development. CIL is a borough wide charge that is intended to be based upon area wide viability. In the case of North Tyneside, it is acknowledged that the relative scale of the strategic sites means they provide approximately 50% of planned housing development and consequently a significant proportion of CIL revenue.

In relation to the suggested amendments highlighted in this response, proposed modifications would reduce the CIL Charging Rate. This reflects the submission of evidence that indicates the average floor area of homes at the strategic sites are likely to be larger than initially tested and therefore CIL revenue would be greater than anticipated. Inclusion of additional Section 106 requirements within the Regulation 123 List based upon the reduced charging rate would lead to a significant shortfall in available CIL funding that would endanger the overall delivery of infrastructure in the Borough. Meanwhile, the Council consider that the evidence available regarding a requirements for provision of 25% affordable housing, s106 contributions and a CIL contribution is robust.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1065805	Name	Gordon Harrison	Group Representation?		Group Numbers	
Agent ID		Organisation	Nexus	Agent if applicable			

Comments Details

Comment ID	DCS1	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

In its response to the Preliminary Draft Charging Schedule consultation in March 2017, Nexus welcomed the potential inclusion of Metro network extension proposals within a Regulation 123 List; it is regrettable that the List published as part of the current consultation does not include any part-funding of public transport improvement via the CIL process. It is noted that the only transport-related proposals relate to walking and cycling connections associated with growth at Murton Gap and Killingworth Moor strategic allocations. Discussions with council officers have indicated that these sites, separately or in combination, are likely to have major impacts upon the wider transport network. Whilst acknowledging the role which walking and cycling play in alleviating these impacts, wider public transport improvements may also be required. Their omission from the draft 123 List would remove any prospect of CIL funding until after 2032, therefore it is requested that the List is amended to include ‘public transport improvements’ within the items eligible for part-funding through the CIL.

The impacts on the transport network of developments on the scale of Murton Gap and Killingworth Moor are likely to be complex and unpredictable. For instance, the potential impacts upon the A19 road corridor could necessitate consideration of the extension of the Cobalt Metro corridor southwards linked to further cross-Tyne ferry links, whilst the redistribution of journeys across the Metro network resulting from these developments may result in changes to line capacity requirements on trains to and from the Coast. The appropriate intervention at the required time could take the form of Metro, bus, ferry or Mobility as a Service options. Factors such as these underline the need for potential CIL contributions to offset the financial impacts upon the local public transport network.

North Tyneside Council Response

The Council didn’t include a draft Regulation 123 list in the last stage of consultation but did recognise the potential Metro network extension in the Infrastructure Delivery Schedule (IDS) that informs the CIL. This has not changed and the works for a potential Metro network extension are still identified in the IDS. Although public transport improvements are not identified in the Regulation 123 list, contributions can still be sought by S106 payments. Therefore the identified infrastructure costs for public transport improvements for the Killingworth Moor and Murton Gap strategic sites would be sought via S106 contributions. This is believed to be the most appropriate mechanism to seek contributions because the infrastructure is considered to be necessary for their development and even though other areas of the Borough may benefit from an expanded Metro network it will principally be related to the strategic sites.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			

Comments Details

Comment ID	DCS2	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

The Secondary School Age Provision requires CIL payment for additional secondary education capacity across North Tyneside. It is agreed that this item should be funded by wider development across North Tyneside, given that it serves the whole Borough, rather than just being a site-specific requirement of Killingworth Moor. It is queried why the provision and procurement of land required for the new secondary school is excluded from the Reg123 List. Even if funding is secured via CIL for the construction of the new secondary school, it cannot come forward without first securing the land. Given that the land for the secondary school has a residential land value (£300,000/acre), giving a total cost of £6million (20 acre site), funding needs to be available to purchase this land, as it could otherwise have been used for residential development. It is unclear why CIL cannot be used to purchase the land required. If this is not the case, the CIL Charging Schedule needs to make clear where the funding to procure the school land will come from.

It is considered that funding for the secondary school can be secured via S106 agreement, rather than CIL. This would ensure that funding is secured without the need for a CIL Charging Schedule, which is providing a great deal of uncertainty in the viability appraisal of development. It is understood that the Council wish to secure the required amount of funding for the secondary school without pooling more than five S106 contributions. However, it is considered that securing funding via S106 agreement would be a much simple method as well as providing a greater level of certainty for assessing development costs. S106 agreements could be structured alongside a Phasing Plan showing various construction phases of the new school, with each S106 payment being linked to a specific Phase of the school, rather than to the whole school development. This would allow several S106 payments to be received for various elements of the school, without receiving more than five payments for the same specific piece of infrastructure. It is considered that this method should be considered by the Council and legal advice be sought to give the security that secondary school funding can be received in this way.

It is not clear why the land required for the secondary school is excluded from the Reg123 List, yet the land required for Health and Community facilities is included. As with the land required for the secondary school, land where the health and community facilities will be located has a value, and funding needs to first procure this land before construction can commence. The CIL Charging Schedule needs to clarify where the funding for the land required for the health and community facilities will come from. If it is from CIL, then why can't CIL be used to procure the secondary school land? If it is not CIL, why isn't the procurement of land for health and community facilities listed on the CIL exclusion list?

The Reg123 List includes a SANG (Suitable Alternative Natural Greenspace), other than the SANG being provided on-site at Murton Gap Strategic Allocation. Clarification needs to be given on the location of the other SANG area in North Tyneside, as it is not clear if this is an aspirational scheme or an allocated location.

It is considered that the proposed underpass link under the A19 connecting Killingworth Moor and Backworth should be included on the Reg123 List. This has been deemed by the Council as an important infrastructure requirement of the Killingworth Moor strategic site, and has a significant development cost associated (estimated cost of between £4-£6million). Given that the underpass link is required to connect the secondary school site and the employment land to the wider area, with people travelling to Killingworth Moor from a wide area specifically for these services, it is considered that the underpass is an item of infrastructure required to serve the wider area of North Tyneside and not just Killingworth Moor. It is therefore considered that the underpass should be included on the Reg123 List and CIL should be sought to pay for it.

Paragraph 6.2 states that the indicative amount of CIL the Council might raise over the plan period to 2031 is approximately £31 million. In terms of the Reg123 List, it is considered that the £31 million should be allocated to each of the Reg123 items. This would ensure a greater level of transparency and understanding as to the projected costs of the Reg123 List items.

North Tyneside Council Response

The Council agrees that secondary education should be funded by wider developments across North Tyneside and therefore it has been included on the Regulation 123 list. This avoids the potential of reaching the pooling threshold of S106 contributions and is the Council's preferred approach of funding the necessary infrastructure from many different developments. At this time the Council has no confidence that provision of a secondary school could be successfully broken into multiple infrastructure projects without significant danger of challenge. Based on consultation responses the wording of the Regulation 123 List has been amended to include the land costs for a new secondary school (that were previously excluded) so that the entire project costs could be covered by the proposed revenue from CIL.

In review of the evidence and consultation responses an updated viability assessment 2018 to accompany submission of CIL provides a further breakdown of infrastructure costs, anticipated CIL funding and the breakdown of CIL residential receipts.

The provision of SANG will be in accordance with Local Plan Policy DM5.6, but the potential onsite provision of SANG on the strategic allocation at Murton Gap is believed to be best delivered through conditions / S106 contributions and excluded from the regulation 123 list.

The proposed underpass connecting Killingworth Moor to Shiremoor West would be a transport scheme expected to be funded through S106/S278 contributions and is not considered to be part of the Regulation 123 List. Fundamentally the overarching requirement for the underpass is as a site access and to mitigate the impact of development at Killingworth Moor upon the A19 and Holystone roundabout.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	786388	Name	Justin Hancock	Group Representation?	Y	Group Numbers	3
Agent ID		Organisation	Banks Group	Agent if applicable			

Comments Details

Comment ID	DCS3	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

We note that the 123 list includes secondary education but that land is excluded and the list is not clear whether roads which are needed to access the schools would be included or excluded. This is important to the Killingworth Moor strategic site because this development will include a secondary school to meet capacity needs of all new development in the borough. There needs to be proper justification for excluding land costs and a clear explanation how the land will be procured. There also needs to be some recognition that a road link under the A19 is required for the school, the cost burden of which should be apportioned fairly.

North Tyneside Council Response

The Council agrees that secondary education should be funded by wider developments across North Tyneside and therefore it has been included on the Regulation 123 list. This avoids the potential of reaching the pooling threshold of S106 contributions and is the Council's preferred approach of funding the necessary infrastructure from many different developments. Based on consultation responses the wording of the Regulation 123 List has been amended to include the land costs for a new secondary school (that were previously excluded) so that the entire project costs could be covered by the proposed revenue from CIL.

The proposed underpass connecting Killingworth Moor to Shiremoor West would be a transport scheme expected to be funded through S106/S278 contributions and is not considered to be part of the Regulation 123 List. Fundamentally the overarching requirement for the underpass is as a site access and to mitigate the impact of development at Killingworth Moor upon the A19 and Holystone roundabout.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	960389	Name	Barbara Hooper	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Historic England	Agent if applicable			

Comments Details

Comment ID	DCS6	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

It is therefore disappointing that neither the CIL draft Charging Schedule, or the Planning Obligations SPD, make reference to the historic environment, although we welcome the references to green infrastructure. We consider that there is great potential to conserve and enhance heritage assets through both documents, and we would recommend including specific references to the protection, conservation and enhancement of heritage assets and their settings within the Infrastructure List (Regulation 123), to ensure that it would be possible to fund appropriate initiatives which both deliver necessary infrastructure, and also help to conserve and enhance the historic environment.

It is also worth noting that Historic England is a grant-giving organisation, and can offer advice on other sources of funding for the historic environment. In certain circumstances, we may therefore be able to contribute to the delivery of infrastructure as a delivery agency, funding body or partner organisation.

North Tyneside Council Response

The Council accepts the importance of the historic environment and its positive impact on a locality. Although not explicitly referenced in the updated Planning Obligations Supplementary Planning Document (SPD) the reference of S106 contributions towards regeneration could encompass historic assets within these regeneration proposals. A modification to the Planning Obligations SPD was proposed to include reference to the historic environment. In terms of CIL, the Council does not consider that heritage assets need to be referenced in the CIL charging schedule. This is not to discard the potential for such contributions from being an important part of future infrastructure delivery but at this time if such needs arise, the position would be that contributions would be sought via specific s106 agreements to mitigate the direct planning impacts of proposals. Meanwhile, the policies set out in the Local Plan to preserve and enhance its heritage assets would be applied in the consideration and decision making regarding all development proposals.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1096012	Name	Karen Read	Group Representation?	N	Group Numbers	
Agent ID	806145	Organisation	Aldi Ltd	Agent if applicable	KLR Planning		

Comments Details

Comment ID	DCS5	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

The four infrastructure types listed that the council states will be, or may be, wholly or partly funded by CIL are:

- Secondary school age education;
- Health facilities;
- Suitable Alternative Natural Greenspace – off-site provision; and
- Walking and cycling connections – associated with the Murton Gap and Killingworth Moor strategic allocations.

It is clear all the above types of infrastructure required result from new housing development and the resulting population growth in the borough. Generally, S106 obligations sought by planning proposals for new Aldi stores relate to sustainable transport and highways i.e. new pedestrian crossings and S278 Agreements for off-site highway works to improve the junction of the proposed Aldi site on to the highway network.

It therefore seems, the CIL charged on a proposed new Aldi store, which at £10per/sqm based on a gross floor area of 1,665sqm (Whitley Bay store) is £16,650, will fund new infrastructure required as a result of new housing development. Furthermore, when looking at the Planning Obligations SPD and the Infrastructure Delivery Schedule (IDS), it is stated that infrastructure types and projects which can be relevant to new Aldi stores, such as sustainable transport, roads and flood mitigation, are all expected to be funded through S106 and S278 Agreements associated with planning applications and not CIL, with the exception being projects directly relating to Murton and Killingworth Moor. It is therefore the case that CIL charged on supermarket development will not contribute to the major infrastructure projects in borough i.e. roads etc...

North Tyneside Council Response

Supermarkets alongside other types of development (e.g. offices, hotels) form part of the overall growth of the Borough and have been identified in the Draft Charging Schedule as making contributions that strike an appropriate balance in terms of the impacts upon economically viable development. The proposed Draft 123 list has been structured to identify the infrastructure schemes that would be best delivered – in the context of current legislation and regulations – via CIL to meet the impacts of growth in the Borough.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	960257	Name	Martyn Earle	Group Representation?	Y	Group Numbers	3
Agent ID	1010551	Organisation	Murton Consortium	Agent if applicable	Barton Wilmore		

Comments Details

Comment ID	DCS7	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

It is perfectly reasonable for each S106 agreement to be specific with regard to what infrastructure project it is paying towards and indeed what exact element of that project the money assists with.

Examining the North Tyneside Council Infrastructure Delivery Plan (August 2017) and in particular the North Tyneside Council Infrastructure Delivery Schedule (August 2017) the expectations of the Murton project are limited with regard to the infrastructure it is suggested should be controlled through CIL contributions. They are as follows;

Primary Health Care

Appropriate capacity improvements (Potential expansion of existing GP surgeries in the vicinity of the Murton Gap site).

£1,095,820 Expected Cost Estimate.

24. Education

Secondary Education – New Secondary School on Killingworth Moor Strategic Site or improvement/enhancement as required to increase capacity of Long Benton and/or George Stephenson and/or John Spence Secondary Schools.

£8,774,190 Expected Cost Estimate.

69. Sustainable Transport

On site (internal) pedestrian and cycle connections.

£2,454,240 Expected Cost Estimate.

70. Sustainable Transport

Off site (external) pedestrian and cycle connections.

£629,748 Expected cost estimate.

76. Community Services and Facilities

Community facility Enhancement, off site (estimate based upon a contribution per dwelling).

£540,000 Expected cost estimate.

Total identified directly attributable to Murton (off-site) - £11,039,758

Total identified directly attributable to Murton (on site) - £2,454,240

Total identified directly attributable to Murton - £13,493,998

There are further elements which are considered to be Borough wide contributions. These are as follows;

Biodiversity/Semi-natural open space

Habitat Creation Suitable Accessible Natural Greenspace (SANG) off-site. Borough Wide.

£2,000,000 Expected Cost Estimate.

23. Education

Secondary Education – New Secondary School on Killingworth Moor Strategic Site or improvement/enhancement as required to increase capacity of Longbenton and/or George Stephenson and/or John Spence Secondary School.

£2,325,810 Expected Cost Estimate.

75. Maintenance and improvement of community services and facilities (estimate based upon a contribution per dwelling)

£964,440 Expected Cost Estimate.

Total identified Borough Wide Expected Contributions £5,290,250

Excluding those expected contributions attributable to either of the Strategic Sites or where the Strategic Sites are specifically excluded e.g. Primary Health Care.

Whilst the concerns raised by the Council as to the pooling of S106 contributions is understood, in reality the infrastructure excluded from the Regulation 123 list are known elements and can be suitably specified, so as not to fall foul of a limitation on those who can contribute. Likewise, when examining the elements which are included within the Regulation 123 List and attributable to the Murton Strategic Site, the same scenario can be ascertained. In that the elements are known and can be specified and thus controlled outside of the CIL mechanism.

North Tyneside Council Response

Comment noted. The Council agree that the infrastructure items identified as potentially funded via CIL are known. As noted in elsewhere in this response schedule the proposed approach reflects a clear requirement to delivery infrastructure that would require funding from multiple developments across the Borough and consequently under current legislative arrangement is best funded via CIL. The Council is aware that it could continue to operate a S106 process in the delivery of the necessary infrastructure identified during development proposals.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1032317	Name	Ellen Bekker	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Natural England	Agent if applicable			

Comments Details

Comment ID	DCS12	Consultation Point	Do you have any comments to make on the Draft Regulation 123 list?
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Consultee Comment

Community Infrastructure Levy Draft Charging Schedule 2017

Natural England notes that off-site Suitable Alternative Natural Greenspace (SANGS) are included on the Community Infrastructure Levy (CIL) Regulation 123 list. SANGS have been included in North Tyneside's Local Plan and its accompanying Habitats Regulations Assessment (HRA) as one of the mitigation measures to prevent adverse effects on the Northumbria Coast Special Protection Area (SPA) and Ramsar site.

While Natural England supports the funding of SANGS through CIL in principle, we require assurance that funding collected through CIL will indeed be secured to support the development and maintenance of SANGS.

The Infrastructure Delivery Plan (IDP) dated August 2017 includes off-site SANGS in its delivery schedule. The broad cost estimate is for 2,000,000 (we assume in Pounds even though the sign is missing) and is listed as 'important'. This indicates that SANGS is not seen as critical infrastructure and that other types of infrastructure have priority when contributions are secured. As a result, there is potential for inadequate funding to be collected for SANGS, which means that adverse effects on Northumbria Coast SPA and Ramsar site may not be prevented.

In addition, it is also unclear where the figure of 2 million has been derived from, as we are unaware of any specific plans for SANGS, whilst the guidelines referred to in the Local Plan have not been completed yet.

In summary, the draft CIL schedule does not provide certainty that SANGS can be developed and maintained, which could mean that this mitigation measure to prevent adverse effects on Northumbria Coast SPA and Ramsar site may not be effective.

We note your response to our previous consultation comment on the CIL preliminary draft charging schedule, in which you explain that 'overall the Council view use of SANG as one of a number of potential mitigations that could be arrived at and that are identified and guided within the Local Plan Policy DM5.6 and the Habitat Regulations and Appropriate Assessment for the Local Plan. It is not anticipated that SANGs will be relied upon as the sole mitigation for the effects of development'. However, SANGS are identified as one of the mitigation measures in the Local Plan and the HRA, the latter which concludes no adverse effects on designated sites taking this measure into account. If SANGS are excluded from the list of measures, this conclusion cannot be reached without reassessment and therefore it is crucial that the implementation of SANGS can be realised.

We again refer to our position with regards to CIL and SANGS in the Thames Basin Heath area, which explains which other measures can be taken to provide this

certainty.
We would be happy to discuss these matters in more detail.

North Tyneside Council Response

Comment noted. Only Murton Gap, has been specifically highlighted as requiring SANG as mitigation – as referenced in Local Plan Policy S4.4 a). Provision of this on-site mitigation is excluded from the Regulation 123 List and will be a requirement of any planning permission at Murton Gap. In relation to other development that might impact the Northumbria Coast SPA, Local Plan Policy DM5.6 identifies SANG as one of a long list of potential modes of mitigation. The basis upon which the habitat impacts of the Local Plan was taken into account was on the basis that relevant development would conform with Policy DM5.6. It is not necessary for SANGs to be included as a mode of mitigation for any specific planning application to be in conformity with DM.5.6 and consequently the Council do not recognise any conflict with inclusion of SANGS in the Regulation 123 List and exercise of its duties when granting planning permissions that secure appropriate and necessary mitigation for the impacts upon the SPA.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details							
Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			
Comments Details							
Comment ID	DCS2	Consultation Point	Do you have any comments to make on the Draft Instalments Policy?				
Consultee Comment							
<p>The phased approach to CIL payment is welcomed in order to assist cash flow on large development sites. However, it is considered that a greater level of phasing should be included in the CIL Charging Schedule, rather than the upper limit being £250,000 and above in 3 instalments. Given that the majority of CIL payment will be from the two strategic sites Killingworth Moor and Murton, and the potential CIL payment will greatly exceed £250,000, it is not considered that 3 payment instalments will be sufficient as this would require 3 very significant payments being made. It is considered that the instalments policy should go further and include a higher level of chargeable amounts with a greater number of instalments.</p> <p>In order to assist cash flow and viability of development, it is considered that CIL payment should be collected on completion of development, rather than at commencement. This would enable developers not to be cash negative at the start of a major development, and would assist in delivery of development, rather than CIL payment requiring a significant outlay at the start of a development project.</p>							
North Tyneside Council Response							
<p>Comment noted. Given the large size of the Murton and Killingworth sites the Council will review the current charging thresholds and number of instalments to allow for greater flexibility of payments over the duration of large scale developments.</p>							

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	786388	Name	Justin Hancock	Group Representation?	Y	Group Numbers	3
Agent ID		Organisation	Banks Group	Agent if applicable			

Comments Details

Comment ID	DCS3	Consultation Point	Do you have any comments to make on the Draft Instalments Policy?
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Consultee Comment

For very large sites such as Killingworth Moor strategic housing allocation there will need to be more than three instalments.

North Tyneside Council Response

Given the large size of the Murton Gap and Killingworth Moor sites the Council feels confident in its expectation that any application for the sites will be phased and is also likely to include multiple applications even in outline. The payment of instalments would relate to each phase of development. Consequently the Council do not consider there to be a substantial danger of the entire CIL liability of the strategic sites being paid in three instalments.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Richard Holland (recorded under Stuart Grimes)	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Persimmon Homes	Agent if applicable			

Comments Details

Comment ID	DCS8	Consultation Point	Do you have any comments to make on the Draft Instalments Policy?
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Consultee Comment

A key element of the adoption of CIL is the consideration of when and how infrastructure being paid for will be actually delivered and the funding coming through the CIL collected. Unlike S106 agreements CIL is paid only on the implementation of detailed planning consent and not before. In addition this is not payable on full areas of implemented detailed consent but much smaller sub phases as small as 5-10 dwellings.

It is clear that the Council's document has made no provision or consideration of this key mechanic of CIL which would see monies drip fed to the LPA with no GAP provision or ability for the Local Authority to actually pay for infrastructure. This key flaw in the collecting of CIL is easily avoided by not including the larger allocations such as Murton within the Charging Schedule and collecting the known elements needed for the off site infrastructure (set out above) through S106.

North Tyneside Council Response

Given the large size of the Murton and Killingworth sites the Council will review the current charging thresholds to allow for greater flexibility of payments over the duration of large scale developments. The suggestion that phases of development at Murton Gap and Killingworth Moor could be as small as 5 to 10 dwellings is noted. The Council's understanding is that an outline consent can be comprised of phases that would be secured in detail through Reserve Matters consent. Commencement of development upon a reserve matters consent would trigger instalments for that phase of development.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	959891	Name	Mark Goodwill (recorded under Al-Amin I. Al-Hassan)	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Highways England	Agent if applicable			

Comments Details

Comment ID	DCS4	Consultation Point	Do you have any comments to make on the Draft Instalments Policy?
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Consultee Comment

This will cause issue for those elements expected to be delivered early in the Plan period. For instance, the delivery of Highways infrastructure has been excluded from the Regulation 123 list. The specific mitigation is known, can be broken down and specified and a large contingent is needed early in the delivery of the Strategic Sites; most notably the Murton site and the through road intersecting the development from Rake Lane to the A186. As such it is a sensible conclusion to ensure delivery through s106 obligations (external) or through phasing of development resulting from an approved masterplan (on-site).

There is still too much uncertainty to move forward with this programme for infrastructure delivery as a realistic proposition and the timing of CIL payments do not allow sufficient flexibility for both the Consortium and the Council to ensure expedited delivery.

A most prevalent issue regarding infrastructure delivery is that of timing. The implications of CIL garnering funds for infrastructure delivery does not seem to have been considered within the Draft Charging Schedule in relation to when that infrastructure is needed. Whilst the Draft Charging Schedule references the ability to phase payments, this is on the premise of large scale payments resulting from significant quantum of development. Whereas the reality is that far smaller reserved matters applications (following any outline permission) will be a more likely scenario.

North Tyneside Council Response

Comment noted. As noted in this response, the Council is not proposing to secure funding towards highway schemes via CIL and no such schemes are included in the Regulation 123 List. The specific arrangements for highway infrastructure will continue to be sought via on site delivery, s106 agreements and s278. Based upon the Council's assessment of the viability implications of CIL there is no suggestion that the application of CIL – which would provide certainty over key infrastructure items such as secondary education provision. The implications of requiring provision of a secondary school before all such funds are in place is an issue for the Council to address and is a matter that is being pursued as a specific project within the Authority and in discussion with the Department for Education.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1123805	Name	Guy Munden	Group Representation?		Group Numbers	
Agent ID		Organisation	Northumberland Estates	Agent if applicable			

Comments Details

Comment ID	DCS2	Consultation Point	Do you have any comments to make on whether the council has complied with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations (as amended)?
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Consultee Comment

The CIL Charging Schedule is not clear on when CIL applies in terms of outline and reserved matters planning permissions. Is the CIL payment calculated at outline permission stage or at reserved matters stage? This is an important clarification to make as many developments will start with outline planning permission, with specific phases coming forward over a number of years as reserved matters. Would the CIL payment be calculated on the basis of the original outline permission, or would a new CIL payment be calculated at each subsequent reserved matters stage? Furthermore, should outline permission be granted prior to the adoption of the CIL Charging Schedule, but reserved matters approval is after CIL adoption, is the development still expected to pay CIL? Clarification needs to be given on this, in accordance with the appropriate regulations.

North Tyneside Council Response

Comment noted. Given the large size of the Murton and Killingworth sites the Council will review the current charging thresholds to allow for greater flexibility of payments over the duration of large scale developments. Outline planning permissions will be liable to pay CIL but there would need to be further planning approvals to be agreed at reserved matters before the development can be built. If an outline application includes phasing of development, each phase is treated as a separate development for the purpose of paying CIL. The CIL liability for each phase is calculated at reserved matters stage for that phase. If an outline application was approved prior to CIL being adopted, a subsequent reserved matters application would not be liable to CIL.

If a Section 73 application is approved to vary or remove conditions the Section 73 application is liable to pay CIL because it results in a new planning permission. However, although a new CIL liability is triggered, the new additional chargeable amount is equal only to the net increase in the chargeable amount arising from the original planning permission, so as to avoid double counting of liability. In effect, if the application to vary a condition does not result in an increase in floorspace then there will be no charge.

For an outline permission granted after the introduction of CIL, the calculation of the amount of CIL payable will take place at the point where planning permission first permits the development. In the case of a grant of outline planning permission which is not a phased planning permission, planning permission first permits development on the day of the final approval of the last reserved matter associated with the permission.

On a large scheme e.g. the strategic sites that were granted outline planning permission and the development was to be built out in phases, each phase is regarded as separate chargeable development. Each phase is regarded as having a permission which 'first permits' when the last reserved matter is approved of that phase.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	959891	Name	Mark Goodwill (recorded under Al-Amin I. Al-Hassan)	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Highways England	Agent if applicable			

Comments Details

Comment ID	DCS4	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.				
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Consultee Comment

Highways England welcomes the opportunity to provide comments on the Community Infrastructure Levy (CIL) Draft Charging Schedule and Draft Infrastructure Schedule (Regulation 123 List) and Draft Planning Obligations Supplementary Planning Document (SPD) and has taken into consideration the supporting documents, including the updated Infrastructure Delivery Plan (IDP) and Murton Gap and Killingworth Moor Site Specific IDP. This letter provides an overview of the Strategic Road Network (SRN) within North Tyneside, establishes the background in relation to previous comments and concludes with Highways England’s comments and recommendations on the consultation documents.

The Strategic Road Network (SRN) within North Tyneside comprises of the following routes:

- The A19(T) provides a northwest-southeast link through the borough; and
- The A1(T) provides a north-south link through the northwest of the borough ultimately connecting England with the Scottish border.

More recently, Highways England has been working closely with the Council on the preparation of the Local Plan and supporting IDP. At the recent Local Plan Examination, we co-signed a Joint Position Statement (JPS) with the Council, which included our agreed position on the infrastructure improvements proposed relating to the SRN. A number of the schemes were identified to be funded through Local Plan developer funding or noted as still requiring available sources of funding to be determined. Whilst it was highlighted that Highways England would continue to seek funding through future Road Investment Strategies, other available sources of funding would also be investigated.

Highways England would welcome further clarification as to how developers will contribute towards the cost of the SRN improvements detailed in Policy S7.3. These improvements form the basis of the JPS agreed between Highways England and the Council and are identified as priorities and essential to the sustainable delivery

of the Plan's development aspirations. The JPS identified that in addition to Highways England seeking funding through future Road Investment Strategies and other alternative sources, there is a requirement for developer funding to be sought through the Local Plan. Currently, neither the CIL Draft Charging Schedule nor the Planning Obligations SPD recognise the need for contributions to be sought from developers towards the cost of these improvements. I trust this response is helpful however should you require any further information, please do not hesitate to contact me and I look forward to receiving confirmation that our comments have been received in due course.

North Tyneside Council Response

Comment noted. The Council welcome Highways England commitment to continue to seek funding through the Road Investment Strategies and any other available sources of funding to deliver the improvement to the SRN. The Council are also committed to seek developer funding towards transport schemes (including the SRN) that pass the necessary tests concerning developer contributions. As recognised in the response from Highways England it is the Councils intention to exclude any physical road building schemes from CIL funding and any appropriate funding towards this type of infrastructure would be pursued by S106 or S278 contributions.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	960389	Name	Barbara Hooper	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Historic England	Agent if applicable			

Comments Details

Comment ID	DCS6	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.
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Consultee Comment

Thank you for providing Historic England with the opportunity to comment on your Community Infrastructure Levy (CIL) Draft Charging Schedule, and the draft Planning Obligations SPD. As the government’s advisory service for the historic environment, we are pleased to offer our thoughts on how both might help to protect and enhance heritage assets, and promote the wider benefits that their conservation can bring, and we have included our comments to both documents below.

Historic England would recommend that North Tyneside Council consider ways in which the CIL, planning obligations and other funding streams can be used to implement the strategy and policies within the Local Plan which aim to conserve and enhance the historic environment, thereby satisfying the National Planning Policy Framework (in particular paragraphs 6, 126 and 157).

Both the Planning Act 2008 and the Community Infrastructure Levy Regulations are clear that the CIL can be used to fund a wide range of infrastructure and facilities. This flexibility means that many projects may be associated with the repair and maintenance of heritage assets, and it is now well established that heritage is not an adjunct to a healthy economy, but an important component of growth and a source of employment. For example, historic buildings can accommodate many social and community services and activities, and the historic environment can make a valuable contribution to green infrastructure networks, and offer a range of leisure and recreational opportunities. Physical and transport infrastructure might include historic bridges or coastal/flood protection structures, while open space can encompass historic areas and townscapes. In addition, ‘in kind’ payments may include land transfers which enable the transfer of an ‘at risk’ building as part of a comprehensive regeneration scheme.

North Tyneside Council Response

Comment noted. In accordance with the policy set out in the North Tyneside Local Plan all development and infrastructure to be delivered must give consideration to its surroundings including the preservation or enhancement of the historic environment and the Council will be keen to ensure all such projects and schemes make appropriate contributions to the protection and enhancement of heritage assets.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	1096012	Name	Karen Read	Group Representation?		Group Numbers	
Agent ID	806145	Organisation	Aldi Ltd	Agent if applicable	KLR Planning		

Comments Details

Comment ID	DCS5	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.
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Consultee Comment

KLR Planning Ltd is instructed by Aldi Stores Ltd to review North Tyneside Council’s Community Infrastructure Levy (‘CIL’) Draft Charging Schedule (‘DCS’). Representations were made in April 2017 to the CIL Preliminary Draft Charging Schedule (‘PDCS’) on their behalf with the council’s response provided in the PDCS Consultation Statement posted on the consultation portal.

North Tyneside Council Response

Comment noted.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	685112	Name	Dave McGuire	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Sport England	Agent if applicable			

Comments Details

Comment ID	DCS9	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.
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Consultee Comment

I refer to the above documents and your recent consultation with Sport England. Thank you for seeking our views on this matter.

While the National Planning Policy Framework has radically simplified the Planning system in England, a central tenet of Plan-making remains that the plan must be based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.

The NPPF explains that Local Planning Authorities should set out the strategic priorities for the area, including strategic policies to deliver(inter alia)

- the provision of health, security, community and cultural infrastructure and other local facilities

Paragraph 171 falls within the section of the NPPF that sets out advice on the evidence base that Plans need, and deals with Health and Well-Being. It advises;

“Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation, and places of worship), including expected future changes and any information about relevant barriers to improving health and well-being.”

This advice is amplified in the section of the NPPF that deals with promoting healthy communities. Paragraph 73 states;

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

In light of the above, it is Sport England's policy to challenge the soundness of Local Plan and Local Development Framework documents which are not justified by;

- an up to date Playing Pitch Strategy (carried out in accordance with a methodology approved by Sport England)
- an up to date Built Sports Facilities Strategy (carried out in accordance with a methodology approved by Sport England).

By up to date Sport England means undertaken within the last 3 years for a Playing Pitch Strategy, and within the last 5 years for a Built Facilities Strategy.

North Tyneside's PPS and BSFS were undertaken in 2013, and as such the former strategy is now technically out of date. The Government's advice is that Planning obligations must be fully justified and evidenced. Sport England is concerned that the age of the PPS may undermine their use in respect of playing pitches.

Sport England has revised the methodology for undertaking a PPS October 2013. We believe that the detail gathered under the new methodology at both local authority level and around individual sites better enables Local Authorities to meet the legal tests for the use of Planning Obligations in respect of playing pitch provision. As such Sport England would welcome the Council's early commitment to reviewing and refreshing the North Tyneside PPS.

We trust you will give these matters your fullest consideration.

North Tyneside Council Response

Comment noted. The evidence base for the CIL and SPD will be continually reviewed and the Council welcome the recommendations from Sport England on what is considered up to date. The Council will seek to maintain the evidence is up to date to ensure the needs of future sports provision is appropriately considered.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	830571	Name	Richard Holland (recorded under Stuart Grimes)	Group Representation?	N	Group Numbers	
Agent ID		Organisation	Persimmon Homes	Agent if applicable			

Comments Details

Comment ID	DCS8	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.
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Consultee Comment

The CIL regulations prohibit the pooling of more than 5 contributions from S106 agreements towards infrastructure items and it is understood that this is the key reason and worry that the Local Authority have and reason behind the imposition of CIL on the Strategic Sites.

The wording of the CIL regulations do not however define what an infrastructure item is and leave this for Local Authority definition through legal agreements or via their S123 list. Based upon Persimmon Homes wide experience nationally this restriction is easily avoided by simply specifying the individual item the monies are costed to contribute towards, this further links with the reasons behind this restriction being imposed as it directly links the reason for the payment to a specific need that the development generates as such meeting the necessary and proportionate tests needed.

As set out above the known level of S106 for the Murton Strategic site can be costed and tested via Viability Assessment now and agreed via the Infrastructure Delivery Plan included in the Masterplan going to Consultation soon, if not secured the above described uncertainty would mean this could not progress until the conclusion of the CIL for the reasons set out above.

As part of a wider consideration of the proposed CIL charging schedule we would also pass comment on the inclusion of sites which have achieved full or outline planning consent in recent years and as such include fully agreed S106 agreements such as our development at Station Road. Including these areas in the CIL charging schedule as paying CIL seems illogical and contrary to the closest regional example at Newcastle where sites with Permission were excluded and Zero rated.

Furthermore to the above point the CIL calculation work provided in the accompanying evidence base does not provide any comment or information on how much money and contribution has already been secured by these sites already to infrastructure included on the 123 list as this is highly pertinent to the appropriateness or otherwise of the charging rate. We would ask that this information be provided as part of any update by the Council and taken into account moving forward with the CIL.

North Tyneside Council Response

Comment noted. The Council recognise the suggestion that it is capable of breaking specific infrastructure projects into smaller component parts. However, as has been explored in response to earlier comments there are issues in the case of potential delivery of a new secondary school. The most prominent of these is that any five pooled contributions to one part of a secondary school would not create any additional capacity – de facto the pooled agreement would therefore not mitigate the planning impacts of the development and would be vulnerable to legal challenge by the house builders. Before even reaching that point the overall co-ordination and risk to securing funding via negotiation of such a large number of agreements is significant.

The published Infrastructure Delivery Plan IDS identifies a committed s106 contribution of £2.85 million towards secondary school provision. The remaining secondary school costs included in the IDS are attributed to potential CIL payments from the strategic sites and rest of the Borough and in total meet the overall estimated cost of school provision.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule

Consultee Details

Consultee ID	960257	Name	Martyn Earle	Group Representation?	Y	Group Numbers	3
Agent ID	1010551	Organisation	Murton Consortium	Agent if applicable	Barton Willmore		

Comments Details

Comment ID	DCS7	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.
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Consultee Comment

Barton Willmore is instructed by the Murton Consortium (made up of Persimmon Homes, Bellway Homes and Northumberland Estates) (“the Client”) to submit representations to North Tyneside Council’s Community Infrastructure (“CIL”) Preliminary Draft Charging Schedule (“PDCS”) and Draft Planning Obligations Supplementary Planning Document (“SPD”). Together the charging Schedule and Planning Obligations SPD will set out how the Council can secure financial contributions from certain types of development across the Borough in order to secure infrastructure provision.

The PDCS is supported by a series of evidence base documents, which are listed in Section 2 of these representations.

Our Client’s interest is in the delivery of the Murton Strategic Site. The Murton site is supported by Policy S4.4(a) of the Local Plan identifying a strategic allocation to secure the delivery of approximately 3,000 homes during the plan period and convenience retail provision of approximately 1,000m².

Background

The delivery of the Murton site, the larger of the Strategic Sites, underpins the delivery of the Plan by providing much needed housing and supporting wider economic development within the Borough. As such, the site is integral in NTC meeting its targets for housing growth and economic development across the plan period.

These representations set out a number of issues in relation to the PDCS and its evidence base that our Client believes should be addressed in seeking to achieve a sound and robust document.

The rest of these representations are structured as follows:

- Section 2.0 outlines the relevant CIL background information and evidence base;
- Section 3.0 provides general commentary on the Preliminary Draft Charging Schedule;
- Section 4.0 provides comments on the supporting evidence base; and

Section 5.0 summarises our Client's position and draws conclusions.

NTC have released a Draft Charging Schedule based on location, having drawn on its viability evidence prepared to accompany the Local Plan examination. Set out below is the charging schedule rates with an accompanying map diagram outlining the location of the various zones.

The Murton proposal lies within the R2 charging zone and as such would be charged at a rate of £80 psqm for dwellings, equating to an expected contribution of £20,284,160 for 2,438 units when combined with an estimated Gross Internal Area of 104 sqm per dwelling (based on the space standards beset by the Council and the exclusion of the appropriate split for affordable housing for rent; 75% of a 25% expected affordable housing contribution; although to note that this average GIA is not confirmed, but utilised for the purpose of demonstration). An additional £5,000 is also attributable to the retail space to be provided (based on the site falling within commercial zone C for small retail units), resulting in a total expected CIL contribution of £20,289,160.

The consultation on the PDCS has been underpinned by a number of pieces of evidence including:

- AWVA Update 2017 Community Infrastructure Levy;
- Area Wide and Site-Specific Viability Assessment Commercial Update;

Area Wide and Site-Specific Viability Assessment Residential Update;

- August 2017 Commercial Map;
- August 2017 Residential Map;
- Draft Charging Schedule Regulation 123 List
- Draft Planning Obligations SPD 2017
- Murton Gap and Killingworth Moor – Project Viability and Delivery Report;
- NTLP Murton Gap and Killingworth Moor Site Specific Infrastructure Delivery Plan;
- North Tyneside Council IDP August 2017
- PDCS Consultation Statement.

Where necessary these documents will be cross referred to when setting out our comments in relation to the PDCS.

The Government has also confirmed through the NPPG:

- The need for a balance approach when setting CIL tariffs (as per Regulation 14); and
- The need for 'appropriate available evidence to inform the draft Charging Schedule' (as per Schedule 212(4) (b)) of the 2008 Act).

Analysis of CIL Policy and Guidance

With regard to the preparation of charging schedules and supporting documentation, it is important to have due regard to the available government guidance and law; notably, the information contained in the National Planning Practice Guidance (“PPG”), the Planning Act 2008 and the Community Infrastructure Levy, England and Wales Regulations 2010 (as amended) (“CIL Regulations”). It is also important that the preparation of CIL is in the spirit of the National Planning Policy Framework (“NPPF”), notably that it is delivery focused and positively prepared. Our Client’s comments are based on these publications and the regulations.

The NPPF outlines 12 principles for both plan making and decision-taking, notably that planning should “proactively drive and support sustainable economic growth”. Furthermore, that plan making should “take account of market signals such as land prices and housing affordability” and that “the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth”.

Further, the NPPF refers to the “cumulative impacts” of standards and policies relating to the economic impact of these policies and that these should not put the implementation of the plan at serious risk. Existing policy requirements should therefore be considered when assessing the impact of CIL on development viability and indeed the benefit of existing policies and the evidence base that formed them should be given due consideration, in this case specific regard can be had to the infrastructure delivery plans that were formed to support the strategic site allocations.

The steer from Central Government is very much angled toward facilitating development, which should have a major material bearing on the preparation of CIL and the balance applied when considering Regulation 14(1).

- The need for a balance approach when setting CIL tariffs (as per Regulation 14); and
- The need for ‘appropriate available evidence to inform the draft Charging Schedule’ (as per Schedule 212(4) (b)) of the 2008 Act).

The NPPG states that “the levy is expected to have a positive economic effect on development across an area.” The Government also makes clear that it is up to Local Authorities to decide ‘how much’ potential development they are willing to put at risk through CIL. Clearly this judgement needs to consider the wider planning priorities and the contribution to the delivery of the plan the strategic sites make.

In setting the rate of CIL, the CIL Regulations state that “an appropriate balance” needs to be struck between “a) the desirability of funding from CIL (in whole or in part)” against “b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development”. The term ‘taken as a whole’ implies that it may be acceptable for some schemes to be rendered unviable by the level of CIL charge; however, there is a clear requirement to ensure that most developments are able to proceed; not least due to the NPPF requirement for a deliverable five-year housing land supply (plus appropriate buffer). Again, given the reliance upon the strategic sites, it is crucial that they start delivering as soon as possible in order to ensure a suitable supply of housing is brought forward.

Likewise, the purpose of CIL must be to positively fund the infrastructure required to enable growth. This is clearly outlined in the Regulations which state “A charging authority must apply CIL to funding infrastructure to support the development of its area”. The Planning Act 2008 defines infrastructure as:

- “(a) roads and other transport facilities;
- (b) flood defences;

- (c) schools and other educational facilities;
- (d) medical facilities;
- (e) sporting and recreational facilities; and
- (f) open spaces.”

There is a requirement within the CIL Regulations to provide a list of “relevant infrastructure” to be wholly or partly funded by CIL.

One of the key tests of the examination of a Charging Schedule is that “Evidence has been provided that shows the proposed rate (or rates) would not threaten delivery of the relevant Plan as a whole.” The assessment viability against the pipeline of planned housing and other development within the Local Plan is therefore an inherent test of the examination.

Ascertaining the level of CIL is essentially a development viability exercise and owing to this it is critical that the level of CIL is based on robust and credible evidence. It is clear from the guidance and regulations that charging authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area. It will therefore be important that the rate is based on reality and the viable level of funding towards the planned provision of infrastructure needed to deliver the Local Plan. It is clear from the evidence presented that CIL alone will not be able to fund the all the infrastructure that is said to be required until the end of the current plan period. This makes it more important to set the level of CIL based on what can be afforded rather than what may theoretically be desired, to reduce the risk of the shortfall being even greater. Likewise, it is important to ensure that CIL is necessary to furnish the delivery of infrastructure and provides the requisite confidence in bringing forward development, in particular those strategic sites which underpin the delivery of the plan.

North Tyneside Council Response

Comment noted. As previously discussed the Council has accepted a revised average floor area for housing development at the strategic sites that enables a reduction in the Charging Rate for zones R1 and R2. In terms of the wider balance and consideration of CIL against the impact upon development and the necessary delivery of infrastructure the Council welcomes the respondent’s summary of relevant guidance and regulations.

Community Infrastructure Levy Draft Charging Schedule and Planning Obligations SPD– Comments and Response Schedule							
Consultee Details							
Consultee ID	1032317	Name	Ellen Bekker	Group Representation?		Group Numbers	
Agent ID		Organisation	Natural England	Agent if applicable			
Comments Details							
Comment ID	DCS12	Consultation Point	Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.				
Consultee Comment							
<p>Thank you for your consultation on the above dated 29 August 2017 which was received by Natural England on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p>							
North Tyneside Council Response							
Noted							

The following comments are identified as responding to the Draft Planning Obligations Supplementary Planning Document that was subject to consultation alongside the CIL Draft Charging Schedule between August and October 2017. The responses are included here for completeness.

1065805	Nexus
Comment	<p>The system of planning obligations related to new and additional public transport services and infrastructure required due to development works well in securing funding, as a result of effective liaison between Council officers and Nexus during the determination of applications for development across North Tyneside. The Nexus Planning Liaison Policy includes criteria for:</p> <ul style="list-style-type: none"> • Maximum walking distances to public transport stops • Minimum frequencies for new bus services until commercially viable

	<ul style="list-style-type: none"> • Recommended highway design standards to ensure access by buses • Developer contributions towards incentives for new residents and businesses to use public transport <p>Nexus recognises that the Council faces competing demands for funding through planning obligations across a variety of infrastructure and services arising from development. The Supplementary Planning Document states in relation to Highways and Transport that:</p> <p>“Upon submission of planning applications, North Tyneside will consider a range of evidence and information available regarding the broad accessibility and sustainability of the location. This will include the opportunities available for cycling, walking and public transport and the likely impacts of the scheme upon the Borough’s road network.</p> <p>This approach is supported in principle, subject to there being adequate funding identified from the proceeds of development to fund the provision of public transport via s106 agreements that is considered essential to effectively mitigate the impact of development, particularly at locations where these impacts will be high, including the major development areas identified at Killingworth Moor and Murton Gap.</p> <p>The combined impacts of these developments upon transport and non-transport infrastructure in the immediate area and beyond will be major in scale, and the public transport network will need to play its part in mitigation. In particular, Nexus sees benefit in the development of the area surrounding a Metro station at Murton Gap as a ‘mini-interchange’ to incorporate local facilities such as healthcare, childcare, small-scale retail and other activities, with associated links within the development designed so as to encourage sustainable movement.</p>
<p>Council Response and Proposed Amendments</p>	<p>Comment noted. The update to the Planning Obligations Supplementary Planning Document (SPD) makes reference to the recent update of the Transport and Highways SPD that includes guidance for public transport provision, which would guide S106 agreements for the strategic sites.</p>
<p>959891</p>	<p>Highways England</p>
<p>Comment</p>	<p>Highways England previously provided comments on the Draft Planning Obligations SPD in April 2009. At that time, we were generally supportive of the draft SPD and in particular the provisions of Part 2 Section 7 regarding securing contributions for sustainable transport and the construction and improvement of highways through Section 106 Agreements and Section 38 and 278 Agreements. We also welcomed the provisions relating to the Department for Transport’s Guidance on Transport Assessments and the indicative thresholds for the requirement of transport assessments and transport statements, although we considered that the SPD could provide further clarification towards its approach for obtaining contributions relating to</p>

highway works and in particular the SRN. 2

We also recommended that further clarity could also be provided in relation to the use of Section 278 of the Highways Act 1980 as a means through which developers could pay for measures to mitigate the impact of the development on the SRN, to ensure that local conditions on the network would be no worse with the development than if it had not taken place.

This SPD establishes the Council's approach to obtaining developer funding towards the cost of new and improved infrastructure in the form of Section 106 contributions. It details when contributions might be required and the methodology that will be applied to determine the requirements for new development and the potential associated costs, identifying key areas of infrastructure which may need to be addressed as part of a S106 Agreement.

The structure and provisions within the SPD are generally consistent with the previous draft, but has been updated to make reference to the newly adopted Local Plan policies, including Policies S7.1 and DM7.2, which establish the overall approach taken towards infrastructure provision and developer contributions that were both previously supported by Highways England throughout the preparation and consultation on the Local Plan. Further, paragraph 2.8 highlights the policies in the Local Plan that identify the Plans infrastructure requirements, and in relation to highways and sustainable transport identifying Policy DM7.4: New Development and Transport, which we welcome. However, no reference is made to Policy DM7.3 which identifies the transport improvements that are required to deliver development aspirations of the Plan, including those relating to the SRN, and to which the JPS refers to. We would therefore welcome this cross reference to be added.

Section 6 covers planning obligations in relation to highways and transportation. It identifies that the Council will seek to improve accessibility and increase the use of sustainable modes of transport, whilst working in partnership with others to improve strategic connectivity and reduce the number of car journeys. Paragraph 6.2 identifies that, "new developments can have significant impacts on the strategic transport network and the cumulative effect of a number of developments can produce considerable pressures". Consequently, the Council will request contributions towards transport improvements from all developments that exceeds the

	<p>thresholds established in the SPD. Paragraph 6.4 states that the threshold that would trigger a contribution towards mitigation is 10 or more dwellings and major commercial developments, which we support. However, it is not clear whether such contributions will be sought from developers towards the cost of the SRN improvements proposed in Policy DM7.3.</p> <p>Paragraph 6.3, which details how the Council will consider a range of evidence and information regarding the accessibility and sustainability of a location, when planning applications are received, including the potential impact on the road network and any opportunities for public transport, walking and cycling, which we welcome. We also support the consideration of evidence of trip generation and modal shift in determining the likely impact of a development along with established evidence of junction capacity, taking into account existing and projected growth.</p> <p>As stated in response to the previous draft of the SPD, we welcome the recognition that highways infrastructure can also be delivered through Section 38 Agreements (S38) or Section 278 Agreements (S278) of the Highways Act 1980, alongside planning obligations, to ensure that traffic associated with the new development can be accommodated on the road network without having a severe impact. We also support the cross reference between the requirements for Travel Plans and Transport Assessments and the Council's further guidance in SPD - LDD12 Highways and Transport 2017.</p>
<p>Council Response and Proposed Amendments</p>	<p>The Council welcomes the support from Highways England to the updated Planning Obligations Supplementary Planning Document (SPD). The SPD includes reference to Local Plan policy S7.3 Transport, and reference to both the local and strategic road network is added to Paragraph 6.5 .</p>
<p>960389</p>	<p>Historic England</p>
<p>Comment</p>	<p>With regards the SPD, it is worth noting that both specific planning obligations and s106 offer opportunities for funding improvements to, and mitigating adverse impacts upon, the historic environment. These could include: archaeological investigations; access and interpretation; public realm improvements; maintenance of heritage assets (including transport, green and social infrastructure, parks and gardens, church yards, and civic spaces); and the repair and reuse of buildings or other heritage assets.</p>
<p>Council Response and Proposed Amendments</p>	<p>The Council accepts the importance of the historic environment and its ability to have a positive impact on a community. The reference of S106 contributions towards regeneration in Chapter 4 is proposed to be expanded to encompass reference to the historic environment.</p>

1096012	Aldi Ltd
Comment	<p>It would be helpful for the text under the heading 'Trigger' in each section to clarify the floorspace when referring to, for example, 'major commercial developments' (paragraph 6.4) or 'major applications as defined in the Town and Country Planning (Development Management) Order 2015, as amended' (paragraph 9.5). It would then be clear without having to refer to any other document for the floorspace figure. A footnote link can still be provided to the document for completeness.</p> <p>Also, terms such as 'commercial developments' and 'employment development' are used. Such terms are generic and when seeking guidance in the SPD as to whether a planning application will be subject to various planning obligations, it needs to be clear as to what use class 'commercial' or 'employment' relate.</p>
Council Response and Proposed Amendments	<p>Comment noted. The SPD will be reviewed in light of the comments to improve clarity over the trigger points of contributions and the type of development from which contributions will be sought.</p>
685112	Sport England
Comment	<p>Sport England welcomes the inclusion of sport provision and playing pitches within the scope of the Planning Obligations SPD.</p> <p>The Council must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms. As these 'tests' are now a legal test rather than just a policy test they are being given much greater scrutiny by Inspectors. There is a danger therefore that the use of standards of provision may not meet the legal tests, particularly where those standards are derived from out of date strategies.</p>
Council Response and Proposed Amendments	<p>Comment noted. The Council will seek to ensure its evidence remains up to date to ensure the needs of future sports provision is appropriately considered. The guidance outlined in the SPD is identified to provide an indication for applicants of the potential requirements that will arise from the proposed development. In all circumstances the eventual s106 contribution sought will reflect meet the legal tests for planning obligations.</p>
1135798	North Tyneside Business Forum

<p>Comment</p>	<p>I am writing to you following our recent discussion re: community infrastructure levy and the planning obligations supplementary planning document consultation.</p> <p>We have now had the opportunity to discuss the documents you kindly supplied at our management group meeting of 21st September 2017; at this meeting there was wholehearted support for the approach being adopted as we recognise that training and apprenticeships are vital components of a vibrant economy and a growing workforce.</p> <p>Our only request, would be that these funds are employed wherever possible using the expertise which we have locally to help identify areas of need. As we both know is one of the key features and policies of both the North Tyneside Business Forum and North Tyneside Council.</p> <p>Please be assured that if there is anything which the business community can do to help with planning and further investment in North Tyneside.</p> <p>I trust that the above in order, please do not hesitate to contact me.</p>
<p>Council Response and Proposed Amendments</p>	<p>Comment noted, the Council welcomes the support and input of the North Tyneside Business Forum into this process. Administration of funds will be undertaken in accordance with ensuring the planning impacts of development are appropriately addressed.</p>
<p>830571</p>	<p>Persimmon Homes North East</p>
<p>Comment</p>	<p>This statement is prepared by Persimmon Homes North East in response to the on-going consultation by North Tyneside and Capita to the CIL draft Charging Schedule for the North Tyneside Area.</p> <p>This statement is to be read in conjunction with the supporting representations prepared by the Murton Consortium of which we are a part.</p> <p>The context of this response is that Persimmon Homes have been intrinsically linked with the delivery of the local plan and supporting evidence base information. As part of this we signed up as part of the Examination in Public to a Statement of Common Ground which agreed the approximate levels of contribution anticipated from this site.</p> <p>At present with the inclusion of the CIL on the Murton Development site we as a member of the consortium cannot accept the level of uncertainty brought into the process by the CIL or sign up to a more detailed Infrastructure Delivery Plan as part of the progressing Consultation Draft Masterplan until this issue is</p>

	resolved.
Council Response and Proposed Amendments	Comment noted. The Council will seek to update the supporting evidence for the CIL and will be mindful of the latest available evidence that is available through work on the Masterplans. Since submission of this comment in October 2017 the Masterplan for Murton Gap and also for Killingworth Moor has been adopted with the agreement of Persimmon Homes as a member of the Murton Development Consortium.
1032317	Natural England
Comment	Natural England have no comments regarding this document.
960257	Murton Consortium
Comment	[Murton consortium made no specific comments regarding the content of the Planning Obligations Supplementary Planning Document]
786388	Killingworth Moor Consortium
Comment	[Killingworth Moor consortium made no specific comments regarding the content of the Planning Obligations Supplementary Planning Document]

Appendix 1 – Email sent to the consultees

Extended consultation period for the North Tyneside consultation on Community Infrastructure Levy Draft Charging Schedule 2017 and the Draft Planning Obligations Supplementary Planning Document 2017

Your ID: «Person_ID»

Dear «Given_Name» «Family_Name»

«Company__Organisation»

We previously contacted you (29th September 2017) to inform you about the consultation on the Community Infrastructure Levy Draft Charging Schedule and the Draft Planning Obligations Supplementary Planning Document. The Council have decided to extend the consultation period for an additional week to allow more time for people to respond. The consultation will now close at **5pm on 3rd October 2017**.

As way of a reminder, the Community Infrastructure Levy is a tool for Local Authorities in England and Wales to secure funding from development to help deliver infrastructure to support the development of their area. Both are technical documents and if there are any queries or points of clarification that you require, please do not hesitate to get in contact via the details listed below.

The Draft Charging Schedule, sets out the Council's proposals for the type of development that could be subject to a CIL charge, the proposed charging rates, potential geographic charging zones and the draft Regulation 123 List (which sets out the types of infrastructure that the Council may fund, entirely or in part, through CIL).

Following this consultation the Council will review the representations and seek to submit the CIL to the Planning Inspectorate for examination prior to consideration by Council for adoption.

The CIL Draft Charging Schedule, the statement of representations procedure and the draft Regulation 123 List are available for inspection on the Council's website and at the locations identified below. Representations can be made by email or by post to:

- Email: planning.policy@northtyneside.gov.uk
- Online: http://northtyneside-consult.limehouse.co.uk/portal/cil_draft_charging_schedule_and_planning_obligations_spd
- Post: Planning Policy, North Tyneside Council, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY.

Any party making representations may request the right to be heard at the examination and may also request to be notified of any of the following:

- i. that the Draft CIL Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008;
- ii. the publication of the recommendations of the examiner and the reasons for those recommendations, and
- iii. the approval of the CIL Charging Schedule by the Council.

CIL documents are available to inspect at:	Opening hours
North Tyneside Council, Quadrant East, Cobalt Business Park, NE27 0BY	8:30am-5pm except Friday 4:30pm. Closed at weekend.
White Swan Centre, Killingworth, NE12 6SS	Monday and Friday 9am-5.30pm
Whitley Bay Library, NE26 1AB	Tuesday and Thursday 9am-7pm,
Wallsend Library, NE28 8GR	Wednesday and Saturday 9am-5pm
North Shields Library, NE30 1QU	

Please feel free to contact the Planning Policy team for any further information.

Yours sincerely,

Peter Slegg
Senior Planning Policy Officer



Working in partnership with
CAPITA

Quadrant East, 16 The Silverlink North, Cobalt Business Park,
North Tyneside, NE27 0BY

Tel: 0191 643 6308

E-mail: Peter.Slegg@northtyneside.gov.uk

Appendix 2 – Advertisement Notice - News Guardian 31st August 2017

PUBLIC NOTICES

COUNCIL OF THE BOROUGH OF NORTH TYNESIDE
TOWN & COUNTRY PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) REGULATIONS 1990

I GIVE NOTICE THAT the following application is being made to the Council of the Borough of North Tyneside:

Spanish City Dome Marine Avenue Whitley Bay – APPLICATION NO: 17/011651/BC
Business And Economic Development, North Tyneside Council is applying for Listed Building Consent for Demolition and reinstatement of the existing piers, frieze and fascia above the three shop fronts to the East Wing on the North Elevation at Spanish City, Whitley Bay due to structural health and safety concerns. The property is a listed building.

East Farm Stables Backworth Lane Backworth – APPLICATION NO: 17/00855/FUL
R S Potts & Sons is applying for planning permission for Retrospective planning permission for 16 stables at Middle Farm, Backworth. It is considered that the development proposed may affect the character or appearance of a Conservation Area.

East Farm Stables Backworth Lane Backworth – APPLICATION NO: 17/00857/FUL
R S Potts & Sons is applying for planning permission for Construction of new stable block. It is considered that the development proposed may affect the character or appearance of a Conservation Area.

West Farm 44 Front Street Farsdon – APPLICATION NO: 17/01097/FUL
Monument Ltd. is applying for planning permission for Variation of condition 1 of planning approval 15/01958/FUL – alterations to unit F, comprising of changes to courtyard elevation, elevation to terraced and enlargement of parking garage, and creation of new car ports. It is considered that the development proposed may affect the character or appearance of a Conservation Area.

TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015

I GIVE NOTICE THAT the following application is being made to the Council of the Borough of North Tyneside:

Land South Of 81 Killingworth Avenue Backworth – APPLICATION NO: 17/01163/FUL
Robertson Homes is applying for planning permission for Variation of condition 1 of application 16/01704/FUL – raised garden room locations, revised elevation treatments, revised house type plot 53 from Azure Grand to Willow GR and revised house type to whole site Jasmine and Willow to replace Tucson and Azure. The application is being advertised as it involves major development. The submitted plans and associated documents are available to view on the Council's Planning web site at www.northtyneside.gov.uk or at our Quadrant Council Offices 0830-1300 Mon & Fri & 1300-1700 Wed. If you wish to make representations about the application you should do so in writing within 21 days of the publication of this notice to the Planning Service at the address shown at the end of this notice.

Head of Law and Governance, North Tyneside Council, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY

COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE ADVERTISEMENT NOTICE

North Tyneside Council is inviting representations on its CIL Draft Charging Schedule from 29th August to 26th September 2017. The Council is also inviting representations on a draft Regulation 123 List and an updated Planning Obligations Supplementary Planning Document during the same period. The CIL Draft Charging Schedule, the statement of representations procedure and the draft Regulation 123 List are available for inspection on the Council's website and at the locations identified below. Representations can be made by email or by post to:

- Email: planning.policy@northtyneside.gov.uk
- Online: http://northtyneside-consult.limehouse.co.uk/portals/cil_draft_charging_schedule_and_planning_obligations_spd
- Post: Planning Policy, North Tyneside Council, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY.

The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY. Following consultation the Council intends to submit the CIL Draft Charging Schedule for examination with the representations that are received. Any party making representations may request the right to be heard at the examination and may also request to be notified of any of the following:

- that the Draft CIL Charging Schedule has been submitted to the examiner in accordance with Section 212 of the Planning Act 2008;
- the publication of the recommendations of the examiner and the reasons for those recommendations; and
- the approval of the CIL Charging Schedule by the Council.

CIL documents are available to inspect at:	Opening hours
North Tyneside Council, Quadrant East, Cobalt Business Park, NE27 0BY	8:30am-5pm (except Friday 4:30pm. Closed at weekend).
White Swan Centre, Killingworth, NE12 6SS	Monday and Friday 9am-5:30pm
Whitley Bay Library, NE26 1AB	Tuesday and Thursday 9am-7pm, Wednesday and Saturday 9am-5pm
WallSEND Library, NE28 8GR	
North Shields Library, NE30 1QU	

Dated: 31 August 2017

PUBLIC NOTICES

THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE
NOTICE OF INTENTION TO DISPOSE OF OPEN SPACE LAND LOCAL GOVERNMENT ACT 1972 SECTION 123
LAND ADJ TO FORMER AVENUE PH, PARK AVENUE/BROOK STREET, WHITLEY BAY

Notice is hereby given that The Council of the Borough of North Tyneside intends to dispose of the following land:
Land at land adj to former Avenue PH site – open space measuring circa 0.09 ha, to be developed by Aurora Properties (Sale) Ltd.

A plan showing the area concerned may be inspected at Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY between 9am and 5pm Monday to Friday, or can be viewed on the Council's website www.northtyneside.gov.uk by virtue of Section 123 of the Local Government Act 1972 (as amended) the Borough Council is required to give formal notice of its intention to dispose of Open Space and consider any objections to the proposed disposal.

Any representations or objections to the intended disposal must be made in writing and addressed to the Strategic Property Manager at the address below by 14th September 2017.

Mr Neil Cathie, Strategic Property Manager, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside NE27 0BY
Dated 31st August 2017

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Call Freephone 0808 1450 167

Age Partnership Retirement Specialists

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espa
EDUCATION AND SERVICES FOR PEOPLE WITH AUTISM DOMICILIARY AGENCY

FULL TIME & PART TIME SUPPORT WORKER
Hourly Rate £7.73 Sleep in Allowance £55

ESPA Domiciliary Agency are opening an Independent Supported Living Service in the NE23 area of North Tyneside (Annisford, Crumlington) for two young men with autism, with a third person joining the service at a later date.

It is anticipated that the service will open in November/December 2017, although we are recruiting now.

This will enable initial training to take place, followed by a period of transition work with the two young men in their current placement, prior to them moving into their new home.

ESPA offers all staff an excellent employment package which includes:

- 6 weeks paid holiday increasing to 8 weeks
- Company Pension Scheme
- Life Assurance
- Meals provided on shift
- Company sick pay scheme up to 3 months full pay
- Intensive 3 week induction with continuous training and development
- Excellent Career Progression
- Family Friendly Policies

Please see job specification for more details of the post. Terms and conditions regarding annual leave entitlement/bank holidays would remain the same as they are for all ESPA employees currently.

Please contact Pauline Shannon on 0191 5165080 pauline.shannon@espa.org.uk or Clare Wheatley on 0191 5165080 clare.wheatley@espa.org.uk for more information about the role or to discuss informally, or Jemma Scott for an application form on 0191 5165080 jemma.scott@espa.org.uk

 

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Appendix 3 – Responses to the DCS Consultation – please see separate document CIL/NTC/8

Appendix 4 – Representation Form to the DCS Consultation

North Tyneside Local Plan

Draft Charging Schedule for the Community Infrastructure Levy and the Planning Obligations Supplementary Planning Document (August 2017)

Representation Form

For Office Use Only
Consultee ID:
Received:
Processed:

This is the form for making representations on the North Tyneside Draft Charging Schedule for the Community Infrastructure Levy and update on the Planning Obligations Supplementary Planning Document (SPD). Once completed, please to return by email or post to the address below.

Forms can also be completed online via our Consultation Portal:

http://northtyneside-consult.limehouse.co.uk/portal/cil_draft_charging_schedule_and_planning_obligations_spd

The consultation starts on **29th August and will last 5 weeks until 5pm 3rd October**. Responses received after this date may not be considered.

Hard copies of this form are available from the Quadrant Council Offices, Wallsend Library, Whitley Bay Library, White Swan Centre Killingworth and North Shields / Central Library.

Email to: planning.policy@northtyneside.gov.uk

Or post to: Freepost RSAE-SHKR-JCKS, North Tyneside Council, Planning Policy, Quadrant East (1st Floor Left), The Silverlink North, North Tyneside, NE27 0BY

Please note:

- **Separate forms should be completed for each representation.**
- All respondents **must** provide their personal details.
- Representations should be on the basis of the **Draft Charging Schedule for a Community Infrastructure Levy in North Tyneside and/or the Planning Obligations SPD.**
- It is recommended that groups who share a common view submit a **single form rather than multiple copies** and provide a list of each person supporting the representation.

- By completing this form you agree to your details being shared. Your name, address and comments (but not your other personal details) will be made available for public viewing. **These representations cannot be treated as confidential.**

Please expand the boxes as necessary or attach additional sheets. Please clearly mark any additional sheets with your name and the part of the document the representation relates to.

1.	Your contact details	Agent Details (if applicable)
Name		
Organisation / Group	(if applicable)	
Address line 1		
Address line 2		
Town / City		
County		
Post Code		
Telephone number		
E-mail address		

2. Group Representations

If your representation is on behalf of a group, how many people support it?

I each person in your group that supports the representation attached with this form - including name, postal address, email or telephone number and signature?

Yes

No

3. Do you agree with the proposed levy rates in the Draft Charging Schedule?

Yes

No

(Comments)

Please continue on a separate sheet / expand box if necessary

4. Do you agree with the geographical charging zones in the Draft Charging Schedule?

Yes

No

(Additional comments)

Please continue on a separate sheet / expand box if necessary

5. Do you consider that the proposed rates are informed by, and consistent with, the viability evidence across the Borough?

Yes

No

(Additional comments)

Please continue on a separate sheet / expand box if necessary

6. Do you consider that the proposed levy rates would strike an appropriate balance between securing additional investment to support the development identified in the Local Plan, and the potential effects on the viability of developments in the Borough?

Yes

No

(Additional comments)

Please continue on a separate sheet / expand box if necessary

7. Do you have any comments to make on whether the council has complied with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations (as amended)?

(Additional comments)

(Please continue on a separate sheet / expand box if necessary)

8. Do you have any comments to make on the Draft Regulation 123 list?

Comments

(Please continue on a separate sheet / expand box if necessary)

9. Do you have any comments on the update to the planning obligations supplementary planning document to guide future section 106 agreements?

Comments

(Please continue on a separate sheet / expand box if necessary)

10. Do you have any comments to make on the Draft Instalments Policy?

Comments

(Please continue on a separate sheet / expand box if necessary)

11. Please provide any other comments below that you wish to make on the Draft Charging Schedule or the Planning Obligations SPD.

Comments

(Please continue on a separate sheet / expand box if necessary)

12. Statement of Representations Procedure

In order for the Council to introduce a CIL the Charging Schedule must be approved by an independent Examiner.

Please tick the relevant boxes:

- I would like to be heard by the Examiner at the examination.
- I would like to be notified that the Draft Charging Schedule has been submitted to the examiner
- I would like to be notified of the publication of the recommendations of the examiner and reasons for those recommendations.
- I would like to be notified of approval of the charging schedule by North Tyneside Council.

Please sign and date this form:

Signature:

Date:

The closing date for responses is 5pm on Tuesday 3rd October 2017