



Lambeth Council

DRAFT COMMUNITY INFRASTRUCTURE LEVY (CIL)

Response to consultation representations

JULY 2013

Title	Purpose
Response to consultation representations	Provides Lambeth Council's comments against representations received.
Examination Document Reference	DCS/21

No	Name	Organisation	Topic	Response	LBL Response
001	Becky Payne	General public	CIL Charge rate	I can't see from the information provided whether the Levy is a one-off payment or an annual payment?. The point I would like to make is that it would be good if the charge could be higher for branches of national chains (Starbucks, Costa, M & S etc.) than for independent shops/small businesses etc	One off payment on development of net additional floorspace. Rates are based on viability of development, which is determined by rental levels. National chains pay market rents, as do independents, so there would be no basis for differential charges.
002	Adrian Venditti	General public	Biased in southern parts	The draft charging schedule seems very much biased against people living in the southern parts of the borough like Brixton and West Norwood. Particularly in terms of residential developments in zone C where I doubt the infrastructure costs would be much lower than elsewhere. Charging £50 per sq. metre rather than £265 or £150 is going to bring in a lot less money for community development - has any consideration been given to past and likely future spending by the Council itself? Take leisure facilities and libraries for example with West Norwood left behind compared to other parts of the borough. You'd probably need a zone C levy of at least £100 just to cover reinstatement of West Norwood library. Has your criteria for setting the levies included price data from the Land Registry and various sales and lettings websites like rightmove.co.uk for example where prices were quoted for private buyers (rather than buy-to-let landlords)?	<p>The Council will be able to pool contributions from development across the Borough and spend receipts where infrastructure needs arise. Brixton and West Norwood will not be disadvantaged as a result of CIL.</p> <p>Sales values used in the appraisals are based on a combination of sources; sales of new build developments; Land Registry data; and advice from local agents.</p>
003	John Smith	CgMs on behalf of Mayor's Office for Policing and Crime/Metropolitan Police Service (MOPAC/MPS)	Rates	The MOPAC/MPS provide a vital community service to Lambeth and it is essential that the required community infrastructure, such as policing, comes forward in line with development in order to maintain safety and security in the Borough.	Developments by the Metropolitan Police Service will not be CIL liable.

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				<p>CIL Draft Charging Schedule</p> <p>The proposed rates highlight all other uses not identified would attract a nil rate across the borough. This is supported as it would exclude policing floorspace where it is classed as sui generis and will help enable the MOPAC/MPS to implement their Estate Strategy which seeks to optimise the Estate and ensure that an effective and efficient police service is provided across London.</p> <p>However office floorspace within the Waterloo and Vauxhall Office Area will be liable to a £125 per sq.m charge.</p> <p>This could impact on future operational policing floorspace where operational policing floorspace which is in B1 office use is proposed. By being subject to a CIL payment, policing floorspace could be prejudiced in being able to provide essential policing facilities contrary to the objectives of the NPPF, London Plan and Core Strategy. It is therefore essential that CIL is not payable for new policing floorspace in the Borough which would take funding away from frontline policing.</p> <p>Section 216 of the Planning Act 2008 highlights that regulations can add, remove or vary the list of matters included within the meaning of infrastructure. The DCLG 'Community Infrastructure Levy: An Overview' document (May 2011) at paragraph 12 highlights that police stations and other community safety facilities are infrastructure.</p> <p>Consequently in providing community infrastructure (i.e. new policing facilities) which would attract a CIL liability,</p>	

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				<p>the MPS contribution to community infrastructure would effectively be double counted – on the one hand being charged CIL whilst on the other being a potential beneficiary. The provision of new floorspace is also generally a consolidation of the estate therefore there is no greater impact on infrastructure than existing.</p> <p>Such an approach exempting policing floorspace has been adopted elsewhere:</p> <ul style="list-style-type: none"> • the Bristol CIL Charging Schedule lists ‘Residential and Non-residential Institutions (Classes C2, C2A, D1) and development by the emergency services for operational purposes’ as attracting £0 CIL rate/m2 • The Huntingdonshire District Council CIL states that Business (B1), General Industrial, Storage & Distribution (B2 and B8), Community Uses (provided by the public, not-for-profit or charitable sectors)(within D1 - except Health Uses - and D2) and Agricultural attract a nil rate. <p>In relation to London Boroughs:</p> <ul style="list-style-type: none"> • Brent’s CIL Charging Schedule lists Police station and police facilities (Sui Generis) as attracting a zero charge; and • the London Boroughs of Barnet, Sutton, Harrow, Haringey, Merton, Wandsworth and Newham amongst others all propose a nil rate for uses that would include policing facilities 	

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				<p>For the above reasons, the MOPAC/MPS recommend that the Submission Version ensures that applications or development for policing attracts a nil rate in the Charging Schedule.</p> <p>Infrastructure Delivery Plan This does not refer to policing or emergency services. As part of the submission to the Preliminary Draft Charging Schedule our representation dated 16 October 2012 (attached) included a table setting out potential policing infrastructure requirements.</p> <p>Since this time we have consulted on and adopted their Police and Crime Plan and Estates Strategy 2013-2016, along with the associated Local Police Estate and Public Access for each London Borough. Links to these documents can be found at the below:</p> <p>http://www.london.gov.uk/priorities/policing-crime/mission-priorities/police-and-crime-plan</p> <p>http://www.london.gov.uk/sites/default/files/MOPAC%20Estates%20Strategy_0.PDF</p> <p>http://www.london.gov.uk/sites/default/files/Map_CoverSheet_Lambeth_v4.pdf</p> <p>This latter highlights that the police estate within the Borough will comprise the following:</p> <p>Front Counters:- 24/7 Front Counter – Brixton Police Station Standard Front Counter - Streatham Police Station</p>	<p>The Infrastructure Delivery Plan notes Police and Emergency Service projects. There are no doubt number of other projects as set out in the representation, however as there is no quantified amount for these projects it is not considered necessary to include these in the Regulation 123 List.</p>

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				<p>- Standard Front Counter – - Kennington Police Station</p> <p>Contact Points: - 411 Coldharbour Lane - Gipsy Hill Police Station - Cavendish Road Police Station</p> <p>Possible additional Contact Point: subject to local demand</p> <p>Deployment Bases: Brixton Police Station Cavendish Road Police Station Gipsy Hill Police Station Kennington Police Station Loughborough Junction 4 Clement Avenue, 65-79 Clapham High Street 411 Coldharbour Lane Shell Centre, 10 York Road 186 Norwood Road Edinburgh House, 154/182 Kennington Lane Streatham Police Station</p> <p>Other SNT Locations: Within buildings detailed above</p> <p>The Context Issues part of this document highlights that:</p> <ul style="list-style-type: none"> Streatham Police Station will not meet longer term policing needs and alternative facilities will be required to meet future policing requirements including Front Counter facilities with appropriate public access. Alternative Front Counter solutions have been identified and a site in Streatham High Road obtained. Works are to be undertaken, when 	

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				<p>complete and the Front Counter is operational, the Front Counter in Streatham Police Station will close.</p> <ul style="list-style-type: none"> • Cavendish Road Police Station will not meet longer term policing needs and alternative facilities will be required to meet future policing requirements including Front Counter facilities with appropriate public access. Cavendish Road Police Station will be retained until alternative facilities are operational. <p>Therefore whilst alternative provision has been identified for Streatham Police Station provision is required to replace Cavendish Road Police Station. This is in addition to the generic requirements that may be required across the Borough which form part of the attached table, although would highlight that a custody extension has been secured at Brixton Police Station.</p>	
004	Martin Howell	Wandsworth Council	charging zones	<ol style="list-style-type: none"> 1. The Council requests that Annex 1: Residential and Hotel development Charging Zones map is amended to exclude the “Rest of VNEB” area on the map and in the key as this is part of the London Borough of Wandsworth. 2. For the sake of clarity, the Charging Schedule Rates Table and accompanying Annex 1 should be amended as follows: The term “Residential 	<p>The ‘rest of VNEB” area; was included in the Appendix to provide the context for the Lambeth parts of Vauxhall Nine Elm & Battersea (now renamed Nine Elms and Vauxhall) Opportunity Area that lie to the south of the Wandsworth section. The map has been amended to remove part of the zone not within LB Lambeth.</p> <p>Noted – The Table amended to give clarity to the charging zones.</p>

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				<p>Zone" should be removed form Areas A, B and C in the Table and on the Annex, and the charges for each use indicated against each of the charging zones A, B and C. At present the term "Waterloo and Vauxhall Office Area" is used in the Rates Table, but not indicated on the Map. It has to be assumed that this refers to the same area as Residential Zone A Waterloo and Vauxhall.</p> <p>3. As an observation, the boundary of Residential Zone A – Waterloo and Vauxhall, still does not correspond to that of the Vauxhall Nine Elms Battersea Opportunity Area as shown on the Lambeth Proposals Map (it would appear to follow the line of the Thames Policy Area to the west of Vauxhall Station. However, if it is the Council's intention to charge the higher rate on areas outside the Opportunity Areas, the Council has no objection on this matter.</p>	<p>Noted – Map amended to correspond with the Proposals Map as set out in Lambeth's Local Development Framework Core Strategy, adopted 2011.</p>
005	Rose Freeman	The Theatres Trust	Nil rates	<p>We support the document for the nil rate for 'All other uses'. Theatre uses are generally unable to bear the cost of CIL for viability reasons because they do not generate sufficient income streams to cover their costs. Consequently, they require some form of subsidy to operate. Also, this type of facility is very unlikely to be built by the private sector. However, due to the unique nature of their use, access requirements and construction, they make a positive contribution to the provision of cultural infrastructure in an area, and their development makes a positive net contribution to that area's infrastructure.</p>	<p>Noted. No amendments required.</p>

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006	Jon Sheldon	Rolfe-Judd on behalf of Pocket	Affordable housing	<p>Pocket is a private sector developer which provides intermediate housing for sale to singles and couples whose household income is too high to qualify for social housing, but not enough to buy on the open market.</p> <p>Enclosed with this letter are copies of the representations submitted to the Preliminary CIL draft Charging Schedule dated 3 October 2012 and a further letter dated 4 February 2013 to John Wachter enclosing correspondence from the Mayor of London.</p> <p>Based on the current CIL Regulations it is considered that Pocket's innovative approach to the provision of intermediate affordable housing does not fall within the social housing relief provisions of the CIL Regulations 2010. However it is considered (and was confirmed by the London Plan Team at the GLA in their letter dated 28 May 2012) that Pocket's model does meet the definition of Affordable Housing set out within Annex 2 of the NPPF (March 2012).</p> <p>Since the aforementioned correspondence, the Government consulted on further regulatory reforms to the Community Infrastructure Levy between 15 April 2013 to 28 May 2013. Included within this consultation document (attached for reference) was a proposal to give local authorities the freedom to extend social housing relief to include homes for sale at a cost below market levels. It is noted that the Council states in its response to the original consultation that the Council awaits the outcome of that consultation, and it is fully recognised that both the Council and any appointed Inspector are bound by the current CIL regulations.</p>	<p>The Council will follow the regulations in terms of applying exemptions for affordable housing.</p> <p>The Council supports the provision of affordable housing in its Core Strategy and seeks the provision of rented housing and intermediate (shared ownership and intermediate rent) housing.</p> <p>If the Pocket model becomes an accepted form of affordable housing under the Regulations, then the Council will apply the appropriate exemption.</p>

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				<p>However if the CIL regulations are revised ahead of the Examination, we would ask the Council and the Inspector to take into account our original representations which outlined the impact of the proposed CIL charge on intermediate affordable housing and that the CIL charging schedule will allow for discretionary relief for housing provision which meets the NPPF definition of affordable.</p>	
007	Vivienne Lewis	Community group	Proposed rates	<p>1. The proposed rate of £125 per sqm on office developments in Waterloo and Vauxhall is too high and will discourage new office development</p> <p>This rate is too high and will discourage developers from coming forward with new schemes which provide employment opportunities. Very few developments are coming forward in the north of the borough which include new office space, while at the same time there are many approved or pipeline schemes which involve change of use from office to residential. The risk is that the rate proposed will kill off new office development in the north of the borough with the result that, assuming that the present rate of conversion from B1a to residential continues, there will be a reduction over time in the total number of office jobs provided in Waterloo and Vauxhall.</p> <p>This point was made by a number of those who responded to the first round of CIL consultation in 2012, when the proposed rate was also £125 per sqm. Since then it has become clear that the CIL rate per sqm proposed for offices in Waterloo and Vauxhall is significantly higher than the rate proposed by neighbouring boroughs.</p>	<p>The office rates were established in close consultation with landowners and developers as part of the Vauxhall Nine Elms & Battersea (now renamed Nine Elms & Vauxhall) Opportunity Area Development Infrastructure Funding Study (DIFS) process. The rates themselves account for a very small proportion of overall development costs and will not in themselves act as a barrier to development.</p> <p>The lack of office development is reflective of the wider central London office market, which is characterised by lack of take up of new space. This is not a phenomenon that is unique to north Lambeth. The rate is consistent with the rate charged by</p>

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				<ul style="list-style-type: none"> - LB Southwark is proposing a rate of just £70 per sqm for office developments in the strip bordering the South Bank and a zero rate across the rest of the Borough. - LB Wandsworth has adopted a rate of £100 per sqm for office developments in a narrow zone around Nine Elms and a zero rate for the rest of the borough. - The City of London has adopted a rate of £70 per sqm for office developments across the City. <p>If Lambeth adopts a higher rate (£125 compared with £70) for office developments compared with neighbouring boroughs, then the risk is that this will exacerbate the relative decline in the office market in Waterloo and Lambeth.</p> <p>For this reason, the Lambeth office CIL rate should be no more than £70 per sqm.</p> <p>2. The proposed residential rates are too low, particularly those proposed for the north of the borough</p> <p>In 2012 the rate proposed for residential development in Waterloo was £369 per sq m, a lower rate of £265 per sqm for Vauxhall and a rate of £50 - £100 across the rest of the borough.</p> <p>The rates now proposed (£265 Waterloo and Vauxhall, £150 Kennington, Oval and Clapham, and £50 the rest of the borough) are significantly lower and if adopted will reduce the amount of funding that the borough is able to</p>	<p>Wandsworth (which expects a significantly greater quantum of office floorspace to come forward). The reason that Wandsworth's rate is slightly lower is that the Mayoral CIL charge is higher than in Lambeth.</p> <p>Development sites in the City are typically offices which are coming forward for redevelopment. These offices have considerably higher rents than those in Lambeth and therefore higher existing use values. The uplift in land value from redevelopment of offices in Lambeth is therefore higher than in the City.</p> <p>The Council has decided that the quantum of CIL liable residential floorspace that is expected in Waterloo is not significant. A</p>

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				<p>secure for local infrastructure.</p> <p>In particular, it is unclear why the rate proposed for Waterloo has been scaled back from £369 to £265.</p> <p>The amount proposed by LB Lambeth is considerably lower than the residential rate proposed by its neighbouring borough for prime river-fronting site.</p> <ul style="list-style-type: none"> - LB Southwark is proposing £400 per sqm for residential schemes on the south bank - LB Wandsworth is proposing £575 per sqm for schemes at Nine Elms. <p>These figures indicate that residential schemes in Lambeth close to the river (Waterloo and the northern half of Vauxhall) could absorb a CIL rate of around £400. Lambeth should introduce a CIL rate of between £350 and £400 per sqm for developments in the north of the borough</p> <p>3. There should be a higher rate for residential schemes including fewer than 10 units</p> <p>Several respondents to the earlier CIL consultation proposed that there should be a different CIL rate for residential schemes including less than 10 residential units and 10 or more. It was argued that this would be justifiable on viability grounds, since developments including less than 10 residential units are not obliged to provide affordable housing and so can afford a higher rate of CIL than larger developments. The draft CIL charging schedule already includes a higher rate of CIL for student housing schemes, which do not contribute to</p>	<p>separate rate is not justified. In addition, the Council considered the impact of the higher charge on viability and opted for a single Nine Elm & Vauxhall/Waterloo rate to maximise the provision of affordable housing.</p> <p>Values in this area are higher than those achieved in Waterloo.</p> <p>LB Wandsworth has reduced its affordable housing requirements in Nine Elms to accommodate a higher CIL charge. Lambeth wishes to maximise affordable housing in Waterloo and NINE Elms & Vauxhall.</p>

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				<p>affordable housing, and developments with less than 10 units could be treated in a similar way.</p> <p>When this point was raised at the meeting on 15th July we were advised by Lambeth officers that the Council had decided on a different approach from that suggested, which was to seek Section 106 offsite affordable housing contributions in the case of all developments including those below the 10 unit/0.1 hectare threshold for the provision of on-site housing.</p> <p>I checked this point since the meeting and have not been able to find any reference to this policy change in documents on the Council's website. It might have been expected that the issue would be referred to in the draft S106 SPD which was approved by Cabinet on 8th July 2013 (the meeting which also approved the CIL charging schedule). However, the revised S106 SPD only requires sites and buildings capable of providing 10 or more units, or 0.1 ha in size to provide affordable housing or an offsite contribution, and there is no reference in Section 5A of the document (the section which deals with affordable housing) to the suggestion that smaller sites might be required to provide financial contributions to off site affordable housing.</p> <p>In the absence of any change in the s106 charging schedule to introduce a liability for developments including less than 10 residential units to make a financial contribution to off site affordable housing, the CIL charging schedule should introduce a CIL rate for ALL developments including less than 10 units to pay a CIL rate equivalent to the highest rate for residential schemes anywhere in the borough.</p>	<p>The proposed requirement to make a affordable housing contribution for schemes between 1 to 9 residential units is set out in the Draft Local Plan, which is not yet policy. The Draft local Plan was consulted on, in early 2013, pre submission publication will occur between December 2013 and January 2014 submission is planned to occur March 2014.</p> <p>The current draft revised Section 106 Supplementary Planning Document, is based on the Local Development Framework – Core Strategy, which is proposed to be adopted alongside CIL in 2014. A further version of the Section 106 SPD will be published and consulted on to address the new policy framework of the Local Plan when adopted.</p>

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				<p data-bbox="932 266 1503 363">4. Percentage of the CIL to be ring fenced for schemes which mitigate the impact of the development on local communities</p> <p data-bbox="894 407 1551 574">The proportion of the CIL ringfenced for schemes which benefit the local community should be a minimum of 25%, in line with Government guidelines which recommend that 25% of funds secured should be directly allocated locally.</p> <p data-bbox="894 618 1562 927">CIL funding which is used for works which do not benefit the community should NOT be included in the calculation of the 25%, including the majority of highways works, including funding for changes to the transport network, for changes to the highway which are necessitated by the development paying the charge, for the reinstatement of pavements and the realignment of bus stops and parking bays, and for extensions to the London-wide barclayhire cycle scheme.</p>	<p data-bbox="1587 407 2013 959">The Council will consult in early 2014, on a neighbourhood funding element to CIL. Current regulations are largely based on pass-porting CIL receipts to Parish and Community Council's that exist outside London, although this can be adapted for London for Neighbourhood expenditure, with the Charging Authority ring fencing receipts for allocation. In the Regulations the 25% figure is for neighbourhoods which have a neighbourhood plan in place. In other areas, the minimum level is 15%.</p> <p data-bbox="1587 1003 2013 1170">Changes to highways that result directly from a development (and only benefit a particular development) are currently funded through a S278 agreement, not CIL.</p>

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008	Karin Ubbi	Turley Associates on behalf of Travelodge Hotels Limited	CIL rates	<p>We act on behalf of Travelodge Hotels Ltd (Travelodge) and write in response to the current consultation being undertaken by the Council in respect of the Community Infrastructure Levy (CIL): Draft Charging Schedule (DCS, June 2013). The content of the enclosed representations is focused upon the proposed charging rate for hotel development within the Borough based on the detail contained within the CIL: Draft Charging Schedule (2013) and CIL: Viability Study (2013).</p> <p>Travelodge, as a national budget hotel operator with particular growth aspirations within London, has a clear interest in the Borough's proposed CIL charge rates and its impact on the feasibility of delivering development. Throughout the recession, Travelodge has developed new hotels alongside its development partners. However, as well as for other property sectors, development is becoming increasingly difficult and frustrated through the increasing demands of property legislation, planning, availability of funding and now CIL.</p> <p>Overall Travelodge consider that CIL is an onerous requirement on development projects through its inherent inflexibility. Borough wide CIL charging schedules coming forward, combined with site specific S106 contributions and the already adopted Mayoral Crossrail CIL levy, means that hotel development within London will be severely impacted upon and will become unviable in many instances. This includes within Lambeth. In fact, particularly within Lambeth due to the high rate proposed for hotel development compared to most other London Boroughs and hotel development viability generally.</p>	<p>CIL has been designed to provide developers with certainty as to Local Planning Authority requirements. This necessarily requires a fixed levy.</p> <p>The levy on hotel development accounts for a very small proportion of overall costs, typically 3%. Such a modest cost will not threaten the viability of hotel developments.</p>

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				<p>Proposed CIL Charge Rate: C1 – Hotels</p> <p>The DCS prepared for Lambeth is a very short document which sets out very basic information regarding the proposed Charging Schedule for the Borough. No instalment policy is proposed which is disappointing as the instalment policy is a useful mechanism that can assist with breaking down CIL payments. It is considered and recommended that an instalment policy be drafted and included in the final Charging Schedule submitted for examination.</p> <p>The proposed charge rate for hotel development is: Zone A: Waterloo and Vauxhall - £250 per square metre Zone B: Kennington, Oval and Clapham - £100 per square metre Zone C: Streatham, West Norwood, Streatham Hill, Brixton and Herne Hill - £100 per square metre</p> <p>It is important to note that the above rates exclude Mayoral CIL. Therefore an extra £35 per square metre needs to be added to the above rates for the total CIL levy applicable to hotel development in Lambeth, making the total levy. £285 for zone A and £135 for zones B and C. This makes it even clearer that the proposed CIL levy for hotel development is still too high and unrealistic when considering viability of hotel proposals in the Borough.</p> <p>The charging zones defined above have been devised around residential viability information. The zones are even labelled 'Residential Zone A, Residential Zone B and Residential Zone C'. It is considered more appropriate, for commercial uses to have their own zones defined, specifically for their use so as to be</p>	<p>The Council's instalments policy is not a matter for Examination and is not required to be included in the Draft Charging Schedule. The Council does, however, intend to bring forward an instalments policy in due course.</p> <p>The Borough CIL will account for 3% of development costs. When the Mayoral CIL is added, the CIL as a proportion of overall costs increases to 3.5%. This is a very modest cost in the context of total development costs and will not adversely impact on viability.</p> <p>No evidence has been submitted to justify the proposed changes.</p>

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				<p>labelled 'Commercial Zone A, Commercial Zone B' for example. It is considered that the boundaries of commercial zones would differ from the residential CIL charge zones proposed and this should be reflected in the charging schedule.</p> <p>It is considered that the proposed CIL charge zones as contained in the DCS need to be further refined and reviewed. It is difficult to understand how zones B and C can impose the same CIL charge for hotel development when their geographic area is so vast with varying economic and commercial contexts. Rates should be reduced further in all zones and nil charge zones should be introduced to cover large parts of the Borough.</p> <p>Overall it is considered that the proposed rates as contained in the DCS will have an adverse impact on the delivery of hotel development in the Borough over the Plan period. Leaving the CIL rate unchanged will increasingly marginalise hotel development in the Borough and will most certainly mean in many instances that no development will take place at all. This is clearly not the intention of CIL.</p> <p>Appropriate Evidence Base The proposed CIL charge for hotel development has been informed by a CIL Viability Study prepared by BNP Paribas. The fundamental issue that is of most concern is the proposed CIL charge rate for hotel development (£250 in zone A and £100 in zones B and C) and the evidence base that this rate has been formulated against is not considered appropriate.</p> <p>The appraisal work undertaken to assist in determining</p>	<p>No evidence has been submitted to justify a reduction in rates.</p> <p>No evidence has been submitted to support this assertion. The proposed CIL is a modest proportion of overall costs and is therefore unlikely to threaten the viability of the bulk of development.</p> <p>BNP Paribas Real Estate, the</p>

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				<p>the CIL charge for hotel development is based on the recently opened Travelodge hotel in Vauxhall. However, it is unclear where the key commercial inputs have been obtained from as those used in the appraisal are not comparable or even close to the actual key commercial terms. Travelodge is keen to share with Lambeth the inaccuracies of the assumptions made within this viability appraisal as the inputs used have in their view resulted in the capital value of the development being overestimated by approximately 50%.</p> <p>The assumptions are set out in Table 4.48.1 and also Appendix C. Firstly, a 2 year rent free period is assumed. This is strictly not the case with respect to the Travelodge in Vauxhall or any other Travelodge hotel within London where a maximum rent free period of 6 months is granted/ obtained. Secondly the assumed rent per square foot is at least 50% higher than the actual figure and the yield is too low by 0.25-0.5%. Collectively these assumptions grossly overestimate the capital value of Travelodge Vauxhall and make this only hotel appraisal undertaken unreliable to inform the hotel CIL levy for Lambeth.</p> <p>A new hotel appraisal for Travelodge Vauxhall needs to be undertaken if this is going to form part of the hotel CIL levy evidence base. Additional appraisals should also be undertaken for a range of hotel types in a range of locations across the Borough to establish the CIL charge for Lambeth, and not simply a single budget hotel in one of the highest value areas in the Borough (i.e. Waterloo and Vauxhall) For the reasons explained above, the appraisal it is not even representative for Zone A. It is noted that the Viability study states that 'it</p>	<p>Councils technical advisors on CIL, have reviewed the appraisal inputs and provided an updated appraisal and commentary –see Addendum Viability Study, November 2013, Section 2 and Appendices 1 to 3.</p> <p>The revised appraisal confirms that the maximum potential CIL significantly exceeds the proposed rates, leaving a substantial buffer.</p> <p>BNP Paribas Real Estate, the Councils technical advisors on CIL, have undertaken some additional investigations and have established the lease and annual rent of Travelodge and have relied upon this information to revise their appraisal</p> <p>The appraisals are intended to identify the maximum amount</p>

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				<p><i>is likely that hotel developments outside Vauxhall and Waterloo will attract lower capital values. This is difficult to quantify as there is very little evidence to rely upon, but we suggest a reduced rate (in the region of £100 per square metre) to take account of the likelihood of lower values'. This highlights that not enough appraisals have been undertaken to evidence CIL charge rates and are based on 'suggestions' and not founded on evidence.</i></p> <p>Gathering an appropriate evidence base to inform CIL charging schedules is being advocated by the Government, in DCLG's latest consultation 'Consultation on Community Infrastructure Levy (CIL) Further Reforms'. These also require a charging authority to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy on economic viability of development across an area.</p> <p>It is Travelodge's view that the evidence base test needs to ensure that in preparing a charging schedule for hotel development that the charging authority has:</p> <ul style="list-style-type: none"> a) Undertaken a number of hotel economic viability appraisals, adjusting the various assumptions as appropriate (to provide for sensitivity testing), and to undertake assessments for hotel schemes in different locations across the Borough; and b) Engaged with the hotel development sector to gather market information to input into the viability assessments. <p>This clearly has not been undertaken to a degree that is considered robust and we would urge the Council to instruct these works to inform the final CIL charge.</p>	<p>available for CIL (both Borough and Mayor). The revised appraisal has also continued this approach. With the revise appraisal the maximum CIL rate ranges from £904 to £1,629 per square metre. The proposed CIL of £250 per square metre equates to 3.1% (or 3.5% inclusive of Mayoral CIL). At £250 per square metre, the CIL is set at a substantial discount to the maximum CIL. Further sensitivity analysis with lower capital values and reduced costs has also been undertaken, the latter reflecting further savings for development outside the central activities zone. This appraisal indicates that the proposed rate of £100 for developments outside Waterloo and Vauxhall will not adversely impact on viability. The proposed CIL plus Mayoral CIL of £35 would equate to only 3.25% of total development costs.</p> <p>The respondent has slightly missed the point being made here – the fact is that there has been little or n hotel development outside the north of the Borough upon which to base an assessment. The Council has exercised its judgement in applying a lower rate based on the general market conditions that prevail</p>

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				<p>Overall it is considered that the hotel appraisal that is included within the Study is questionable for the reasons explained and cannot alone inform the CIL charge for hotel development across the Borough. More evidence and viability testing of a greater number of schemes is required and it is urged that the Council address these points prior to submission for examination.</p> <p><i>As is explained in the Viability Study at para 7.3 'given CIL's fixed tariff it is important that the Council selects rates that are not on the limit of viability. This is particularly important for commercial floorspace where the Council does not have the ability to 'flex' other planning obligations to absorb site specific viability issues'.</i></p> <p>Para. 7.2 states that <i>'in the main the imposition of CIL is not the critical factor in determining whether a scheme is viable or not, this is evidenced by the very marginal differences between pre and post CIL'</i> - Travelodge fundamentally disagree with this statement.</p> <p>Conclusion Overall, CIL should not worsen viability and prejudice development. To enable a charging authority to fully understand the potential effects of a hotel levy on the economic viability of development, fresh and a greater number of hotel comparables need to be appraised and with hotel sector input. It is urged that the Council address these points and undertake additional assessment work prior to taking the DCS to examination. This is to ensure an appropriate evidence base supports any future CIL charge with respect to hotel development. Proposing a CIL charge rate for</p>	<p>outside the central area.</p> <p>The Council has held a series of consultation workshops with developers and provided ample opportunity for developers to provide evidence for the Council to consider.</p> <p>The Council considers that the CIL contribution of 3% to 3.5% of development costs is modest in context and will not be a critical factor in determining whether a scheme proceeds or not.</p> <p>The Council's view is that the proposed CIL will not have an adverse impact on the viability of hotel development. There is no prejudice to delivery, as other forms of development that will attract a CIL liability that represents a similar proportion of overall development costs.</p>

No	Name	Organisation	Topic	Response	LBL Response
				hotels at £250 for zone A and £100 for zones B and C, will not serve to provide funding for infrastructure as this rate will prevent hotel development coming forward and therefore will not achieve the aim of CIL.	
009	Ted Inman	South Bank Employers' Group	Mix of uses	<p>South Bank Employers' Group is an association of major organisations in South Bank/Waterloo/ Blackfriars dedicated to promoting and improving the South Bank neighbourhood (the area from Lambeth Bridge to Blackfriars Bridge and South to St George's Circus). The vision is to make the South Bank:</p> <ul style="list-style-type: none"> <input type="checkbox"/> a desirable destination for cultural pursuits, business and pleasure; <input type="checkbox"/> a place which supports and encourages investment and business growth; <input type="checkbox"/> a place with a flourishing healthy and cohesive residential community; <input type="checkbox"/> a place which is welcoming to visitors and tourists; and <input type="checkbox"/> a friendly, clean, colourful, safe, dynamic and diverse area. <p>South Bank Employers' Group is a non-profit company limited by guarantee, governed by a Board appointed by its members who are as follows:</p> <p>Braeburn Estates British Film Institute, British Rail Board (Residuary), Coin Street Community Builders, Elizabeth House Partners Ernst & Young, Guy's & St Thomas' NHS Foundation Trust, ITV, King's College London. London Duck Tours EdF Energy London Eye, London South Bank</p>	

No	Name	Organisation	Topic	Response	LBL Response
				<p>University, National Theatre, Network Rail, Park Plaza Hotels, Shell Southbank Centre</p> <p>South Bank Employers' Group and its members are also committed to support the South Bank Partnership and its Manifesto and Action Plan for the area. Chaired by Kate Hoey MP and Rt Hon Simon Hughes MP, the Partnership brings together the leadership of Lambeth and Southwark Councils, the Mayor's Agencies, Metropolitan Police, local ward councillors and South Bank Employers' Group members to help coordinate the regeneration and management of the area and ensure that all interests are taken into account.</p> <p>The Manifesto and Action Plan, to which all members of the Partnership are signed up, set a framework for the development of the neighbourhood and calls for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> economic growth, new developments, new jobs and better retail <input type="checkbox"/> improved schools and training, especially to benefit local residents without work <input type="checkbox"/> a safe, clean and accessible environment for all <input type="checkbox"/> an efficient transport interchange and improved transport links <input type="checkbox"/> improved health and housing and increased opportunities for culture, sport, recreation and community engagement <input type="checkbox"/> reduced carbon emissions <p>3. South Bank Employers' Group comments on the revised draft charging schedule relate to</p> <ol style="list-style-type: none"> a) Potential impact on mix of uses and development in Waterloo b) Viability Issues, especially offices and hotels c) Special concerns relating to cultural and educational uses d) Concerns about application of proposed 	<p>The Council is not permitted to use CIL to promote or discourage particular types of development or mixes of uses. These aims must be addressed through planning and land use policies. The Council has set its CIL rates on the basis of viability of various uses.</p> <p>The proposed rates of CIL represent modest - and approximately proportionate - burdens on development in terms of overall proportion of development costs.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>discretionary relief</p> <p>e) Relationship to S106</p> <p>f) Local infrastructure requirements</p> <p>g) Comments on Infrastructure Schedule</p> <p>a) Potential impact on mix of uses and development in Waterloo</p> <p>The key to the character and future success of the South Bank and Waterloo, as reflected in the previous Waterloo SPD, is maintaining the balance between the different major uses which go to make up the neighbourhood, i.e office, residential, hotels, attractions, transport, culture, health and education, and redressing the balance where there is deficiency, notably retail. Though the market and other opportunities may bring forward developments which at any one time deliver more of one of these uses than others, it is important that policy and costs of development do not distort the balance or disadvantage one type of development over another in such a way as to unbalance the growth envisaged in the area. The proposed charging schedule does not meet these criteria.</p> <p>b) Viability Issues, especially offices and hotels</p> <p>A number of respondents to the first round of consultation on the Draft Charging Schedule raised serious concerns about viability. These have been reflected in the reduction of the residential charge for Waterloo, but no account has been taken of the strong evidence put forward by Braeburn Estates and Chelsfield about the deterrent effect of the proposed office charge. It is striking that the highest rate of office CIL proposed in Southwark, £70 per m² for the Borough and Bankside area, is less than 60% of that proposed for Waterloo. Much more office development</p>	<p>The Council considers that the viability evidence from both the Viability Study and live schemes supports the case for the proposed CIL rate.</p> <p>The proposed rate will account for just 1% of development costs and will not threaten the viability of office developments.</p> <p>The fact that more office development has come forward in Bankside than in Waterloo tells us nothing about the impact CIL might have.</p> <p>Developments of buildings that meet the charitable objectives of charities will be exempt from CIL. The Council will also consider the application of discretionary charitable relief on commercial developments promoted by charities if the receipts are to be used to serve their charitable objectives.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>has come forward in Bankside than in Waterloo over the last 10 years and the charge proposed in Lambeth will not help redress this imbalance. On hotels, the case has been made nationally by major hotel chains that the rates of CIL for hotel developments proposed by inner London boroughs, including Lambeth, will deter hotel development. However the hotel, leisure, travel and tourism (HLTT) sector is a crucial source of new jobs in the South Bank/Waterloo neighbourhood and the proposed rate should be reviewed. In both cases the relationship to S106 is also crucial - see (e) below. We support the proposal in the previous CIL consultation that rates and viability should be road-tested in greater detail, which can now be done alongside the S106 priorities identified in the new draft S106 SPD.</p> <p>c) Special concerns relating to cultural and educational uses</p> <p>In the first round of consultation Southbank Centre and King's College London raised serious concerns about the impact of CIL on cultural and educational developments which if they were purely charitable would secure relief but which did not take account of the way commercial partnerships nourish the core charitable purposes of such institutions. There is no direct response to these concerns in the revised draft charging schedule. The extended provision for discretionary relief in certain circumstances is framed in such a way that it may well not be applicable to meet the points raised by cultural and higher education institutions (and which could also be relevant to Guy's and St Thomas' Hospital). Addressing the issues raised is crucial to the overall aim of allowing all the major uses which characterize Waterloo can flourish (see (a) above). If the remedy to these problems is the application of</p>	

No	Name	Organisation	Topic	Response	LBL Response
				<p>discretionary relief there should be real clarity on how this will be achieved.</p> <p>d) Concerns about application of proposed discretionary relief</p> <p>The complex nature of Waterloo means that there may well be developments justifying discretionary relief which are not covered by the criteria set out relating to S106 and viability e.g there could be economic, community or transport infrastructure benefits delivered by developments in ways which do not fit these criteria but which would justify discretionary relief. There should be a further clause providing for any other exceptional circumstances to be taken into account. In addition the interpretation of what constitutes state aid is often a matter of considerable variation. The Council will clearly have to have regard to state aid issues; however the catch-all reference to state aid in the draft charging schedule runs the risk that it will be used to exclude exemptions even when the developer can demonstrate a different view of the state aid implications from that of the Council .</p> <p>e) Relationship to S106</p> <p>This is a critical concern which has not been satisfactorily addressed.</p> <p>First, though the new draft S106 SPD has been approved by Cabinet for consultation, the consultation has, as we understand it, not yet formally started. This means that the assurances in response to the first consultation on the draft charging schedule that CIL and S106 would be considered together have not been fulfilled. Second, it is clear from the draft S106 SPD as approved by Cabinet that two of the Council's highest priorities (affordable housing and employment and skills provision) are to be met from S106 contributions,</p>	<p>The Council will work with charities and other bodies in the area to work through any issues that might emerge, subject to the constraints imposed by the regulations.</p> <p>The Council published and consulted on the new draft revised Section 106 Supplementary Planning Document (SPD) between 19 August and 30 October. The Council considers the draft revised Section 106 SPD as the appropriate place to consult on its approach to guidance on matters outside the scope of CIL. The draft revised Section 106 SPD will be available as a background document for the</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>reinforcing the concerns raised above about viability. The effect of this is that the Council is actually putting at risk its top policy ambitions i.e. the achievement of growth, affordable housing, new jobs and measures to open up those jobs to Lambeth residents. This would suggest a need for a full review of the S106 SPD and CIL proposals in parallel and a more sophisticated assessment of potential impacts in the Council's key areas for growth, including the Waterloo Opportunity Area.</p> <p>f) Local infrastructure requirements We previously raised the concern that the combined demands of Mayoral CIL, Lambeth CIL and Lambeth's top S106 priorities would leave very little scope for S106 contributions directly designed to mitigate the impact of developments and therefore make them acceptable. The revised draft charging schedule, and a first assessment of the draft S106 SPD, greatly reinforce these concerns.</p> <p>g) Comments on Infrastructure Schedule We accept that the purpose of the infrastructure schedule is to demonstrate the need for levying CIL, and it may therefore be the case that inaccuracies, anomalies and omissions in the schedule are not critical at this stage. However, given that it will no doubt have weight in the allocation of CIL when CIL begins to be collected it is important that these are addressed, notably the key omission that CIL will need to contribute to a satisfactory standard of management and maintenance in Waterloo, which will be essential to achieve the right level of public realm quality to support growth. To ensure that policies and priorities are aligned the schedule should be examined by the Waterloo Steering Group to ensure that it reflects the work of the</p>	<p>CIL Examination in Public</p> <p>The Council considers that the CIL will represent a very modest proportion of overall costs. Rates have been set at a discount to the maximum rates identified in the Viability Study, leaving scope to secure planning obligations where necessary to mitigate the harm of development.</p> <p>Noted. The Council will consider these comments.</p>

No	Name	Organisation	Topic	Response	LBL Response
				Group on a Waterloo Delivery Plan and the emerging priorities of that Plan.	
010	Alan Piper	Brixton Society	Zones and floor space	<p>Influence on Patterns of Development: The setting of zone boundaries and charging rates will inevitably influence the type of development that comes forward. It remains our view that the final CIL scheme should aim to avoid perverse effects and not contradict other planning policies.</p> <p>Protecting Non-residential Floor-space: Market values for residential use now far exceed any other building use, but it is essential that policies safeguard a variety of non-residential floor-space, in the interests of the proper planning and functioning of the local community. Therefore care must be taken in setting CIL rates for non-residential uses.</p> <p>We welcome the nil rates proposed for most retail and industrial use, and for offices outside the Waterloo & Vauxhall Zone.</p> <p>Proposed Charges for Offices: Charging rates must be set with regard to the corresponding rates being set in adjacent boroughs and by the Mayor.</p> <p>Southwark has already set a CIL rate of £70/sq.m for office development in the north-west of its borough,</p>	<p>Developers will locate where sites are available and where they are confident there is a market for their product. Given that they have to compete for sites within a constrained land market, they are very unlikely to choose one area over another because of a differential in CIL rate.</p> <p>The Council cannot use CIL as a policy tool – all rate setting must be based on viability.</p> <p>The Council already has a series of land use policies and protections for certain types of use and these will remain in place after CIL has been adopted.</p> <p>The regulations do not set caps on CIL rates linked to levels set by neighbouring authorities.</p> <p>Office markets in Southwark and City are indeed more established</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>despite this being more strongly-established for commercial office use than neighbouring parts of Lambeth. Even the City of London, with higher office rents, has set a CIL rate of only £70/sq.m. Lambeth's proposed rate of £125/sq.m is unacceptable because it would accelerate the loss of modern employment floor-space from the north of Lambeth, in favour of Southwark or other central areas.</p> <p>Even setting the rate at £70/sq.m, Lambeth might struggle to compete, so a rate of no more than £60 would be more realistic.</p> <p>Unified Zone Boundaries: We would prefer zone boundaries to be consistent across all building types and uses. It is an improvement that the Waterloo/Vauxhall office zone now matches zone A more closely, apart from a strip on the north-west side of Wandsworth Road.</p> <p>Residential Zone Boundaries: We agree with other groups in the north of the borough that a distinction should be made between prime riverside sites and the hinterland.</p> <p>Taking into account the expected development interest in the Nine Elms/ Battersea Power Station area, the boundary between Residential Zone A and Zone B is now considered acceptable.</p> <p>However, we object to the proposed boundary between Residential Zones B and C.</p>	<p>than in Lambeth and consequently existing use values are higher than in Lambeth. This constrains the uplift in value from which a CIL contribution can be secured. Relatively low existing use values in the north of the Borough offer an opportunity to developers to develop successful office schemes.</p> <p>The Council considers that it may not be appropriate for all zones to have the same boundaries, as these should be driven by viability (which differs by use).</p> <p>This is considered by the Council to be unnecessarily complicated and difficult to evidence.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>Since last year's consultation on the preliminary draft schedule, we have become aware of more housing developments coming forward in the Brixton area generally. Based on their likely impact on the existing community infrastructure, the proposed rating of £50/sq.m as Zone C now looks quite low.</p> <p>At the same time, Zone B should exclude the relatively-suburban area south of the South Circular Road – this scarcely compares in density or development pressure with SW8.</p> <p>Overall, we recommend that the boundary between Zone B and Zone C should be the South Circular Road. If this would expand the number of potential sites in the enlarged Zone B too much, it would be acceptable to reduce its CIL rate a little, but it should not be less than £125/sq.m.</p> <p>Even beyond the South Circular Road, the Zone C rate of £50/sq.m seems a little low, but this is beyond our area of benefit, and so a matter for groups in the affected area to comment upon.</p> <p>Smaller Residential Developments: We have recently become aware of sites being split into smaller parcels to avoid the affordable housing obligations. We have already experienced the cumulative effect of numerous small schemes putting pressure on local social infrastructure such as schools and amenity spaces.</p> <p>Therefore we urge that a higher CIL rate should be levied on all housing schemes of less than 9 dwellings,</p>	<p>No evidence provided to support assertions that £50 CIL is too low. The Council's viability evidence considers the differentials in values across the Borough and the variation in rates is justified by the evidence.</p> <p>As the respondent notes, there are limited development opportunities in this area, so the level of CIL will not be a critical issue here.</p> <p>No evidence has been provided to support or justify these suggestions.</p> <p>Noted. No other groups in these areas have raised this issue.</p> <p>The Council's policies are drafted to avoid the artificial sub-division of sites to avoid affordable housing contributions. This is not in any event a matter relevant to CIL.</p> <p>As part of Lambeth Draft Local Plan, the Council is proposing introducing</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>i.e. where there is no affordable housing obligation. We propose that an appropriate rate would be the standard CIL plus 50%.</p> <p>Officers muttered about an alternative approach of extending affordable housing liability to smaller sites generally, but there is no indication that this could be put into effect as quickly, or at all, so we must discount this approach as unrealistic.</p> <p>Local Retention of CIL Income: We understand that this will be subject to further consultation, but we still favour Council Wards being used as the normal unit for local distribution. There are very few neighbourhoods within the borough as defined in the Localism Act, so at present this is not a practical basis for distribution of the locally-retained 15%. Wards provide a basis for involving local councillors in the allocation of resources, as well as local voluntary organisations.</p>	<p>a requirement for financial contributions in lieu of affordable housing on such sites. In this context, it is therefore not considered appropriate or practical in terms viability to seek to introduce a differential rate for CIL based on the number of units in a development.</p> <p>The Council will be assessing how the locally retained CIL is distributed for the benefit of the local neighbourhoods and communities. The Council will consult with the local communities early in 2014 to develop a strategy for distributing locally retained CIL fund and prepare an action plan for funding and implementing local community schemes.</p>
011	Simon Layland	Deloitte Real Estate on behalf of King's College London	Affordable Student Rents	<p>King's is one of the world's leading research and teaching universities based in the heart of London. King's courses are particularly distinguished in the fields of humanities, sciences (medicine, nursing, dentistry) and social sciences. Amongst a backdrop of increasing costs for students and higher tuition fees, King's future success depends on the provision of affordable accommodation for its students.</p> <p>By way of background, Deloitte Real Estate is an industry expert on the Community Infrastructure Levy (</p>	

No	Name	Organisation	Topic	Response	LBL Response
				<p>CIL). We advised and appeared at Examination in Public on behalf of Huntingdonshire District Council at their CIL Examination on 6 & 7 March 2012; the successful levy was adopted on 1 May 2012. We continue to work closely with local authorities on CIL and so we are well placed to offer our comments on viability and the proposed CIL charges.</p> <p>Deloitte Real Estate has been instructed by King s to provide consultancy advice in relation to the Council s Draft Charging Schedule (DCS) and to review the Community Infrastructure Levy Viability Study (VS) dated April 2013 prepared by BNP Paribas (BNPP).</p> <p>Deloitte Real Estate attended the CIL Workshop held by the Council and BNPP on the 25 July 2013. Although all landowners and developers were invited, it was interesting to note that all three attendees present were representing the Student Housing sector. We raised a number of queries, which are summarised below:-</p> <ol style="list-style-type: none"> <li data-bbox="919 971 1535 1027">1. Affordable Student Rents (or Subsidised Student Rents) <p>BNPP acknowledged the provision of affordable student rents, and stated that an appropriate method of ensuring that such development is not prejudiced by CIL would be to deal with such development by way of a carefully worded exceptional relief policy. Notwithstanding this, BNPP stated that the Council must be protected and that such a policy would have to acknowledge the length of the agreement that was in place and the level of subsidy adopted.</p> <p>When asked further as to whether such a policy would</p>	<p>The Council will be electing to offer exceptional relief, subject to developers meeting the three tests in the regulations. The Council, would, however expect any student housing provider claiming exceptional relief on the grounds of charging sub-market rents to enter into a Section 106 agreement that secures those rent levels in perpetuity (subject to appropriate</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>be implemented, BNPP and the Council stated that they would discuss the implementation of such a policy provided valid representations were made.</p> <p>2. Appraisal Inputs: Rents and Existing Use Values (EUVs)</p> <p>We asked for clarification as to the source of a number of the appraisal inputs. The answers received were as follows:-</p> <ul style="list-style-type: none"> • Rent: BNPP s assumption is based on feedback from other schemes and developers. No further information provided or details of which schemes. • Existing Use Value: BNPP stated that the EUV was calculated having regard to a number of existing schemes. When asked to elaborate further as to the quantum of student housing schemes reviewed, BNPP stated maybe half a dozen and acknowledged there had not been a great deal of development over the course of the last 6 years. In addition, BNPP stated that they could not recall the name of the schemes from which the EUV was derived. <p>3. Inconsistencies:</p> <p>It was pointed out that the CIL Viability Study prepared by BNP Paribas contained a number of inconsistencies between those figures contained within the report, and those included within the relevant appraisal. Whilst BNPP acknowledged that there may be drafting errors within the report, it confirmed that the appraisal includes their correct assumptions.</p> <p>London Borough of Lambeth s Proposed Student</p>	<p>indexation). The Council will be working on an exceptional relief policy in due course, but this does not form part of the Examination.</p> <p>Data has been compiled from confidential viability assessments submitted to the Council with planning applications.</p> <p>Deloitte has not provided any information that contradicts the information contained within these assessments.</p> <p>The assumptions used in the appraisals by BNP Paribas Real Estate, the Councils technical advisors on CIL, have been double checked by them and are considered correct.</p>

No	Name	Organisation	Topic	Response	LBL Response				
				<p>Housing CIL Rate</p> <p>The Draft Charging Schedule has retained the proposed CIL charge contained within the Primary Draft Charging Schedule (PDCS) in respect of the development of student housing. This comprises a uniform charge on all forms of new student housing to be provided across the Borough, irrespective of the scale or location of development.</p> <table border="1" data-bbox="898 544 1562 651"> <thead> <tr> <th data-bbox="898 544 1226 615">Use</th> <th data-bbox="1226 544 1562 615">Proposed CIL rate (£ per sq m)</th> </tr> </thead> <tbody> <tr> <td data-bbox="898 615 1226 651">Student Accommodation</td> <td data-bbox="1226 615 1562 651">£360</td> </tr> </tbody> </table> <p>King s Concerns and Recommendations</p> <p>We have two main concerns and recommendations in relation to the proposed CIL rate: -</p> <ol style="list-style-type: none"> <li data-bbox="919 899 1562 1317">1. We are in agreement with the Council and BNPP that there are two categories of student housing (being Market and Affordable Student Housing), and that Affordable Student Housing should be exempt from CIL on the grounds of viability. Unfortunately, the CIL Regulations which provide for exemption under Charitable Relief do not provide a sufficient safeguard as acknowledged at the Council s workshop. This letter sets out the suggested amendments to the CIL Charging Schedule to ensure that affordable student housing is exempt from CIL in all eventualities. <li data-bbox="919 1317 1562 1424">2. Notwithstanding the above, we are also of the view that the proposed Market student housing CIL charge is too high, and we have provided evidence 	Use	Proposed CIL rate (£ per sq m)	Student Accommodation	£360	<p>The Council has sympathy with the case but forward by Kings College, but consider that affordable student accommodation can be exempted from CIL on charitable grounds, or on the basis of an exceptional discretionary relief. Accepting, any developer benefiting from exceptional discretionary relief would need to enter into a Section 106 agreement which would limit rents in perpetuity, subject to reasonable indexation provisions, thus creating a financial requirement through a Section 106 Agreement. As well as</p>
Use	Proposed CIL rate (£ per sq m)								
Student Accommodation	£360								

No	Name	Organisation	Topic	Response	LBL Response
				<p>within this letter and a supporting appraisal to counter the proposed charge of £360psm.</p> <p>1. Affordable Student Housing- Exclusion or Nil Rate</p> <p>The difference in the viability of development depending on the level of student housing rents is acknowledged by BNP Paribas under 6.41 of the VS, which states that:-</p> <p><i>If universities undertake their own developments of student accommodation with rent levels lower than those charged by the private sector, residual land values are likely to be lower. Such developments would not be liable to pay CIL contributions, as the development would serve a charitable objective of the University and charitable relief would be available under Regulation 43. In the event that universities develop in partnership with other organisations that are not eligible for charitable relief, CIL would be liable. One option is for a different CIL rate to apply for student housing developments which are linked to a University through a legally binding nomination agreement into perpetuity.</i></p> <p>As the Council is aware from our representation submitted on 6 November 2012, circumstances may arise whereby King s may seek to provide student accommodation in association with a partner/body without charitable status. This may take the student housing provided outside the mandatory charitable exemption, however, Kings purpose in pursuing this model would still be to provide the accommodation at a subsidised and sub-market rent.</p>	<p>meeting the other two exceptional discretionary relief on viability and not acting as state aid.</p> <p>The Council recommends that KCL should structure their student accommodation development arrangements in a way that minimises liability to pay CIL.</p>

No	Name	Organisation	Topic	Response	LBL Response				
				<p>King s currently provide subsidised accommodation directly to students at prices of between £120 and £158 per room per week. Please find enclosed a schedule of evidence that we have previously provided to you within our representations that were submitted in respect of the PDCS on 6 November 2012.</p> <p>We are pleased that the Council has recognised this as an issue and we trust the following suggested amendment to the Charging Schedule will ensure that a solution is implemented which ensures a nil rate is applied for affordable student housing. This could be set out in a footnote within the Charging Schedule as follows: -</p> <table border="1" data-bbox="898 755 1564 863"> <thead> <tr> <th data-bbox="898 755 1136 792">Use</th> <th data-bbox="1136 755 1564 792">Proposed CIL rate (£ per sq m)</th> </tr> </thead> <tbody> <tr> <td data-bbox="898 792 1136 863">Student Accommodation¹</td> <td data-bbox="1136 792 1564 863">£360 per sq m (levy for illustrative purposes; to be revised)</td> </tr> </tbody> </table> <p><i>¹Student Accommodation does not include affordable student housing. Affordable student housing would be granted permission at the time of the application subject to a Section 106 agreement or planning condition which restricts the amount of rent that can be charged.</i></p> <p>2. Private Student Housing- Proposed CIL rate of £360psm</p> <p>At Examination in Public, the appointed Examiner would require the Council to address the following three questions:-</p> <ol style="list-style-type: none"> <i>1. Is the charging schedule supported by background documents containing appropriate available</i> 	Use	Proposed CIL rate (£ per sq m)	Student Accommodation ¹	£360 per sq m (levy for illustrative purposes; to be revised)	<p>The Council has considered the proposed amendment, but believes the same objectives can be achieved. Though charitable relief, in a considered approach to exceptional discretionary relief in terms of securing affordable student housing through a Section 106 Agreement.</p> <p>The Council thanks Deloitte for outlining the questions that the Examiner will ask in considering the charging schedule. The Council's view is that it has satisfied all three</p>
Use	Proposed CIL rate (£ per sq m)								
Student Accommodation ¹	£360 per sq m (levy for illustrative purposes; to be revised)								

No	Name	Organisation	Topic	Response	LBL Response												
				<p><i>evidence?</i></p> <p>2. <i>Is the charging rate informed by and consistent with the evidence?</i></p> <p>3. <i>Does the evidence demonstrate that the proposed charge rate(s) would put the overall development of the area at serious risk?</i></p> <p>We do not believe that the Council, in proposing its Draft Charging Schedule CIL rates has satisfied these questions.</p> <p>The supporting evidence for implementing CIL in respect of market student housing comprises a single appraisal contained within Appendix 3 of the BNP Paribas Viability Study. We have reviewed the Viability Study alongside the financial appraisal contained at Appendix 3, and we have noted that there are a number of inconsistencies. Each of the inconsistencies is identified within the table below:-</p> <table border="1" data-bbox="898 930 1562 1424"> <thead> <tr> <th data-bbox="898 930 1121 969">Difference</th> <th data-bbox="1121 930 1314 969">Report</th> <th data-bbox="1314 930 1562 969">Appraisal</th> </tr> </thead> <tbody> <tr> <td data-bbox="898 969 1121 1003">Size</td> <td data-bbox="1121 969 1314 1003">30,000 sq.ft</td> <td data-bbox="1314 969 1562 1003">145,000 sq.ft</td> </tr> <tr> <td data-bbox="898 1003 1121 1356">Rents Adopted</td> <td data-bbox="1121 1003 1314 1356">£225 per week</td> <td data-bbox="1314 1003 1562 1356">£200 per week for 42 weeks in term time (98% occupancy level assumed) £235 per week for 10 weeks outside of term (50% occupancy level assumed)</td> </tr> <tr> <td data-bbox="898 1356 1121 1424">Base Construction</td> <td data-bbox="1121 1356 1314 1424">£180 per sq.ft</td> <td data-bbox="1314 1356 1562 1424">£190 per sq.ft</td> </tr> </tbody> </table>	Difference	Report	Appraisal	Size	30,000 sq.ft	145,000 sq.ft	Rents Adopted	£225 per week	£200 per week for 42 weeks in term time (98% occupancy level assumed) £235 per week for 10 weeks outside of term (50% occupancy level assumed)	Base Construction	£180 per sq.ft	£190 per sq.ft	<p>requirements.</p> <p>The points raised are debatable; – clearly the figures in the appraisal are those that the CIL is based upon.</p> <p>As noted above, the maximum CIL rates are based on the inputs to the appraisal, not those in the report.</p> <p>The Councils advisors on CIL, BNP Paribas Real Estate have not included purchasers costs in the appraisal, as the typical model is a developer-operator scheme. Purchasers costs would therefore not be incurred as there would be no onwards sale by a developer to an operator.</p>
Difference	Report	Appraisal															
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				<p>The differences contained between the Report and the Appraisal could potentially be fairly significant when calculating the level of CIL that could be afforded.</p>			<p>BNP Paribas Real Estate appraisal reflecting adjustments for these issues has been reviewed, including the Section 106 payment assumed by Deloitte on a without prejudice basis, and it has also had regard to the most recent BCIS cost for student housing, which indicates a mean average in LB Lambeth of £1,580 per square metre (£147 per sq ft</p>																		
				<p>The impact of the additional costs is illustrated within the appraisal enclosed. For the purposes of this analysis, we have retained the revenues and build costs, and replicated the scale of the development tested by the applicant. Notwithstanding this, the impact of changes to the rate of interest, the inclusion of purchaser s costs (5.8%), S106 costs (at £860 per unit) and Mayoral CIL (£35 psm) lead to a reduced residual surplus. Whilst BNPP s appraisal generates a CIL surplus of £5,123,286, our appraisal which seeks to replicate the contents of BNPP s version save as to the aforementioned amendments provides a surplus of £1,161,097. This equates to a maximum potential CIL rate of £125 psm in respect of student housing, as opposed to the maximum £550psm identified within the BNPP appraisal.</p>			<p>At the rents adopted in the original appraisal (£200 per week during term time and £230 per week during vacations), the revised appraisal shows a maximum rate of £1,141 per square metre. The sensitivity of the CIL rate to changes in rent levels has also been tested. If rents fall to £173 per week, the maximum CIL rate would fall to £514 per square metre. After allowing a 30% buffer, the rate would reduce to £360 per square metre, in line with</p>																		
				<p>Having regard to the above calculation, and allowing for a buffer of 65% (as per the BNPP assumption); the proposed CIL charge would reduce from £360psm to £80 psm.</p>																					

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				<p>For information, the s106 assumption has been informed by conversations with the local planning authority. We are advised that parks and open space will be provided for through CIL, however an allowance will be required for construction and local transport network impacts which are scheme specific and not intended to be covered by CIL.</p> <p>BNP Paribas has adopted a rent of £200 per week for a typical 1 bed ensuite room within the Central London Boroughs (as identified within the VS). The revenues adopted are considered reasonable for the northernmost portions of the Borough (including the areas around Waterloo and Vauxhall), although could be considered optimistic for areas to the South such Stockwell, Brixton and Streatham. The CIL charge should be reflective of values within each area, and as a result lower revenues should be adopted when seeking to ascertain the amount of CIL that can be afforded within the identified lower value areas.</p> <table border="1" data-bbox="894 964 1566 1422"> <thead> <tr> <th></th> <th>£200 p/w term*</th> <th>£195 p/w term £</th> <th>190p/w term</th> <th>£185 p/w term</th> <th>£120 - £158 p/w term**</th> </tr> </thead> <tbody> <tr> <td>Maximum CIL Liability</td> <td>£125</td> <td>£39</td> <td>£0</td> <td>£0</td> <td>£0</td> </tr> <tr> <td>Potential CIL Charge with a 65% Buffer</td> <td>£80</td> <td>£25</td> <td>£0</td> <td>£0</td> <td>£0</td> </tr> </tbody> </table>		£200 p/w term*	£195 p/w term £	190p/w term	£185 p/w term	£120 - £158 p/w term**	Maximum CIL Liability	£125	£39	£0	£0	£0	Potential CIL Charge with a 65% Buffer	£80	£25	£0	£0	£0	<p>the proposed CIL rate.</p> <p>Having tested the impact of the issues that Deloitte have raised, the appraisals indicate that the proposed CIL rate is robust and proportionate. See Addendum Viability Study, November 2013, Section 3 and Appendices 4 and 5.</p> <p>The Council has received no applications for student housing in these areas and there is no evidence that the same rent levels could not be charged in here. Evidence from other boroughs indicates that there is no difference in rent levels, even when private sales values vary significantly (e.g. see rent levels for student housing charged in Finsbury Park compared to schemes in the south of Islington).</p>
	£200 p/w term*	£195 p/w term £	190p/w term	£185 p/w term	£120 - £158 p/w term**																		
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				<div data-bbox="898 228 1562 266" style="border: 1px solid black; height: 23px; width: 100%;"></div> <p data-bbox="898 337 1535 574">Having regard to the above, even a slight variance in the rental values assumed will significantly reduce the development's ability to fund CIL. Indeed, a decline of 5% on the £200 p/w rent in term time restricts the viability to the point that the development becomes unviable, before any potential CIL charge is accounted for.</p> <p data-bbox="932 621 1556 683">*Appraisal enclosed based on market student rental values of £200 per week with corrected assumptions.</p> <p data-bbox="932 690 1549 889">**As can be seen from the final column of the table above, affordable student housing charged at submarket rents is unable to support any CIL charge based on the viability evidence and in accordance with BNP Paribas's conclusions on this type of student accommodation.</p> <p data-bbox="898 935 1136 963">Recommendations</p> <p data-bbox="898 971 1549 1101">Having regards to the above, our recommendations are twofold, and partly reflect the ideas proposed by BNP Paribas during the Draft Charging Schedule CIL Workshop.</p> <ol data-bbox="919 1146 1556 1417" style="list-style-type: none"> 1. We agree with BNP Paribas conclusions that there are two types of student accommodation (those let at market rents, and those let at subsidised or affordable market rents), and that the latter should not be liable for CIL based on viability grounds. The CIL Regulations only allow for certain exemptions such as Affordable Housing or Charitable Relief, there any further exemptions or 	

No	Name	Organisation	Topic	Response	LBL Response
				<p>nil rates must be included within the Council's Charging Schedule in order to be enforceable. We have provide a solution and some suggested wording which ought to be included as a footnote within the Schedule of CIL Rates. This allows the Charging Authority to enforce the exemption of CIL for affordable student housing, ensuring that the accommodation which is exempt is indeed charged at sub-market rent, and ultimately this is linked to approval of planning permission through a planning condition or S106 agreement.</p> <p>2. We consider that the proposed Student Accommodation CIL rate is based on flawed assumptions and is therefore higher than can be supported in this Borough. The proposed CIL rate has been calculated on the basis of one appraisal, which excludes known costs such as the Mayoral CIL, S106 expenditure, purchasers' costs and contingencies. If these are accounted for, the scheme appraisal cannot afford the proposed CIL charge. It is considered that the CIL rate at £360psm is too high and will prejudice the delivery of all forms of student accommodation in its current drafting.</p>	
012	Juliet Heap	WCDG	Discretionary relief	<p>WCDG is funded by Lambeth Council to consult the local Waterloo community on redevelopment proposals and make representations as appropriate.</p> <p>Consultation Firstly we would like to comment on the complete inadequacy of the consultation. Many local residents would not know what the council is</p>	<p>The Council consulted extensively with stakeholders and local communities in accordance with the requirements of the regulations both at the Preliminary Draft stage in November 2012 and the Draft stage in July 2013, though</p>

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				<p>proposing, since there has been insufficient public consultation. We believe that this is a critical issue of great interest to many residents – the evidence is the thousands of residents who currently become involved in s106 issues pertaining to development. Residents are interested in both good planning – and the impact of the CIL to ensure we achieve this – as well as the amount of money raised and what it is spent on. We note the following:</p> <ul style="list-style-type: none"> • The consultation is not easy to find on Lambeth’s website: you have to know it exists in order to find it, and there is nothing on the consultation page – if you looked there you would think there is no consultation • There has been the bare minimum of consultation events undertaken: one event during the day for the first round, a similar event in the early evening for the second. The contents of these events were indigestible to anyone but those who already have a good grasp of these proposals and the rationale behind them. The attendance at events was pathetic – 4 or 5 of the same people. It is perfectly possible to get turnouts of 50+ on even the most esoteric borough-wide planning issues, and to make those consultations digestible and their outcomes meaningful, as we provide with a recent such event on the Local Plan • The time period for the consultation is completely unhelpful. If Lambeth genuinely want to engage 	<p>distribution of summary leaflets and web page information. Furthermore, the Council held a number consultation workshops for community groups, and day time and evening meeting on the Preliminary Stage in November 2012, and evening meeting in July 2013 for the Draft stage. At all events which Council officers and the Council’s advisors presented information on the proposed CIL charging schedule and responded to questions and comments.</p> <p>The information on CIL is readily accessible on the Council’s website. The Council’s CIL page comes up at the top of the list when searching ‘Lambeth CIL’ on a search engine.</p> <p>Unfortunately, development economics is a complex topic and the Council has limited time and resources to provide background information on these matters before addressing CIL itself.</p> <p>In the Council’s experience, resident turnout of the numbers cited by the respondent are only</p>

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				<p>In light of this, and given the claims of the Council to be a 'Co-operative Council', it is very disappointing that the Council did not co-produce this consultation with the very communities it claims it wishes to consult.</p> <p>In response to the draft charging schedule set out by the London Borough of Lambeth we consider three main principles that are key to the appropriateness of the figures: first we consider the approach adopted by the London Borough of Lambeth, secondly we consider Viability Issues and thirdly we consider the Exceptions policy.</p> <p><u>Discretionary relief</u></p> <p>The proposed draft charging schedule states that the council is considering introducing the option for the council to offer discretionary relief on financial grounds. We fundamentally disagree with the principle of allowing a discretionary relief to CIL. The central reason for introducing the Community Infrastructure Levy was to provide a fairer, faster, more certain and transparent system – enabling better understanding of the amount that developers would be required to pay.</p> <p>As far as we can tell, the occasions when the amount of s106 payable would be greater than the CIL contribution would only ever occur when developers bring forward significant schemes on the strategic development sites, and it is these larger schemes could end up getting out of paying CIL by arguing that</p>	<p>achieved when a development proposal affects specific residents. Consultations on planning policy and S106 rarely achieve the same levels of interest.</p> <p>The Council is running to a tight time frame and has to have its charging schedule in place by April 2014. This unfortunately constrained time periods for consultation to the statutory minimum. However, the Council considers that this was preferable to not having CIL in place by the cut off date, which would have meant loss of income from developments.</p> <p>There is currently no mechanism for developers to 'negotiate their way out' of planning obligations (other than for affordable housing for a time limited period).</p> <p>The tests in the CIL regulations for granting exceptional relief are very onerous and the Council's view is that only limited appropriate developments would qualify.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>individual circumstances result in a scheme becoming unviable. The developer could then end up negotiating their way out of providing important planning obligations.</p> <p>The developers proving small and medium sized developments would potentially end up paying significant amounts of CIL and these schemes will be the ones that become untenable.</p> <p><u>Charging Schedule</u></p> <p>It is clear that some of the rates proposed in the charging schedule are disproportionate and will negatively impact development. We would seek that the proposed rates for office development in Waterloo and Vauxhall is reduced from the proposed level of £125 per Sq. m. New office development should be encouraged in Waterloo and Vauxhall and therefore the rate should be lower. Camden, for instance, their central zone rate for office developments propose a levy of just £45 per square metre. Our view is that the rates in Lambeth should not be so much greater than other central boroughs.</p> <p>If residential CIL rates are to be varied across the bands, then student accommodation should also be banded accordingly, with a higher rate to be charged in zone A and lower rates in bands B and C.</p>	<p>The Council also considers that there may be situations where securing infrastructure through S106 will be preferable to securing it through CIL. Exceptional relief offers the Council the opportunity to do this.</p> <p>The proposed office rate is a very modest proportion of overall development costs and therefore readily absorbed by development. The office rate is consistent with the long standing tariff for schemes in VNEB.</p> <p>There is limited or no evidence of student housing rents in some parts of the Borough that might justify a differential charge. The Council considers that the majority (if not all) student accommodation will be developed in the north of the Borough.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>Visitor attractions should be required to pay an annual amount, secured through s106 towards local improvements and maintenance, based on the amount of visitors that they are expected to bring into the area and the ongoing impact on the local area, transport, public space etc.</p> <p>There should also be clear guidance set out by Lambeth Council as to what they expect to still charge through S106 agreements for clarity and to ensure that there is no double or triple dipping. In addition, it is a widely held view in the development industry that considering S106 is negotiable unlike CIL, the amount of money raised through S106 for site specific mitigation and affordable housing will be significantly reduced and squeezed.</p>	<p>This matter is addressed in the Council's Draft Revised S106 Planning Obligations SPD.</p> <p>This matter is addressed in the Council's Draft Revised S106 Planning Obligations SPD.</p> <p>It is not possible to negotiate on S106 that relate to site mitigation – if the harm of development is not mitigated, planning permission cannot be granted.</p> <p>The Council has considered the potential impact of CIL on affordable housing and is satisfied that the impact will be limited. In some cases, more affordable housing could be provided than under Section 106, due to the offsetting of existing floorspace against CIL liability.</p>
013	Hannah Wilcox	DP9 on behalf of ITV plc	Charging scheme	ITV plc has been a long term occupier and significant employer located in the borough. In February 2013 ITV plc successfully bought the freehold of the London Television Centre (LTVC) building. They are currently discussing with your Council the further development of the draft Local Plan and other policy and guidance	

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				<p>documents as they relate to the future planning across the borough and particularly the South Bank area of Waterloo. The proposed Charging Schedule associated with the borough CIL is clearly of relevance to this debate.</p> <p>The following matters are of particular importance to the future development of the draft Charging Schedule.</p> <ol style="list-style-type: none"> <li data-bbox="913 477 1549 818">1. The South Bank and Waterloo area has over the last few years experienced significant development activity relating, amongst others, to proposed development at Shell Centre, Elizabeth House, the South Bank Centre, and Doon Street. The scale and nature of the development proposed is substantial. It is imperative that the proposed borough CIL does not impose an unacceptable burden that hinders future development being brought forward. <li data-bbox="913 1143 1549 1414">2. The Council is proposing a draft Charging Schedule which will impose a charge of £265 per sq m in relation to new residential development and £125 per sq m for office floor space. Background analysis documents prepared by the Council's consultants justify the level of these charges. These hypothetical analyses fail to properly reflect the detailed viability 	<p>The Council is required by the regulations to strike a balance between raising funding for infrastructure and the impact upon viability of development. In arriving at its judgement, the Council has considered schemes that it is determining in the north of the Borough in particular, where the proposed CIL rates are highest. The Council has recently granted planning permission for major schemes that provide a full S106 'Nine Elms & Vauxhall" Tariff payment (which the CIL rate in the north of the Borough is largely based on) and policy compliant levels of affordable housing (40% with no grant).</p> <p>The Council does not agree that the viability testing does not reflect developments in the area, as live developments informed the typologies adopted for testing purposes. The Council has considered the impact of the proposed levels of CIL against</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>considerations relevant to the bringing forward of individual development proposals. As such detailed and careful scrutiny of the likely impact such charging levels will have on development in the borough should be carried out before the draft Charging Schedule is approved.</p> <p>3. The consultation documents refer to affordable housing units (and buildings being used for charitable purposes) being exempt from CIL. It is our understanding of the Regulations that affordable housing benefits from 'relief' as opposed to being exempt. ITV will be grateful if this can be clarified.</p> <p>4. Recent announcements confirm that borough CIL's should be in place by 2015 (not 2014). It is considered that the extra time that this affords boroughs in bringing forward Charging Schedules should be taken to carefully consider the potential impact a borough CIL, combined with the Mayoral CIL and S106 obligations will have on development delivery.</p> <p>5. It is particularly important that the borough</p>	<p>agreed levels of S106 and is satisfied that the CIL will not in most cases result in any significant change to viability. Indeed, many schemes would be more viable under CIL, due to the ability for developers to net off existing floorspace.</p> <p>With respect to DP9, this response is just a semantic issue – the key point is that any affordable housing that developments provide will not attract a CIL liability.</p> <p>As DP9 are very much aware, the recent consultation on potential amendments to the regulations (including the April 2014 cut off date which restricts pooling of S106 obligations) is merely a consultation. Until an announcement is made, or new regs are issued, the Council must assume that the April 2014 will remain in place. The Council does not need extra time to consider its rates, as it is already satisfied with the balance that it has struck.</p> <p>The Council has now published</p>

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				<p>prepare for review its SPG on S106 and how it is proposed to operate alongside the borough CIL. This is essential to properly appraise the likely impacts these charges will have on development viability. At present the Council states that a revised SPG on S106 is to be published for consultation in September 2013. It is considered that the consideration of the draft SPG must take place alongside that of the draft Charging Schedule: without a clear understanding of those S106 items that will be superseded by the Charging Schedule and those that will remain in place it is difficult to ascertain the likely impact on development deliverability.</p>	<p>and consulted on its Draft Revised Planning Obligations SPD and this addresses the issues raised here.</p>
014	Chris Deeks	Turley Associates on behalf of Sainsbury's Supermarkets	CIL rates	<p>Proposed CIL Rates Retail Development The DCS proposes a CIL rate of £115 per sq m for all Class A1 to A5 retail uses in excess of 2,500 sq m. Retail developments below the 2,500 sq m threshold will be charged a nil rate across the borough (in addition to the adopted Mayoral CIL rate of £25 per sq m). Residential Development In regards to residential development, the DCS is proposing three differential rates including £265 per sq m, within Zone A (Waterloo and Vauxhall), £150 per sq m within Zone B (Kennington, Oval and Clapham) and £50 sq m within Zone C (which incorporates Streatham, West Norwood, Streatham Hill, Tulse Hill, Brixton and Herne Hill).</p> <p>Lack of Evidence that Size Thresholds or</p>	

No	Name	Organisation	Topic	Response	LBL Response
				<p>Boundaries of Particular Zones are Different In relation to retail development, there is no adequate evidence that the sale of retail goods above 2,500 sq m is a different intended use (for Regulation 13 purposes) to the sale of retail goods from smaller format units below this threshold. All are retail uses involving the sale of goods of visiting members of the public for their own consumption, with similar operational characteristics. In order for such an approach to be legitimate, the Council would have to demonstrate that the characteristics of the use either size of the threshold were sufficiently dissimilar to be different “intended uses” of a development. There is no such evidence supporting the PDCS.</p> <p>With regard to residential development, the range of differential rates charged across the borough does not accurately prove that there is a different ‘intended use of development’ within each of the three identified zones. Whilst they reflect different types of development in various geographical areas, we propose that a more fine-grained evidenced approach is undertaken to justify the boundaries of each particular zone. In any event, there is no adequate evidence supporting the charging schedule which justifies the above distinctions being made.</p> <p>Lack of Viability Evidence Retail Development In regards to retail development, the CIL Viability Study, prepared by BNP Paribas Real Estate (April, 2013) has only considered one type of retail scenario, being a 30,000 sq ft GIA retail store.</p>	<p>The Council has considered the points made, and has refined the definition for large scale retail development so it describes the type of retail development that is intended to be covered as opposed to being defined by floor size. The Council believes this approach is in line with other Charging Authorities who have already adopted a CIL differential charge approach for retail.</p> <p>The Council is surprised at this comment. The regulations and Statutory Guidance both very clearly state that rates can be varied both by intended use of development and by area. The Viability Study sets out the differences in values that underpin the different zones for residential development.</p> <p>The Viability Study considers both small and large retail development in all the key markets in the Borough.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>The residual assumptions indicate that the appraisals undertaken were for a hypothetical scheme and are not geographically specific. Each scenario assumes a poor quality second hand space with low optimisation of the existing site. In each case, the existing use value assumes that the building is half the size of the new development, with a lower rent and higher yield reflecting the secondary nature of the building (see paragraph 4.47 of the CIL Viability Study).</p> <p>The appraisal findings suggest a large disparity in achievable retail charges across the borough. The Viability Study indicated that supermarkets, superstores and retail park developments could absorb a CIL of up to £262 per sq m (inclusive of Mayoral CIL) while smaller retail formats could absorb a lower CIL rate ranging from £0 to £93 per sq m (see paragraphs 6.35 and 6.36 of the CIL Viability Assessment).</p> <p>Although additional evidence has been submitted regarding the different types of retail development, applying such a high rate on supermarket and larger format retail development above 2,500 sq m may lead to a CIL which has a detrimental effect on retail delivery across the Borough, restricting development to particular locations or hot spots. The evidence relies largely on general UK-trend based analysis which does not adequately reflect local land values or market conditions across the borough.</p> <p>Residential Development In relation to residential development, only seven hypothetical scenarios have been tested across the borough, including a housing-led scheme of nine units</p>	<p>The large supermarket development assumes the same rent borough-wide, as evidence indicates that rents will not vary considerably in different parts of the borough.</p> <p>The proposed CIL accounts for a very modest proportion of overall development costs (2.3% or 3.1% when Mayoral CIL is added) and is unlikely to adversely impact on viability of development.</p> <p>The Council does not understand why the proposed CIL rate would restrict retail development to particular areas, where nil rates are proposed for all but the larger stores.</p> <p>The seven development typologies represent to range of developments that have come forward through</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>(site area of 0.11 ha) and six other mixed use schemes, covering a range of hypothetical densities from 25 to 300 units. The overall site areas range from 0.14 ha to 1 ha in size (see Table 4.19.1 of the CIL Viability Assessment).</p> <p>In addition, the Charging Authority have not proactively engaged in any market testing with the developers involved with the strategic and allocated sites identified in the Draft Local Plan or undertaken any sensitivity analysis between the land values that have been assumed through the Existing Use Value (EUV) and those realistically achievable in the local market. This has led to a set of proposed rates in the DCS which may be unviable.</p> <p>Whilst the viability study makes a brief reference in relation to the local policy context regarding CIL, there is no detailed information on how the proposed rates will impact on the deliverability of the Development Plan particularly in relation to meeting the housing pipeline and borough wide /area specific policy targets. The council should re-consider lowering its charging levels for residential development and be more pragmatic about viability.</p> <p>Vauxhall Nine Elms Battersea (VNEB) Opportunity Area Tariff</p> <p>The VNEB Opportunity Area Planning Framework (OAPF) tariff recognised different market values and different viability scenarios within the opportunity area. It is unclear therefore why a single residential CIL rate is proposed across the opportunity area. Lower values</p>	<p>planning over the past two years.</p> <p>This Council does not accept this assertion. The Council consulted widely, holding a series of workshops on appraisal inputs, a further workshop on the PDCS and a workshop on the DCS. Developers were invited to submit evidence at each stage but most chose not to do so.</p> <p>There is clear guidance on benchmarking the results of residual land values and the Viability Study is consistent with this approach. The benchmark land values were informed by data from real schemes across the Borough.</p> <p>The Council is satisfied that the proposed rates of CIL will not adversely impact on the viability of residential development. The Council has, however, lowered its</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>affecting land away from the river frontage but still within the opportunity area should be recognised in the charging schedule.</p> <p>State Aid Supermarkets and superstores sell an overlapping range of goods with many other shops. They compete in the same market. The DCS charges a high CIL to large format retail units (above the 2,500 sq m threshold) but not to smaller competitors. There is no consideration in the available evidence on the state aid implications of this or whether it is objectively justified, particularly in relation to smaller retail uses across the borough. Furthermore, it should be remembered that the responsibility for state aid compliance rests on the Charging Authority (paragraph 40 of the CIL Guidance). There is no relevant evidence that demonstrates that the Council have given this issue proper consideration.</p> <p>2013 CIL Reform Consultation In addition to the above, on 15 April 2013 the Department for Communities and Local Government (DCLG) began consulting on changes to the CIL regulations. Importantly, the consultation invites responses on whether the Regulations should be</p>	<p>proposed residential rate in Waterloo to the same level as the rate proposed in the VNEB area.</p> <p>The Council has been applying the Nine Elms and Vauxhall tariff to developments across the area. The proposed rate of CIL will be no higher than the tariff and in some cases it will be lower. The Council is satisfied that the proposed rate is viable across the Nine Elms and Vauxhall Opportunity Area.</p> <p>The difference in CIL rate is driven by viability (largely associated with the substantial differential in yield between the large operators and smaller and independent retailers). The Council is satisfied that the differential CIL rate is justified by the viability evidence and does not constitute state aid.</p> <p>The Council is satisfied that it would meet tests proposed in the amendments.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>rephrased to emphasise that examinations of charging schedules must focus on the robustness of the evidence base and that charging authorities should be 'required' to strike an appropriate balance between funding infrastructure and the potential effects of the levy (rather than 'aim' to strike such a balance).</p> <p>Furthermore, the evidence should clearly demonstrate how the proposed levy rates will contribute towards the implementation of the Lambeth Local Plan at examination (see paragraph 19 of the DCLG Consultation on CIL further reforms). These nuanced changes would therefore focus more attention on the role of the charging authority in justifying their approach. Subject to consultation responses, the regulations are likely to change. We therefore recommend the Council are mindful of these forthcoming legislative changes in progressing their CIL and so we reiterate our view that further evidence must be given.</p> <p>Instalments Policy</p> <p>In order for the requirements of CIL not to affect the long-term delivery of retail and residential development within the borough, Sainsbury's consider it essential that Lambeth prepare and adopt an instalments policy in line with CIL Regulation 69B. If all CIL is payable at the commencement of a development process then that might affect viability. Further clarification will therefore be required within the DCS so that the financial consequences can be modelled.</p>	<p>The Council has demonstrated through its draft regulation 123 how CIL will support infrastructure that will support growth and development.</p> <p>The Council will be considering its position on instalments prior to adoption.</p>
015	Philip Dunphy	Rolfe – Judd on behalf of Downing	Student accommodation	<p>Background</p> <p>Downing are a very experienced provider of student accommodation and have built and managed over 5,000</p>	<p>The revised appraisals continue to indicate that the Council's proposed</p>

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				<p>student bedrooms in UK cities, including London, Manchester and Newcastle over the last 15 years. This is soon to be complemented by over 650 additional student bed spaces in Lambeth where Downing have secured planning permission for student developments at 30-60 South Lambeth Road in Vauxhall and land adjacent to 202 Lambeth Road in Waterloo.</p> <p>Downing have earned many awards for the architectural quality of their schemes, the standard of accommodation they deliver for their students and their ability to deliver schemes that integrate well with the existing communities, often improving and creating further investment in the areas they have developed in.</p> <p>Due to the favourable location of the Borough in terms of proximity and accessibility to many of London's educational institutions and its currently deficient provision of student accommodation, Downing are currently investigating the potential for further student developments in the Borough. This is consistent with the target for non-self contained accommodation in Lambeth set out within the London Plan (the second highest in London).</p> <p><i>Proposed CIL Rate for Student Accommodation</i> The Lambeth draft CIL charging schedule continues to propose a Borough-wide rate of £360 per square metre for student accommodation despite a number of student providers expressing significant concern in representations on the preliminary draft charging schedule about the impact of this levy on the viability of future student developments. It continues to be our client's view that the proposed CIL charge for student</p>	<p>CIL rate is robust and viable for student housing schemes.</p> <p>Student housing schemes generate high residual land values, almost always significantly higher than residuals generated by other residential schemes. This is partly – but not wholly – related to no affordable housing requirements on student housing. Consequently, the Council's proposal to levy a slightly higher CIL than for other residential is viable and proportionate.</p>

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				<p>accommodation, and the general lack of flexibility in its application, will place a significant burden upon new student schemes within the Borough and will most likely represent a complete impediment to the delivery of new student accommodation, and particularly more affordable forms of student accommodation, whilst the levy is in place. The basis for this assertion is set out below.</p> <p>Further detailed background information submitted with the response.</p>	
016	Lucy Smith	Southwark council on behalf of Public Health directorate.	No costs for primary care centres	<p>We note the current delivery plan does not include the remaining Brixton and Stockwell NRCs and primary care provision in Clapham Park and Crown Dale. No costs are identified for a primary care centre in Waterloo. There will be a need to invest in existing premises eg. Nine Elms Vauxhall, to meet population increase and this should be clearly stated in the plan. The cross boundary issue with Elephant and Castle developments (regen of Heygate and Aylesbury) needs to be borne in mind.</p> <p>The plan seems to adequately plan for other infrastructure that would support health and wellbeing; parks and open spaces, public realm, sports and leisure, transport etc.</p> <p>It is not clear from the documents what the process will be for local people to be involved in deciding how CIL income will be spent. We know there is some very good work going on (eg. in Loughborough Junc) to engage residents in the development of neighbourhood plans and previously the council promoted local project banks which were funded through s106. We should very much like to see this co-operative approach being the norm.</p>	<p>No viability issues are directly raised from this comment, which the Council believe requires a response.</p> <p>The Council will be consulting with the local communities early in 2014 on how the neighbourhood proportion of the CIL for funding local community infrastructure within neighbourhoods developed, prioritised and spent.</p>

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				<p>We know that when local people have a say in their immediate neighbourhood it can help to improve their general feeling of wellbeing and life satisfaction as well as foster social networks between different community groups.</p> <p>The 'Regulation 123 List' sets out in broad terms what CIL will be spent on eg. health facilities. We anticipate a role for the Health and Wellbeing Board in ensuring there is a process and governance arrangements to prioritise projects, deal with requests for funding and allocate CIL.</p>	
017	Neil Lees	TfL on behalf of The Mayor & Transport for London	Boundary of CIL charging zones	<p>As you are aware, TfL has been working closely with the GLA on the implementation of the Mayor's CIL and reviewing proposed borough CILs. TfL has a common interest with the Mayor in ensuring that borough CILs, when combined with his own, will not threaten development nor the aim of raising £600m for Crossrail. The Mayoral CIL will deliver £300m, and the Mayor is also committed to providing a further £300m to Crossrail to be raised from developer contributions through the use of planning obligations. This formed part of the funding settlement agreed with Government.</p> <p>In addition, TfL is working closely with your borough in delivering the funding package for the Northern Line Extension project, which will support the regeneration of the Vauxhall Nine Elms Battersea Opportunity Area (VNEB OA). TfL is grateful for the funding commitment provided by your borough with regards to the contribution of s106 and CIL income towards the NLE.</p> <p>We are pleased to note that the Mayor's CIL has been</p>	In the Nine Elms and Vauxhall

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				<p>taken into account in bringing forward your Borough's proposals, as required by regulation 14(3) of the Community Infrastructure Levy Regulations 2012 (as amended). However before we can say that this test has been met in full we would be grateful for your confirmation that the rates you are proposing will not put delivery of your Borough's affordable housing policies and those in the London Plan at risk and so would not be open to challenge on the grounds identified by the examiner who considered the draft Mid Devon District Council CIL charging schedule (see in particular paragraphs 13-14 of his report, PINS reference PINS/Y1138/429/11). We would be glad to discuss this point with you further.</p> <p>We also note that the boundary of CIL charging zones has been revised from the Preliminary Draft Charging Schedule stage. These now fairly reflect the economic development likely to occur in the Vauxhall Square area of VNEB OA and the CIL rates that can be supported without challenging the development's viability.</p> <p>I would be grateful if you could note our and the Mayor's requests to be notified of submission of your draft charging schedule for examination, publication of the examiner's recommendation and approval of the charging schedule. We would also request that we be heard at any public examination that is held into your draft schedule in accordance with regulation 21 of the Community Infrastructure Levy Regulations 2010, in particular to address the question of compliance with regulation 14(3).</p>	<p>Opportunity Area, the Council has considered the impact of the proposed rates of CIL in comparison to the pre-existing tariff, that is applied based on the 2010 Development Infrastructure Funding Study. In most cases, the proposed CIL has a neutral or marginal impact in terms of the viability of development and delivery of affordable units. The Council has recently granted planning permission for a scheme in Nine Elms and Vauxhall (Prince consort House) which is offering the full tariff (equivalent to the £265 per sqm CIL) and 40% affordable housing. Whilst other schemes have secured less than 40% affordable housing, the Council is confident of an improvement as a result of the recent increases in sales values.</p> <p>In Waterloo, where the £265 per sqm rate is also proposed, sales values are higher than in the Nine Elms and Vauxhall area, so there is no reason why there should be any difference in impact.</p>
018	Nahid	Southbank Centre,	CIL proposed	We are writing on behalf of Southbank Centre, British	Comments have been noted: There

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	Stansfield	British Film Institute and National Theatre	rates	<p>Film Institute and the National Theatre. This letter contains our representations in response to Lambeth Council's consultation on the Community Infrastructure Levy ("CIL") Draft Charging Schedule.</p> <p>Southbank Centre, together with the National Theatre and the British Film Institute submitted representations on the Preliminary Draft Charging Schedule earlier this year. Those representations explained that the proposed Charging Schedule would have some potentially significant impact on the South Bank area; and that this was of particular concern in view of the Council's policy support for the improvement of this area of international importance. Enhancement of the cultural and arts facilities on the South Bank is heavily reliant on cross-funding from commercial development, which would be subject to CIL.</p> <p>The risk of adopting a Charging Schedule that includes the South Bank is that the scale of commercial development would have to increase in order for the same amount of funding to be made available to cross-fund the improvements to arts and cultural facilities that are so urgently required. This is a particular risk in view of the proposed rate of £115 per square metre for retail development.</p> <p>Despite some recent amendment to the CIL Regulations, their effect remains unclear in relation to complex multi-use developments by charitable institutions. It is likely this ambiguity will continue for some years until the regime is better established, and that some questions will not be finally resolved until they are tested before the courts.</p>	<p>is no change to be made to the Charging Schedule.</p> <p>The definition of retail development has been revised. The level and type of retail development that is likely in the Southbank Centre would be exempt from CIL charge.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>The uncertainty acts as a disincentive to the making of positive investment decision for the enhancement of arts and cultural facilities on the South Bank. Our clients' previous representations therefore proposed that the Charging Schedule should apply a nil rate for development in the South Bank Cultural Area.</p> <p>Lambeth Council has stated in its consultation responses that the Council considers zero rate charging zone for the South Bank should be avoided for three reasons:</p> <ol style="list-style-type: none"> 1. that this constituting a state aid 2. that it would potentially set an adverse precedent, and 3. that Southbank Centre, British Film Institute and the National Theatre may benefit from charitable exemption, or alternatively CIL payment could be recycled into the regeneration of the area as a community infrastructure project in its own right. <p>We do not agree with the first and second reasons summarised above and we note that the Council has presented no evidence in support of either contention. Nevertheless we do not make further comments on those issues at this stage and will instead focus on these representations on the Council's third reason.</p> <p>After our previous representations were made, Southbank Centre and Lambeth Council engaged in further discussions regarding the availability of exemption for charities pursuant to Regulation 43 of the CIL Regulations. In turn, Lambeth Council has had</p>	

No	Name	Organisation	Topic	Response	LBL Response
				<p>discussions with Andrew Barry-Purssell at the Greater London Authority about the same issue.</p> <p>Those discussions followed the production of a note by Herbert Smith Freehills on 5 April 2013 setting out the basis on which the charitable exemption under Regulation 43 would apply to the Southbank Centre's proposed Festival Wing development, which is now the subject a planning application to Lambeth Council.</p> <p>The conclusion reached by Lambeth Council was that:</p> <p>“Clearly there are reasons why charitable exemption would potentially apply for any enabling retail/restaurant uses in a permitted scheme, including the fact that less than a fifth of the development would be use for proposed restaurant/retail use, meaning that the development overall would qualify for charitable exemption on the basis that it was wholly or mainly for charitable purposes.”</p> <p>Furthermore, it was confirmed that:</p> <p>“Lambeth Council has confirmed with the GLA and certainly at an officer level, there is a joint agreement that a pragmatic approach to granting exemption under regulation 43 would seem sensible.”</p> <p>These statements were made subject to the need for an assessment against the specific details of any submitted planning application, but both Lambeth Council and the GLA are of the view that the provision of Regulation 43 are reasonably clear.</p>	

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				<p>In its consultation response to our previous representation, Lambeth Council also said it is committed to work with South Bank Cultural organisations to find an appropriate solution to avoid the refurbishment and expansion of cultural facilities, and required enabling development, to be adversely affected by CIL.</p> <p>We welcome Lambeth Council's confirmation that development on the South Bank will qualify for the exemption for charities provided under Regulation 43. Whilst we understand it will of course be necessary for an application to be made for the exemption in relation to specific development proposals, we place reliance on Lambeth Council's assurance that our concerns over the apparent ambiguity in the regulations do not present any barrier to the availability of the exemption in relation to the type of development carried out on the South Bank, including the current Festival Wing proposals and the forthcoming proposals to develop a new National Film Centre on part of the Hungerford Car Park site as well as associated development of BFI Southbank.</p> <p>We also place reliance on Lambeth Council's express commitment to work with Southbank Centre and BFI to finding an appropriate solution to avoid the refurbishment and expansion of cultural facilities and required enabling development to be adversely affected by CIL. The commitment should not be limited to 'enabling development' in the strict planning sense of that term, however, and should extend to all supporting development that is proposed in order to generate funding towards the cost of art and cultural facilities on the South Bank.</p>	

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				<p>No objections have been made to the content of the note prepared Herbert Smith Freehills dated 5 April 2013 in relation to the exemption for charities. Our understanding is therefore that both Lambeth Council and the GLA agree with the content of that role in principle.</p> <p>In reliance on these matters, our clients are proceeding on the basis that the charitable exemption will be applied to their development, and that no CIL will be applied. They therefore accept that it is not necessary for there to be nil rate for development in the South Bank Cultural Area. If, however, Lambeth Council disagree with our summary of their position as set out above, or if there is any other risk that charitable exemption will not be applied to development of the nature proposed on the south Bank, then we reserve the right to make further representations objecting to the Draft Charging Schedule and in support of a nil rate and would wish to appear at the examination in public for that purpose.</p> <p>We wish to make the following further representations on the Draft Charging Schedule and supporting document:</p> <ol style="list-style-type: none"> 1. Our understanding is that arts and cultural uses do not fall within any of the development types specified in the Draft Charging Schedule (i.e. residential, hotel, office, industrial, retail and student accommodation). Arts and cultural development (and any ancillary uses) will therefore be subject to a nil rate, which we support and 	

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				<p>agree with.</p> <p>2. The South Bank Cultural Area falls within the “Waterloo and Vauxhall Office Area” and a charge of £125 per square metre will therefore apply to office development in the South Bank Cultural area. We do not object to the proposed charge, but wish to understand how it will be applied to flexible use planning permission. For example, the current Festival Hall Wing planning permission proposes a flexible use of Class D2 and/or Class B1 for some parts of the development. This is to enable the floorspace in question potentially to be used initially for Class B1 purposes but with a view that it then reverts in due course to Class D2 use once sufficient funds have been generated. Whilst it is expected, for the reasons set out above, that CIL would not be payable in any case because the development would qualify for exemption for charities, clarification is sought from Lambeth Council as to how Charging Schedule would otherwise apply in such flexible use permissions.</p> <p>3. We understand that the “retail” rate is intended to cover all Class A uses and would therefore be payable in relation to floorspace within Class A3(restaurants and cafes). Class A4 (drinking establishments) and Class A5 (hot food takeaways) as well as Class A1 (shops). This ought to be clarified in the Charging Schedule to avoid any uncertainty in future.</p> <p>4. We welcome and support the inclusion of Cultural Facilities in Lambeth Council’s initial Draft CIL Regulation 123 list as among the types of infrastructure to be funded on whole or in part by CIL. This is consistent with Lambeth Council’s</p>	

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				<p>consultation response that CIL payments received from commercial developments could be recycled back into development projects on the South Bank in order to “neutralise the impact of CIL and overall project viability”. However, the Draft Regulation 123 List currently defines cultural facilities as being “publically owned or controlled theatres, cultural/arts centres, including Southbank Centre”. It is not clear whether the requirement for public ownership or control relates to all such facilities or just to theatres. Neither Southbank Centre, British Film Institute or the National Theatre are publically owned or controlled and we request that this qualification is removed to avoid this category of infrastructure being unduly restricted or subject to any future dispute or legal challenge.</p> <p>5. We also welcome and support the inclusion in Lambeth Council’s Infrastructure Delivery Plan of Southbank Centre’s Festival Wing proposals in the Cultural facilities category (Schedule A, page 36). The Plan refers to a funding gap of £90 million, which will be closed through commercial loans supported by the income from cafes and restaurants, grants from trusts and foundations, gifts from individuals and possible contributions from CIL. We agree with the proposal to apply CIL revenues towards this project subject to planning permission being granted.</p> <p>6. Under the heading Parks and Open Spaces, the Infrastructure Delivery Plan also refers to the extension to Southbank Centre on the western side of the Hungerford rail bridge for cultural and retail uses and the conversion of the south side of the car park to provide an expanded jubilee</p>	

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				<p data-bbox="961 232 1549 293">Garden ((Schedule A, page 20). It is noted that this is currently indicated as not being CIL eligible.</p> <p data-bbox="894 337 1562 959">The Infrastructure Delivery Plan does not currently include BFI's proposals for a new National Film Centre on part of the Hungerford Car Park site, which will also include associated development of BFI Southbank. BFI request that this project is included in the Infrastructure Delivery Plan on the basis that whilst the majority of funding for this significant cultural project will be raised by BFI through various fundraising means including the sale of the existing BFI assets, it may also be necessitate contribution from CIL. The actual funding details are not yet available as the project ia at an early feasibility stage although BFI is confident at the current time that the scheme is broadly deliverable. It is important to include the project in the Infrastructure Delivery Plan to ensure it is eligible to apply CIL revenue towards the project at the appropriate stage. The suggested wording for inclusion of this project in the Infrastructure Delivery Plan is attached.</p> <p data-bbox="894 1003 1499 1170">On the basis that the Council agrees to include this project in the Infrastructure Delivery Plan it will be necessary to amend the wording relating to the Hungerford car park site under the Park and Open Spaces.</p> <p data-bbox="915 1214 1541 1414">7. We note that Lambeth Council is planning to publish a revised section 106 supplementary planning document in August/ September this year. In view of the relationship between infrastructure funding and provision through planning obligations and through CIL, we reserve</p>	

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				<p>the right to make further representations once the revised SPD is published.</p> <p><i>On separate sheet : The Regulation 123 List</i></p>	
019	George Barnes	GL Hearn on behalf of British Telecommunications plc,	CIL charging rates	<p>We act on behalf of British Telecommunications plc, owners of Keybridge House in Vauxhall which they are proposing to redevelop for a predominantly residential scheme. A planning application is due to be submitted imminently and is due to be determined before the LB Lambeth CIL commences charging. Nevertheless, our clients have significant concerns about the level of CIL charging rate proposed by Lambeth and its likely impact on residential development within the Borough, and particularly in the Vauxhall Area of Zone A (within which Keybridge House is located).</p> <p>The outputs of BNP's modelling for this location are summarised at Tables 6.14.1 and 6.14.2 of the April 2013 Viability study. They conclude that based on a policy compliant 70/30 split of affordable between rented and intermediate, the proposed CIL is not viable at 40% affordable on any of the four site-types considered i.e. including sites with existing community buildings. Of particular concern is that on lower value office sites, perhaps the most typical typology in this location, the proposed CIL is not viable at any of the affordable housing bands tested, although at 10% affordable there would be a maximum viable CIL rate of £180 per sq m. Significant concessions on affordable housing (or other planning obligations) will clearly be required to render</p>	<p>The level of CIL for the Keybridge House will be no higher than the DIFS tariff that is currently in place (and that the scheme will pay). Indeed when CIL is introduced, the liability may be lower than under the DIFS tariff, as existing floorspace could be netted off, providing it meets the occupancy requirements.</p> <p>With regards to affordable housing, recent schemes have been granted at between 30% and (most recently) 40%. Since the study was undertaken, market values in the area have increased, which has resulted in an improvement in viability.</p> <p>We do not agree that significant concessions will be required in many cases. The most recent scheme in Vauxhall, with a decision to grant consent, Prince Consent</p>

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				<p>development viable, but even taking this into account it is difficult to understand why BNP consider that a charging rate of £250 per sq m is appropriate. The position adopted by BNP appears to be that if development is not viable then it is of no importance as to what level of CIL is attached to it. However, this is entirely inconsistent with the line taken elsewhere with zero rates being set for retail and industrial as well as for offices outside the Vauxhall and Waterloo office area.</p> <p>It must be anticipated that the CIL rates adopted within Lambeth will be in place for some time – given the process which needs to be gone through to change the rates (other than automatically through index linking), Councils cannot be expected to make changes on a regular basis.</p> <p>That being the case, setting a CIL rate which could render such a high proportion of sites unviable means that even if growth in sales values is experienced it will still be a very long time before development is capable of supporting the proposed CIL rates within the Vauxhall area.</p> <p>It is clear that by setting rates at the proposed level, the Council is not achieving an appropriate balance between revenue maximisation and the potentially adverse impact on the viability of development. As evidenced by the figures produced by the Council's own consultants, the vast majority of scenarios within the Vauxhall area of Zone A are not capable of supporting a charge of £250 per sq m. This certainly cannot be considered to be in line with the requirements of the</p>	<p>House provided a full policy compliant with the equivalent of 40% affordable housing with full Nine Elm & Vauxhall tariff, which is equivalent than the proposed CIL.</p> <p>This is incorrect – the Nine Elm & Vauxhall tariff has been in place since 2010 and being paid by developers. The CIL is broadly equivalent (or in some cases lower) in terms of the overall 'take' from developments. While some schemes have provided sub-policy levels of affordable housing, this has been due to site specific conditions which are not relevant to the wider area.</p>

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				<p>Regulations.</p> <p>Accordingly we would urge the Council to separate Vauxhall out from the Waterloo area of Zone A and set a significantly lower CIL which may be capable of allowing a reasonable proportion of sites within Vauxhall to come forward viably rather than being sterilised for the foreseeable future.</p> <p>Our clients would wish to be kept informed as to the Council's progress through the CIL adoption process and reserves the right to present evidence at the Examination in Public.</p>	<p>All landowners in the Nine Elms & Vauxhall area have signed up to the Opportunity Area vision, including the methodology for funding new supporting infrastructure. The proposed CIL merely translates the existing tariff into a rate per square metre. There is no new burden being introduced and consequently there is no justification for reducing the rate.</p>
020	Vicky Thomas / Tom Dobson	Quod on behalf of the Berkeley Group	Land interest in VNEB	<p>It is worth re-stating that two Berkeley Group companies, St James and St George PLC have land interests in the Vauxhall/Nine Elms/Battersea (VNEB) Opportunity Area. For St James, these include Hampton House and Eastbury House. In addition, St. George has interests at St George Wharf. As London's leading residential developer, the Berkeley Group has a long-term interest in the viability of development in the Borough.</p> <p>Berkeley wishes to continue its collaborative relationship with Lambeth Council and other partners in the area. In particular to ensure that the combined weight of obligations and policy requirements set out in the Council's Core Strategy and emerging Local Plan (notably affordable housing); the Vauxhall Supplementary Planning Document which has been adopted since the publication of the PDCS; and the revised Supplementary Planning Guidance on Planning Obligations do not threaten the viability of development in a location that is essential for the delivery of both</p>	<p>The Council is fully aware of Berkeley's land holdings in the Borough and has worked successfully with them over a number of years on developments in Vauxhall. The Council has recently granted planning consent for a new scheme at Hampton House (replacing the extant site), as well as Eastbury House.</p>

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				<p>Lambeth Council's and Mayor of London's strategic objectives.</p> <p>We welcome the further work that has been undertaken by the Council, and the publication of a Draft Regulation 123 list and imminent consultation on the Revised Planning Obligations SPD, which provide more clarity on the Council's intended approach. We remain concerned, however, that the Council has not demonstrated properly the impacts on viability of development in the Borough, and that the proposed approach to planning obligations is not consistent with either the viability assessment or the CIL regulations. Our comments on Planning Obligations relate to the draft document approved by Cabinet. We are aware that a specific consultation on that document begins today and St James will respond separately to that consultation on the broader issues it raises.</p> <p>We set out our comments in further detail below.</p> <p>Viability of Development in Vauxhall Nine Elms Area The Council's Viability Report notes (para 2.2) that such high level viability assessments can only act as a 'general guide'. One of the main purposes of the Government's revised Guidance, published in December 2012 (updated in April 2013), was to tie CIL and the viability assessment process, into the realities of the delivery of the Local Plan. We are, therefore, disappointed that the Council has chosen not to undertake any further site-specific testing on the basis that no single site accounts for more than 5% of its housing supply (para 2.22).</p>	<p>The Council is satisfied that the proposed rates of CIL will not adversely impact on the viability of developments in the VNEB area , now renamed Nine Elms and Vauxhall, and elsewhere. In Nine Elms and Vauxhall in particular, there has been considerable planning activity, enabling the Council to consider the impact of the existing tariff, which has been in place since 2010. The proposed</p>

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				<p>As we noted in our original representations the Council is very dependent on housing delivery in the north of the Borough, and has a relatively small number of identified development sites which constitute a substantial proportion of the housing pipeline.</p> <p>Several of these sites, as noted in paras 2.16 to 2.19 of the Viability Report, have recent planning permissions and have been subject to viability assessments. The Council has stated that recently consented developments have paid S106 tariffs which are comparable to the proposed CIL rates. Our own assessment of consented schemes, based on the data available to us, suggests that these developments have not been achieving contribution levels similar to those that would be required from CIL, and that viability issues</p>	<p>CIL is set at a broadly equivalent level to that existing tariff – no additional burden is being introduced.</p> <p>The Statutory Guidance requires councils to avoid setting rates which would threaten the viability and delivery of the scale of development identified in the plan. It encourages Councils that rely upon one or two major sites to test those sites separately. However, in Lambeth, those conditions do not apply; the Council does not rely upon any one site to deliver more than 5% of housing identified in the Plan.</p> <p>In the north of the Borough, the vast majority of major schemes that form a significant source of housing supply already have consent (Elizabeth House, Vauxhall Sky Gdns, Vauxhall Cross, Hampton House, Eastbury House, Vauxhall Island etc). Whilst sites in Vauxhall, have agreed to paid the Nine Elms & Vauxhall tariff (which the CIL is broadly based on for residential use), they will not be CIL liable, other than any additional floorspace added to the existing consents.</p> <p>Development schemes are</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>have meant that they cannot deliver the quantum and mix of affordable housing sought by policy in full.</p> <p>We would therefore encourage the Council to apply the proposed CIL rates, using the current Regulation 40 formula and not approximations, to these developments and compare the combined weight of obligations against what was identified as affordable in their site-specific viability assessments. Our view is that this will demonstrate that the Council would not achieve the proposed levels of CIL together with 40% affordable housing. In these circumstances, where CIL is non-negotiable, it will be affordable housing that is reduced, which we are aware would be a significant issue for Council members.</p> <p>Such an outcome is already implied by the Viability Report. This demonstrates that, for Development Typology 6, which is probably the closest to the typical development in the VNEB area, the proposed CIL rate will not be achieved for any developments with current office uses on site (which is typical in the area) unless affordable housing is significantly reduced, along with the proportion of it that is rented. Even for buildings in warehousing uses, affordable housing would need to be delivered at a reduced level, with public land being the</p>	<p>achieving the tariff. Affordable housing percentages have varied, but more recent consents indicate an increase, with the most recently consented scheme in September 2013. Prince Consort House, providing the equivalent of 40% affordable.</p> <p>There has to be some room for pragmatism here. Berkeley Group are fully engaged in the infrastructure working groups in Nine Elms and Vauxhall and are working in partnership with Lambeth and Wandsworth to deliver the infrastructure that their residents will require. The Council recognises that there is a balance to be struck between raising funds to provide that infrastructure and the provision of affordable housing. This is why it adopts a flexible approach in the application of its affordable housing policy. There will always be schemes that do not achieve the target level, but some will (as evidenced by the recent grant of consent at 40%). To achieve 40% affordable housing on every single site in Nine Elms & Vauxhall would probably require a</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>only current use type that can deliver the proposed CIL rates (see Tables 6.14.1 and 6.14.2). We note that the Council, in its response to the Berkeley Group's original representations, states that:</p> <p>“if setting the CIL on the basis of always securing 40% affordable housing, the CIL rate would have to be nil in most parts of the Borough” (Lambeth PDCS – Consultation Response Schedule 2013).</p> <p>This being the case, it is important for the Council to be explicit about what proportion of affordable housing is likely to be foregone as a result of the proposed CIL charges.</p> <p>We do not believe that it is possible for the Council to demonstrate that it has struck the correct balance between the need for infrastructure funding and the impacts on development across the area, if it cannot demonstrate the scale of the potential impact on development in the Vauxhall Nine Elms area, which is not only a priority location in Lambeth's Core Strategy, but also an Opportunity Area in the London Plan (2011).</p>	<p>nil CIL (and even then, some sites would not achieve 40% affordable for their own site specific reasons). This would result in no funding for infrastructure, including the Northern Line Extension, upon which the success of the vision for the area depends. Furthermore, there would be no supporting infrastructure for new residents and existing communities would start to resist new development. The Council considers that this would be an undesirable outcome for all parties with an interest in the area.</p> <p>The Council has also considered evidence from recent and past applications that shows that the Nine Elms and Vauxhall tariff can be secured alongside levels of affordable housing up to 40%.</p> <p>The Council cannot sacrifice all funding for schools, community infrastructure etc on the grounds of preserving the AH target – there is a balance to be struck (as is the case now with the existing nine Ems and Vauxhall tariff).</p> <p>Quod on behalf of Berkeley appear to misunderstand how the Council</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p data-bbox="898 1247 1541 1312">Regulation 123 List and Draft Planning Obligations SPD</p> <p data-bbox="898 1354 1430 1414">We welcome the fact that the Council has, as requested, produced a draft 'List of Relevant</p>	<p data-bbox="1591 233 2018 1240">applies its affordable housing policy. It is not a quota system that requires every single site to provide 40%. It is applied flexibly so that site specific viability issues can be accommodated. It is therefore not possible to determine site specific outcomes until detailed applications are submitted. However, on consented schemes, the Nine elms and Vauxhall tariff has been sought and paid. Clearly had no tariff been sought, affordable housing levels could have been marginally higher, but Quod must recognise that the Council has a duty to provide both affordable housing but also community infrastructure that Berkeley's developments rely upon. Berkeley is a member of the Housing and Community Infrastructure Group in Nine Elm & Vauxhall and is very much aware of what needs to be provided. It is therefore surprising that Quod appear to be advocating development in Nine Elm & Vauxhall without supporting infrastructure.</p> <p data-bbox="1591 1354 2011 1414">The Council notes the support for the publication of a draft Regulation</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>Infrastructure (Regulation 123)' and is consulting (as of today) on its Draft Planning Obligations SPD. This allows the opportunity to consider whether planning obligations are likely to be significantly scaled back as assumed by the Viability Study, which includes provision of £1,000 per dwelling for residual Section 106/278 requirements.</p> <p>We regard the scope of the draft Regulation 123 list as appropriate although we are concerned about the wording that reads “the Council will not normally seek planning obligations”. We believe that this is not in accordance with Regulation 123 of the CIL regulations as it presents developers with a level of uncertainty that the CIL process is intended to avoid.</p> <p>Regulation 123 defines the list as ”a list of infrastructure projects or types of infrastructure that intends to be, will be or may be, wholly or partially funded from CIL”.</p> <p>It goes on to state that: “A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligations provides for the funding or provision of relevant infrastructure”</p> <p>An item therefore either is or is not an item of relevant infrastructure, and the Council should not seek to blur this definition.</p> <p>We do not believe that the version of the Draft SPD on Planning Obligations which was submitted to the</p>	<p>123 List as part of its consultation on the Draft Charging Schedule.</p> <p>The Council have taken account of the point made, and have remove the use of the word “normally “ from the regulation 123 list. It has also sought to further refine and clarify where CIL will not be used and planning obligations will be used for infrastructure, by excluding securing of school sites specifically from the regulation 123 list.</p> <p>The draft revised Section 106 SPD, which was consulted on,</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>Council's cabinet is consistent with: the intention to scale back obligations; the Draft Regulation 123 list; or, in some cases, the CIL regulations themselves. This was raised as a significant concern in Berkeley's initial representations given the comprehensive list of infrastructure requirements set out in the Vauxhall SPD (January 2013). It should be noted that every item on the infrastructure list in the Table on page 77 of that document is identified as potentially forming part of a Section 106 obligation.</p> <p>It is clear that in relation to items 5C: Community Facilities and 5D: Transport in the Draft Planning Obligations SPD, where they refer to schemes or clusters of schemes which may be liable to additional obligations, it is in Vauxhall and Waterloo (which both have area-specific SPDs) that such requirements are likely to apply. It is also very likely that such obligations will be required but the Council has made no attempt to cost them or incorporate assumptions about these costs in the Viability Report for the purposes of setting CIL. In addition to this, as far as we can tell from the evidence provided, there is currently no commitment to 'ring-fence' CIL contributions, as suggested in the Vauxhall SPD, to pay for the essential items of infrastructure listed in paragraph 7.38 of that document. There is therefore a significant risk that developers in that area pay CIL for infrastructure that is identified in an SPD as essential but that their contributions go to fund provision elsewhere in the Borough and could also be required to provide for, or contribute to, on site provision in the area.</p> <p>This re-emphasises the need for the Council to</p>	<p>substantially scaled back planning obligations through the removal of financial contributions for education, health, libraries, sport and leisure, and parks and open space as set out in the current adopted Section 106 planning obligations SPD. On the adoption of the revised section 106 SPD, the requirements for Vauxhall will align with the adopted document.</p> <p>The scope for the opportunity to provide or secure community facilities and major transport facilities will be linked to a limited number of sites and should be seen in that context. It is not always possible to accurately predict options for delivery or cost assumptions around major infrastructure requirements. Therefore there is a need in the Section SPD for a degree of flexibility on how they these opportunities may be addressed.</p> <p>The Council as an operational</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>demonstrate clearly how infrastructure will be delivered in the VNEB area, how the use of CIL will be prioritised, and what the likely actual obligations on developments will be. We note that Wandsworth Council in their representations to the PDCS suggest that the viability study did not provide a sufficient evidence base in relation to the VNEB area.</p> <p>In the absence of such an assessment, all of the items in the Vauxhall SPD should be included in the Regulation 123 list and the Council should remove from Sections 5C and 5D of the SPD any references to financial contributions or other obligations that could equate to more than £1,000 per residential unit.</p> <p>As well as these specific concerns in relation to the VNEB area, we also have some more general concerns about the proposed scope of the SPD, and in particular its continuing proposed use of 'ready-reckoners' and 'tariff' type approaches to the negotiation of planning obligations. We believe that such an approach is inconsistent with the need, under Regulation 122 of the CIL regulations, for obligations to be necessary, directly related to the development, and fairly and reasonably related in scale or kind to the development.</p> <p>In these circumstances, the Council may wish to scale</p>	<p>matter, is working with partners through the Nine Elms and Vauxhall Strategy Board on the delivery of infrastructure the areas development over time. For example, the Council has already agreed to prioritise a fixed contribution the tariff contributions towards the Northern Line Extension. At the same time it has sort alongside TfL to secure through a Section 106, a site for a new underground station with Sainsbury.</p> <p>Lambeth and Wandsworth have met to clarify issues raised on the PDCS, and it should be noted that Wandsworth helpful comments on the Draft Charging Schedule are limited to clarity on CIL charging zone maps and presentation.</p> <p>Formula approaches or "ready reckoners" to infrastructure, that the Council developed as a means to fund infrastructure prior to CIL, have been stripped out of the draft Revised Section 106 SPD. The SPD does contain guidance, and some formula approaches regarding economic growth opportunities to be obtained from employment and training, and local</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>back requirements in Section 5B to those which are genuinely related to developments, mainly those in items 5B1 and 5B4, which is where developers can in any case add most value. As a general point, in the spirit of scaling back planning obligations, the Council may wish to consider making the document more concise and focussing on the key heads.</p> <p>Conclusion The Berkeley Group welcomes the opportunity to respond to the Council's DCS and associated documents. It recognises that the Council has a difficult balance to strike in securing infrastructure investment whilst facilitating development. It acknowledges that much collaborative working has been undertaken, particularly in the VNEB area, to plan for infrastructure delivery with local landowners and developers. It remains concerned however that the potential cumulative impact of CIL with other obligations will put at risk the development of the area, and in particular the delivery of affordable housing which has always been a particular concern for the Council. We would strongly encourage the Council to undertake a more thorough reconciliation of proposed charges against actually achieved obligations and affordable housing in the area and also define and test any additional obligations that may be required through the Vauxhall and Planning Obligations SPDs.</p>	<p>procurement of services. These approaches set out in 5B1 to 5B4, have a basis in the London Plan, and Lambeth's LDF Core strategy, and are not considered onerous.</p> <p>The Council notes these comments, but remains concerned that the representation appears to be seeking to undermine the consensus between developers, landowners and the planning authorities on the need to raise funding for infrastructure. The nine Elms & Vauxhall tariff which lies at the heart of this consensus forms the basis of the proposed CIL rate. Some developments would pay less under the CIL regime than would be the case under current arrangements.</p> <p>Given that the Council has already granted consent to many schemes in the VNEB area, it has already had ample opportunity to consider the impact of the tariff/proposed CIL rate on viability and is satisfied that an appropriate balance has been struck.</p>

No	Name	Organisation	Topic	Response	LBL Response
021	David Boardman	Kennington Association Planning Forum		<p>Key points of the earlier KA Response, Lambeth's subsequent Draft and our current views</p> <p>Infrastructure totals are padded with items such as the Thames Tideway Tunnel, which are fully funded without any prospect of being a call on CIL funds - We welcome the exclusion of "padded" items such as the Tunnel from the Schedule totals.</p> <p>Extend the viability comparators to include the dense luxury development along the riverside - we see no sign that Lambeth has done this (Table 4.3.1 in the April 2013 BNP Paribas assessment cuts off at £10,656 per sq m in Waterloo, £8,213 in Vauxhall, while Table 4.10.2 assesses no denser than 500 units per hectare), thereby underestimating the leviability capacity of the river frontage of the VNEB area - the strictures in our earlier response still apply. Failing to assess the viability of developments with densities of 1200 units per hectare or more, some with realisations of £1300 per sq ft (£13,650 per sq m), makes the calculation of leviability capacity incomplete and unsound.</p> <p>Kennington misplaced on maps to below Oval - Kennington still misplaced on maps, though zone descriptions adjusted</p> <p>CIL zoning for residential purposes around Vauxhall should distinguish riverside from hinterland, and charge the former at higher rates -</p> <ul style="list-style-type: none"> o some rezoning for Vauxhall, with a residential Zone A, covering Waterloo and the whole of the Vauxhall SPD area, charged at £265 per sq m o charging maps unclear whether lower Lambeth 	<p>The Council has sought to be comprehensive in its listing of infrastructure, even if already funded such as the Thames Tideway Tunnel, However, there remains a substantial infrastructure funding gap to be addressed by CIL and other sources.</p> <p>There is no evidence that average values across a development reach the levels cited by the respondent. Whilst individual flats may well achieve these levels, values across a development will vary significantly. The Council has had access to sales data across a range of schemes in the north of the Borough and the viability testing is based on this data. It is therefore considered robust, albeit that since the viability study was undertaken, market values have increased.</p> <p>Noted, CIL Zones adjusted from Preliminary stage, but unable to easily adjust base line ordnance survey base map which names areas on map.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>strip element of VNEB OAPF is part of Zone A or Zone B</p> <p>No sense in charging the lower Lambeth strip as Zone A - should be Zone B. While £265 might be apt for VNEB hinterland, inadequate viability assessment (see above) means that it grossly undercharges the profitable riverside. Boundaries and rates here should be rethought with realistic viability assessment proposed charge of £125 per sq m for office development in Waterloo and Vauxhall risks discouraging development and job creation - Lambeth has taken no notice (we note incidentally that while the informal consultation pack shows the "Waterloo and Vauxhall Office Area" on a map, this is omitted from the actual Draft CIL Charging Schedule, on which the consultation is formally taking place) - the strictures in our earlier response still apply, reinforced by the comparative information ref going office CIL charges from other boroughs now available and exhibited at the consultation seminar, (Wandsworth £100, Southwark £100). The 8,000 jobs promised Lambeth from the VNEB OAPF are slow in coming forward, and Lambeth should not charge more than £75 per sq m. Extend the retail charge of £115 per sq m for superstores of over 2,500 sq m to incremental development that takes an existing store over the 2,500 sq m limit - ignored. Given the desire to support local shopping centres in the draft Local Plan, which we support (while having reservations about the methods proposed), and given the difficulty in regulating out of centre and edge of centre retail development, which are squeezing the life out of retail centres such as Kennington, we now think that <u>all</u></p>	<p>The Viability Study considers sales values data from a range of schemes, including those at the riverside and further away. Given that most schemes on the riverside already have consent (or will have prior to the adoption of CIL) this added layer of complexity is viewed as being unwarranted.</p> <p>The whole of the Lambeth part of the is in the renamed Nine Elms Vauxhall Oportunity Area is in Zone A.</p> <p>The Viability Study has considered the variations in values and the Council is satisfied that the proposed rates are proportionate to these values. As previously noted, most riverside sites have consent in any case and will not be CIL liable.</p> <p>See earlier responses on office rate.</p> <p>CIL zone charging map has been simplified to cover all uses by zone in submission Draft Charging Schedule.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>retail development outside local shopping centres, as zoned blue on the Plan proposals map, should be charged with £115 per sq m CIL</p> <p>Further analysis of CIL versus S106 tariff for a selection of sites should inform the decision on the "meaningful proportion" of CIL for local retention - ignored. In the absence of analysis, we continue to argue for a proportion of at least one third.</p> <p>"Open book arrangements" for any viability study purporting to justify any application for discretionary relief - Lambeth now proposes wider availability of such relief, but ignores suggested transparency. Our original criticism of "confidential" viability studies stands.</p> <p>Assurance sought that, absent a joint charging schedule with another borough, all CIL revenues will be spent in Lambeth - no such assurance given. We renew our request for this assurance, particularly as regards the £7.3 m promised to TfL on account of the Northern Line Extension</p>	<p>The Council has re-visited the definition of which types of retail will fall into the CIL chargeable category, which is now more defined by function and car parking access and use. However, CIL cannot be used as a policy tool to encourage or discourage development in certain areas. It must be based on viability; only certain types of retail (i.e. superstores and retail warehousing) are sufficiently different to warrant a CIL rate.</p> <p>It is unclear what analysis the respondent would like to seek to inform this debate. However the Council will consult on the proportion of CIL to be allocated to Neighbourhoods.</p> <p>Only a limited number of viability appraisals are submitted on a confidential basis.</p> <p>Charging authorities are not permitted under the current regulations to have joint charging schedules. A significant stretch of</p>

No	Name	Organisation	Topic	Response	LBL Response
					the Northern Line Extension will be in Lambeth, including a new station at Nine Elms.
022	Jenny Offord	Planning Potential Ltd on behalf of Redrow PLC	Charging rates	<p>Redrow is one of the UK's leading property developers and an established house builder, with a history of investing in major development schemes across London. Representations are submitted to safeguard Redrow's future development interests in the borough and help ensure the viability of future investments is not threatened by the Council's emerging CIL charging schedule.</p> <p>Whilst we are supportive of the approach taken by the Council in general, we have fundamental concerns regarding certain elements of the Draft Charging Schedule. The representations respond to the proposed charging rates for residential development and recommendations are made for the implementation of an instalment policy and discretionary exceptional circumstances relief.</p> <p><u>Residential Charging Rate</u> An essential component of the CIL Regulations is to ensure that the proposed charging schedule rates are viable. The Community Infrastructure Levy: An overview (CLG, May 2011) explains in paragraph 23 that:</p> <p>“Charging authorities wishing to introduce the levy should propose a rate which does not put at serious risk the overall development of their area. They will need to draw on the infrastructure planning that underpins the development strategy for their area”.</p> <p>Charging authorities should use evidence to strike an</p>	<p>The Council has no interest in setting rates of CIL that would threaten the viability of development in its area.</p> <p>The Council considers that is has</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>appropriate balance between the desirability of funding infrastructure through CIL and the potential effects, taken as a whole, of the levy on the economic viability of development across their area. Whilst it is for the charging authority itself to decide where to strike that balance, this “balance” has to be considered alongside other policy considerations contained in the Local Plan, the Mayoral CIL and any scaled back Section 106 planning obligations.</p> <p>We support the Council's approach in setting variable rates for CIL. This approach helps ensure CIL charges are relevant to the infrastructure needs of different development types and accords with the Community Infrastructure Levy Regulations 2010 (as amended). However, it is a concern that the proposed charges are set at a level that could have an unacceptable negative impact on the economic viability of development, which is contrary to the objectives of the CIL Regulations and the NPPF. We consider the proposed rates for residential development to be set too high, particularly the rate proposed for Zone A at £265 per square metre.</p> <p>The residential charging rates proposed range from £50 per sq m at the lower rate, to £150 at the intermediate rate and £265 at the higher rate. The difference in the proposed rates across the three zones is broad. It does not reflect the actual impact that residential development would have on the infrastructure needs of the different zones. Indeed, little evidence has been presented to demonstrate demand for infrastructure arising from</p>	<p>considered its proposed levels of CIL alongside these other policy requirements.</p> <p>In arriving at the £265 per square rate, the Council has considered both the Viability Study findings, but also site specific viability assessments. As noted previously, the Council has the benefit of effectively having been charging the same level of CIL but in the form of the Nine Elms and Vauxhall tariff for a number of years. The Council is satisfied that the proposed level of CIL (which will be no higher than the existing Nine Elms and tariff) will not adversely impact on viability.</p> <p>The difference in rates is driven by viability, not infrastructure needs, as required by the Regulations.</p> <p>In 2010, the Council conducted a major exercise to consider infrastructure requirements in the</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>residential development in Zone A would be significantly higher than that within Zones B and C.</p> <p>Adjustment of the residential charging rate is considered essential for the delivery of housing and the objectives of the Local Plan. Specifically, we are concerned that the highest tier of the residential charging rates (£265 per sq m) will adversely impact on land supply and create a significant barrier to delivering homes in the most sustainable locations in the borough. Indeed, the rate is at such a level that it might render sites unviable. Therefore we recommend the Zone A residential charging rate is reduced. In this regard we would urge the Council to undertake further viability assessment work on the impacts on development of the proposed residential CIL charges. Our client would be happy to provide input to this process.</p> <p><u>Instalment Policy</u> The timing of CIL payments is of critical importance to the ability of developers to bring forward development. The CIL Regulations allow CIL charging authorities to put in place policies for the payment of CIL in instalments to the charging authority, rather than requiring full payment upon commencement of development. Within the current economic context it is considered appropriate to introduce this level of</p>	<p>VNEB area, (now renamed Nine Elms and Vauxhall) which identified substantial requirements to enable high density development to proceed. One of the major requirements if the Northern Line Extension to which schemes in the opportunity must contribute, but also reorganising the Vauxhall Gyratory (circa £20m plus).</p> <p>As noted previously, an amount that equates to the £265 psm CIL charge is already being broadly secured from developments in the Nine Elms & Vauxhall area. It has in no way impeded land supply in the area, with schemes progressing through the planning system and some now on site.</p> <p>The Council is assessing how the Instalment Policy for the collection of the Mayor's CIL is operating and The Council will prepare the Instalment Policy before the Lambeth CIL Charging Schedule is adopted.</p>

No	Name	Organisation	Topic	Response	LBL Response									
				<p>flexibility.</p> <p>To reduce the burden on developers, the Council is encouraged to develop its own instalment policy. While we note that although the Council Lambeth has stated that it will consider introducing an instalment policy in due course, we question the decision not to consult on a staged payments policy at this stage.</p> <p>Increased flexibility in paying the levy is essential for developers because they only have access to certain levels of funding through the construction process. This is dependant on sale volumes, market conditions and lending criteria. Significant upfront costs often apply to unlock development. If Lambeth introduces a charging schedule that does not offer flexibility and the ability to pay in instalments, this is likely to threaten the deliverability of development projects.</p> <p>A number of other charging authorities have adopted an instalment approach and allowed for greater flexibility than is already provided by the Mayor of London's approach. By way of an example, the London Mayor's instalment policy is compared with that of Wandsworth Council's in Table 1 below:</p> <table border="1" data-bbox="909 1141 1530 1390"> <thead> <tr> <th></th> <th data-bbox="1157 1141 1356 1247">Mayor of London</th> <th data-bbox="1356 1141 1530 1247">Wandsworth Council</th> </tr> </thead> <tbody> <tr> <td data-bbox="909 1247 1157 1320">Any amount up to £100k</td> <td data-bbox="1157 1247 1356 1320">No instalments</td> <td data-bbox="1356 1247 1530 1320">No instalments</td> </tr> <tr> <td data-bbox="909 1320 1157 1390">Between £100k-</td> <td data-bbox="1157 1320 1356 1390">No instalments</td> <td data-bbox="1356 1320 1530 1390">2 Instalments</td> </tr> </tbody> </table>		Mayor of London	Wandsworth Council	Any amount up to £100k	No instalments	No instalments	Between £100k-	No instalments	2 Instalments	<p>Noted. Council will consider prior to adoption.</p>
	Mayor of London	Wandsworth Council												
Any amount up to £100k	No instalments	No instalments												
Between £100k-	No instalments	2 Instalments												

No	Name	Organisation	Topic	Response			LBL Response
				Between 250k-500k	No instalments	3 Instalments	Noted. The Council will consider prior to adoption.
				Between 500k - £2m	2 Instalments	4 Instalments	
				Between £2m - £8m		4 Instalments	
				Over £8m		4 Instalments	
<p style="text-align: center;">Table 1: Comparison of Instalment Policies</p> <p>Wandsworth Council's instalment policy provides flexibility required by developers. The amounts and timescales of which CIL is to be paid in line with Wandsworth Councils instalment policy are as follows:</p> <ul style="list-style-type: none"> • Less than £100k: Payable within 60 days of commencement of development. • Amounts between £100k and £250k: £100k payable within 60 days of commencement of development, remaining balance payable within 120 days of commencement of development. • Amounts between £250k and £500k: £100k payable within 60 days of commencement of development, remaining balance payable in two equal instalments within 120 and 180 days of commencement of development. • Amounts between £500k and £2m: £250k payable within 60 days of commencement of development, remaining balance payable in three equal instalments within 120, 180 and 240 days of commencement of development. • Amounts between £2m and £8m: £500k payable within 60 days of commencement of development, remaining balance payable in three equal 							

No	Name	Organisation	Topic	Response	LBL Response
				<p>instalments within 180, 360 and 540 days of commencement of development.</p> <p>We urge Lambeth Council to introduce its own instalment policy to allow the phasing of payments in recognition of funding constraints, the cash flow of development and the build rates expected. Any instalment policy should cover the following:</p> <ul style="list-style-type: none"> • The commencement of the instalment policy on adoption of CIL; • The number of instalments that can be made by development size; • The timings of payments post commencement – based on timeframes which have regard to availability of capital and average build rates; and • The minimum development threshold which instalments would not apply (this should be set as low as possible). <p>In bringing forward a staged payments policy, we urge the Council to take into account the practical issues associated with the fact that many major development projects are implemented in phases. Consideration should be given to allow for the phasing of large scale developments which have been granted full as well as outline planning permission.</p> <p>Although the Council states that “sites delivered over long periods of time can be structured so that there are a number of phases, each with their own CIL liability”, flexibility through staged payments is sought to ensure that development proposals are not restricted and to ensure the viability and long-term delivery of residential development is not affected within the borough.</p>	<p>Under the Regulations, CIL liability for phased schemes is triggered by approval of reserved matters for each phase. Only the CIL liability for a particular phase is triggered by RM approval, not the total CIL liability.</p> <p>The Council will consider prior to adoption.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p><u>S106</u> It is also requested that Council brings forward its Draft Section 106 on Planning Obligations as soon as possible. Within this consideration should be made for issues which will affect the implementation of CIL, including making an allowance for payment of CIL by instalment as discussed above.</p> <p><u>Exceptional Circumstances Relief</u> Given the importance of ensuring that the levy does not prevent otherwise desirable development, the CIL Regulations provide for discretionary relief from the levy in exceptional circumstances where a specific scheme cannot afford to pay the levy. We welcome the Council's proposal to include provisions to consider exceptional relief applications on a case by case basis to allow for necessary reductions of CIL liabilities in cases where there would otherwise be an unacceptable impact on economic viability.</p> <p>Regulation 55 (as amended by the 2011 Regulations) confirms a charging authority may grant relief ("exceptional circumstances") from liability to pay CIL in respect of chargeable development if: (a) it appears to the charging authority that there are exceptional circumstances which justify doing so; and (b) the charging authority considers it expedient to do so. However exceptional circumstances relief can only be granted where-</p> <ul style="list-style-type: none"> a) The LPA has opted to make exceptional circumstance relief b) A planning obligation under S106 has been 	<p>The Council consulted on its draft revised Section 106 in August to July 2013.</p> <p>Noted. The Council has already indicated that it is prepared to consider offering exceptional relief, subject to applications meeting the three conditions in regulation 55.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>entered into; and</p> <p>c) The Charging Authority considers that the cost of complying with the planning obligation is greater than the CIL amount payable and it would have an unacceptable impact upon economic viability.</p> <p>Regulation 56 requires the Council to publish their intention to offer exceptional circumstances relief prior to implementing CIL.</p> <p>Mindful of the current and forecast future economic climate and likely downward pressure on rental levels, it is considered necessary for the Council to offer this relief, thereby allowing a degree of flexibility for applicable schemes.</p> <p><u>Summary</u></p> <p>We strongly encourage the Council to adopt a more positive approach towards development and with future housing delivery in mind. The draft charging schedule fails to find an appropriate balance between securing funding to meet future infrastructure needs and ensuring development remains viable. Inflated CIL charges would simply frustrate potential development opportunities. In some instances this may dissuade investors entirely. The knock-on consequences of this are potentially very severe in terms of securing necessary investment to deliver new homes within the Borough. As a result, local and national policy objectives to encourage sustainable development have been overlooked.</p> <p>In addition to requesting lower CIL levels for residential development, we urge the Council to bring forward measures in relation to payment instalments and</p>	<p>The Council does not accept that it has not taken a “positive approach” to development in the Borough. It has worked very closely for a number of years with developers and landowners in the nine Elms and Vauxhall area, including an agreed approach on an appropriate tariff (which has been converted to a CIL rate). It has also worked closely with the same landowners to identify and put in place plans for the infrastructure that will be required in the area.</p> <p>The proposed CIL rates have been</p>

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				discretionary relief, as noted above.	set at deliberately modest levels of terms of proportion of overall development costs.
023	Carly Wood	CgMs on behalf of UNITE Group PLC	Student accommodation	<p>I write in respect of the above on behalf of my client UNITE Group PLC (hereafter 'UNITE') and further to the letter of representation submitted in respect of the Preliminary Draft Charging Schedule in November 2012. Whilst it is acknowledged that LB Lambeth intend to introduce discretionary relief (where applicable) the proposed levy of £360/sq.m for student accommodation remains unjustified does not positively reflect delivery of key Core Strategy objectives. The proposed Draft Charging Schedule (DCS) levy for student accommodation is therefore objected to by UNITE. This letter initially sets out the policy background before detailing the principal areas of objection. A conclusion is then provided.</p> <p>Policy Background These representations are supported by relevant planning policy within the National Planning Policy Framework (NPPF), the Community Infrastructure Levy Regulations 2010 (as amended), the Community Infrastructure Levy Statutory Guidance (CLG, April 2013) and Proposed CIL Regulation Amendments (CLG March 2013).</p> <p>Government Guidance and Strategic Planning Policy <i>National Planning Policy Framework (March 2012)</i> NPPF paragraph 175 requires the LPA to ensure CIL should "support and incentivise new development" and this reflects the Housing Growth Agenda and Ministerial Statement of 6 September 2012. Various other NPPF</p>	<p>The Council considers that its proposed rates of CIL strike an appropriate balance between viability and the need for infrastructure to support growth. It has worked closely in particular with</p>

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				<p>Policies are referred within the statutory guidance. <i>National Policy – CLG Statutory Guidance (April 2013)</i> Department for Communities and Local Government (CLG) have issued updated Statutory Guidance (SG) regarding the Community Infrastructure Levy (CIL). Paragraph 4 requires the charging authority to consider relevant national planning policy (including the NPPF) when drafting a charging schedule.</p> <p>Paragraph 8 confirms a balanced judgement between the introduction of CIL and its impact upon development is required and that in meeting this test LPAs must have regard to NPPF (Paragraph 173-177) demonstrating the ability to implement the development objectives of the Local Plan should not be threatened.</p> <p>Paragraph 21 requires the charging authority to demonstrate how the proposed CIL rate(s) will contribute towards the implementation of the development plan and support development across their area. It further requires that the potential effects of the proposed levy on the economic viability of development.</p> <p>Paragraph 22 notes the background viability evidence should provide information regarding the level of development contributions previously raised through comparable S106 agreements. The policy context set out immediately above confirms the detailed approach required by LPAs to account for development viability when preparing draft Charging Schedules.</p> <p><i>Proposed Amendment to CIL Regulations (March 2013)</i> Paragraph 19 of the proposed amended CIL regulations</p>	<p>landowners and developers in the Nine Elms and Vauxhall Opportunity Area to identify needs and put in place strategies to fund those requirements. As noted previously, a tariff arrangement is already in place which is being secured alongside other policy objectives.</p> <p>The Council is satisfied that it has met this requirement.</p> <p>The Council is satisfied that it has met this requirement.</p> <p>The Council has set out in detail the</p>

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				<p>seeks a more evidence-based approach at examination. This is supported by UNITE as the requirement to demonstrate how the rates contribute towards implementation of the relevant plan will ensure that a more positive approach is adopted, particularly regarding housing supply (including student accommodation).</p> <p><i>CLG – Clarification of Student housing</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Housing research by the CLG confirms purpose built flats should be included in overall housing supply, as a form of specialist accommodation, meeting a specific housing need. <input type="checkbox"/> This was clarified in Parliament by the Housing Minister in December 2011. <p><i>Adopted London Plan 2011</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> The London Plan was adopted in July 2011. <input type="checkbox"/> Policy 3.8(B) identifies a number of specialist housing needs across London and requires local authorities in both a plan-making and development control capacity to account for all forms of housing need. <input type="checkbox"/> Criterion (h) is of specific relevance and requires Local Authorities to account for strategic and local student accommodation need and to ensure the capacity for conventional homes is not compromised through this provision. <p><i>GLA Adopted Housing Supplementary Planning Guidance (SPG, November 2012)</i></p> <p>This document was adopted by the GLA in November 2012 and confirms: -</p> <ul style="list-style-type: none"> <input type="checkbox"/> Student accommodation is a specialised form of housing; 	<p>infrastructure required to support the development identified in its Plan. It has also provided evidence on viability to support its judgement as to where an appropriate balance between funding and viability lies.</p> <p>The Council's adopted Core Strategy sets out the Borough's housing requirements.</p> <p>The Council's adopted Core Strategy sets out the Borough's housing requirements.</p>

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				<p>□ And as such, it is exempt from the detailed residential standards set out in the draft Housing SPG.</p> <p>Further, paragraph 3.1.50 of the draft Housing SPG states: - <i>“In considering LDF policy approaches to, and proposals for new student accommodation, boroughs should not constrain provision which meets strategic as well as local needs.”</i></p> <p>Local Development Plan and Guidance <i>LB Lambeth Core Strategy</i> This document was Adopted in 2010 and generally reflects the strategic policy approach toward student accommodation delivery, supporting this across the borough as an identified specialist housing need, being mindful of the wider requirement to deliver conventional housing.</p> <p><i>LB Lambeth Local Plan DPD</i> This document was published in draft in April 2013 and proposes an increasingly restrictive approach to student housing delivery in the borough by limiting student accommodation on sites which have potential for delivering conventional residential. This is considered an overly restrictive approach, and representations have been submitted accordingly.</p> <p>Representations to Draft Charging Schedule (DCS) The DCS proposes a disproportionately high student accommodation CIL rate when compared with alternative land uses and does not fully account for the CIL impact upon scheme viability. Whilst the Council</p>	<p>The draft Local Plan prioritises conventional residential development, as there is a more pressing need for this type of accommodation in Lambeth than for student housing.</p> <p>The proposed rate of CIL on student housing is not ‘disproportionately high’ when considering that student housing developments are not required to</p>

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				<p>intends to introduce Discretionary Relief (on restricted grounds) the Viability Assessment undertaken on behalf of the Council remains unaltered, despite representations submitted in November 2012. UNITE therefore object to the Draft Charging Schedule (DCS). These representations should be read alongside the earlier draft.</p> <p>The following concerns within the Council's Viability Assessment in respect of student accommodation remain:</p> <ol style="list-style-type: none"> 1. Rental level assumption 2. Relationship with development plan and s106 3. Comparison with conventional residential development 4. Discretionary Relief <p>Each issue is referred to in turn below.</p> <p><i>1. Rental Level Assumption</i></p> <p>Representations submitted in November 2012 demonstrate that the headline average rental level used to determine scheme viability within the development appraisals is not justified through market analysis. Evidence submitted to the examination will demonstrate that the £200p/w (term) and £230p/w (vacation) rental levels used to benchmark student accommodation viability is not supported for future student accommodation schemes within the borough. This undermines the viability assumption made in respect of student accommodation schemes, and in turn, the ability to account for the proposed CIL rate of £360/sq.m.</p>	<p>make any contribution towards affordable housing. In contrast, other residential developments are required to contribute up to 40% of units or habitable rooms as affordable housing. Affordable housing is a considerably higher burden than CIL. Furthermore, the proposed level of CIL accounts for only a modest proportion of costs (circa 5%) and is therefore fair and proportionate in the context of other policy requirements.</p> <p>The purpose of the consultation on the Draft Charging Schedule is for respondents to provide evidence that the Council may wish to consider prior to submitting its Charging Schedule for examination. The Council is therefore very concerned that the respondent appears unwilling to share its evidence at the consultation stage, preferring instead what appears to be an adversarial approach of</p>

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				<p>Mindful of the impact on viability, this will prejudice delivery of student accommodation, contrary to Paragraph 21 of the SG, which specifically requires the LPA to demonstrate how the proposed levy will assist the implementation of the development plan objectives. Detailed market analysis currently being reviewed on behalf of UNITE will demonstrate protected reduced rental levels (from the unjustified figure used within the viability appraisal) have a direct impact upon scheme viability and therefore delivery. Further, purpose built student accommodation has a positive impact on housing supply thorough meeting an identified specialised housing need, therefore potentially meeting wider London Plan and Core Strategy objectives. This is reflected within the officer's report to committee in respect of student accommodation scheme at 30-60 South Lambeth Road (LPA Ref:11/04181/FUL). It states <i>"London's universities make a significant contribution to its economy and labour market and it is important that their attractiveness and potential growth is not compromised by inadequate provision for new student accommodation."</i> An excessive CIL charge prejudices delivery of these objectives.</p> <p>As a result the proposed charging levels for student accommodation cannot be supported as (a) the rental level used to determine overall viability is unjustified, and (b) delivery of student accommodation to meet the Council's future development plan objectives regarding housing delivery (and GLA objectives) is prejudiced.</p> <p><i>2. Relationship with S106</i> Despite clear guidance from CLG to ensure proposed levy does not derail the local plan objectives and that</p>	<p>dealing with this matter through the examination. The Council is also concerned that the respondent appears to be referring to "future rents"; it can only base its judgement on current rents as the Council does not own a crystal ball.</p> <p>The need for general needs housing is more pressing than the need for student housing in the Borough, as noted in the Council's draft Local Plan. Notwithstanding this priority, the proposed CIL rate does not prejudice the delivery of student housing development, given its modest proportion of overall development costs.</p> <p>We note that this comment is unsubstantiated by evidence, other than vague references to "future rents" to be submitted to the examination. The respondent has failed to substantiate their assertion that delivery is prejudiced.</p> <p>The Statutory Guidance does not make any reference to the levy being "proportionate with existing</p>

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				<p>the levy should be proportionate with existing S106 contributions, the DCS does not reflect this. Specifically, the DCS fails to comply with Paragraph 22 of the Statutory Guidance (SG) published by the CLG in April 2013 which requires proposed levy rates to reflect the levels of financial contribution generated under S106. The proposed levy at £360/sq.m results in a disproportionately higher obligation for student accommodation schemes than currently required. Lambeth currently operate a 'tariff' approach to planning obligations with the student accommodation set at £40/sq.m.</p> <p>The imposition of a disproportionate increase in financial contributions Paragraph 175 of the NPPF requires the Council to demonstrate the proposed CIL rate contributes to the positive implementation of the plan, including an assessment of how the proposed rate is balanced across various development sectors. This is echoed within the CLG Statutory Guidance (SG) at Paragraph 8. Whilst a balanced approach has been adopted by the Council in respect of convention residential (referred in greater detail below) and hotel development, a similar assessment in respect of student accommodation is not made. The DCS therefore fails to comply with the NPPF and the SG in this regard. The viability assessment prepared on behalf of the Council fails to account for on-site infrastructure provision made under S106 and which have represented a significant element of various student schemes within the borough. For example, Spring Gardens, Vauxhall, (LPA Ref 11/04510/FUL) secured incubator business units, local landscaping and a new community facility building, in addition to</p>	<p>S106 contributions". Rates of CIL have to be set on the basis of viability, not historic S106 contributions.</p> <p>The proposed rate is viable and proportionate, both in terms of overall proportion of development costs, but also in view of the lack of any obligations including affordable housing. Contributions from student housing will support growth in the area through provision of supporting infrastructure.</p> <p>A revised student housing appraisal incorporates Section 106 obligations.</p>

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				<p>c£380,000 financial contribution. The approval at 30-60 South Lambeth Road (LPA ref 11/04181/FUL) incorporated a public swimming pool and gymnasium facility, both for public use, in addition to c£300,000 S106 contributions requested by Lambeth Council (Excluding GLA requirements).</p> <p>Such a failure potentially represents a 'double-counting' of payment for infrastructure provision. Incorporating an appropriate assumption within the viability testing for on-site infrastructure through S106 is essential for a robust viability assessment and will have a negative impact upon the viability buffer within the scheme appraisal. A reduced headline CIL rate for student accommodation would satisfactorily address this issue and in accordance with Paragraph 30 of the SG, would ensure that the rate is not set at the margins of viability. As drafted, this element of the DCS is also contrary to SG paragraph 21 (demonstration how the CIL rate will assist in implementation of plan objectives). Setting a CIL rate without full justification of various inputs determining scheme values prejudices delivery of this specialised accommodation, directly conflicting with the NPPF and undermining CIL Regulation 14.</p> <p><i>3. Comparison Between Student and Conventional Housing</i></p> <p>Paragraph 175 of the NPPF requires the Council to demonstrate the proposed CIL rate contributes to the positive implementation of the plan, including an assessment of how the proposed rate is balanced across various development sectors. This is echoed within the CLG Statutory Guidance (SG) at Paragraph 8. Further, Paragraph 37 of the SG (April 2013) also</p>	<p>A revised student housing appraisal incorporates Section 106 obligations. The appraisal indicates that there is no requirement to reduce the rate of CIL to accommodate these obligations.</p> <p>The Council has set its proposed rates of CIL on the basis of viability. When considered as a proportion of overall costs, the CIL would account for no more than 5% of costs across all sectors; the rate of CIL is entirely in line with this and</p>

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				<p>confirms with regard to differential rates that charging authorities should seek to avoid undue complexity and that Charging Schedules should not impact disproportionately on particular sectors or specialist forms of development.</p> <p>Paragraph 6.39 of the Council’s viability assessment makes a brief comparison with conventional housing. It notes the proposed rate does not disproportionately impact upon student housing as such schemes “are typically more viable than general residential due to the absence of any requirement for affordable housing”. This approach is flawed as provision of affordable housing under the S106 regime is subject to individual scheme viability. Flexibility therefore exists to reduce the level of S106 contribution in this regard, offsetting any impact of CIL. This flexibility regarding individual scheme viability cannot be harboured for student accommodation. A disproportionate impact upon student accommodation schemes therefore exists, contrary to the SG.</p>	<p>there is not any additional burden in comparison to other types of development.</p> <p>The Council does not agree – schemes in the Borough typically provide around 30% - 40% affordable housing.</p> <p>In contrast, there is no requirement at all for affordable housing, which results in a considerable difference in viability. The CIL proposed on student housing is in line with other forms of development in terms of proportion of overall development costs.</p> <p>There are, of course, additional factors that improve the viability of student housing beyond the lack of a requirement for affordable housing (high density; low build costs; reduced amenity space requirements etc) that all improve viability in comparison to general residential schemes.</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p><i>4. Discretionary Relief</i></p> <p>The principle of allowing an element of discretionary relief for qualifying schemes is supported by UNITE, however it is considered the definition of how the three statutory tests will be applied. In particular the situations where the Charging Authority considers “that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of the chargeable development” (s.55 of the CIL Regulations (2010) as amended). Student accommodation that is tied to specific rental levels through a S106 Agreement (either through a partnership scheme with a Higher Education Institution) is less likely to be able to viably accommodate a disproportionate CIL rate. Discretionary relief applicable upon this basis would allow delivery of this type of accommodation, meeting identified specialist need.</p> <p>Conclusion</p> <p>Purpose built student accommodation has a positive impact on housing supply thorough meeting an identified specialised housing need. The impact of CIL upon scheme viability requires consideration within the context of the Government Growth Agenda. The proposed CIL rate for student accommodation in LB Lambeth is not justified by an appropriate evidence base and does not reflect relevant national policy. UNITE therefore object to the proposed £360/sq.m levy and are mindful of the following specific issues: -</p> <ol style="list-style-type: none"> 1. No consideration is given to emerging/ future likely 	<p>The Council has considered how the three tests at Regulation 55 might be met by developments of affordable student housing schemes and is satisfied that the S106 can be structured appropriately to meet the tests.</p> <p>The Council’s position on student and other residential development is clearly set out in its Draft Local Plan.</p> <p>The proposed rate for student housing is viable and proportionate, and funding secured will contribute towards growth by funding supporting infrastructure in the Borough.</p> <p>The respondents’ assertions</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>rental levels and assessment of risk in developing student accommodation.</p> <p>2. The Council viability assessment confirms that minor variations in scheme value / yield significantly impacts upon scheme viability and its ability to support a CIL payment. This demonstrates a reduced levy is necessary in order to comply with the NPPF and SG.</p> <p>3. An increased viability buffer for student accommodation schemes is therefore necessary.</p> <p>4. This approach also ensures no disproportionate impact upon one specific development sector occurs, in accordance with the SG.</p> <p>5. The proposed increase over the current financial contribution under S106 for student schemes is disproportionate and excessive.</p> <p>6. The approach to discretionary relief should be clarified.</p> <p>Therefore a further reduction in the student accommodation levy within the adopted Charging Schedule is required in order to reflect the NPPF and the SG.</p>	<p>regarding rent levels are not evidenced. Current student rents support the rents used in the Viability Study, as do rents assumed by applicants on new schemes.</p> <p>The Council has included a substantial buffer below the maximum rate.</p> <p>There is no requirement to set rates of CIL on the basis of historic Section 106 requirements.</p> <p>There is no evidence from the respondent to substantiate a reduction in the proposed rate.</p>
024	Matthew	Quod.com on	Mix use	Introduction	

No	Name	Organisation	Topic	Response	LBL Response
	Sherwood	behalf of Braeburn Estates Limited Partnership	development	<p>I am writing on behalf of Braeburn Estates Limited Partnership (Braeburn Estates) in response to your Draft Charging Schedule (DCS) and associated documents, published for consultation in June 2013. We will also refer to the Council's Draft revised s106 planning obligations Supplementary Planning Document (SPD) (July 2013, due to be published for public consultation in August 2013) although we will prepare further separate representations on this document.</p> <p>As you will be aware, the Council made a resolution to grant consent to Braeburn Estates planning (LPA application ref. 12/04708/FUL) and associated applications for the redevelopment of the Shell Centre, Waterloo.</p> <p>The mixed-use development will be one of the largest ever investments in the Borough comprising offices, residential, retail, leisure/community uses located within eight new buildings and basement. This includes:</p> <ul style="list-style-type: none"> • Up to 877 homes including affordable housing • 76,043m² of office floorspace including a new headquarters building for Shell • Up to 5,986m² of retail floorspace • Up to 2,557m² of community/leisure floorspace • Provision of new public realm and landscaping within the development, including: new public square incorporating water feature; additional tree planting; new pedestrian through routes, including additional routes between York Road and Belvedere Road <p>We are pleased that the Council has responded to our formal comments from the previous round of consultation and those made at the workshops that</p>	

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				<p>have been held. In particular we support the proposed single charging zone for Waterloo and Vauxhall, reflecting the higher existing use values in the Waterloo part of the area, and the decision to allow for Exceptional Circumstances relief. We note that the Council has published a draft revised S106 Planning Obligations SPD and Regulation 123 list which enables us to consider whether appropriate safeguards are in place to ensure S106 obligations are scaled back.</p> <p>Braeburn Estates do however continue to have significant concerns about both the Draft Charging Schedule and the approach taken in the Regulation 123 list and Draft revised s106 Planning obligations SPD. We will set out our comments in detail below but thought that it would be useful to summarise at the outset our key points:</p> <ul style="list-style-type: none"> • Our principal concern is that the proposed CIL rates for residential and commercial development will threaten the delivery of the sites and scale of development set out in the Local Plan (CIL Guidance paragraph 8); • That the Council has not followed CIL Guidance in relation to undertaking site specific assessments or in properly identifying recently achieved Section 106 obligations or affordable housing delivery and comparing that to the levels of obligations that would be required from the same developments if the proposed DCS were to be applied to them; • This will put at risk, not only the development of individual sites, but also the achievement of the Council's targets for affordable housing, a clear 	<p>The Council has considered the rate in Waterloo and has responded to concerns by reducing the rate from £369 to £265 per square metre. Sales values in Waterloo are higher than those in Lambeth, where the Council has been securing a tariff based contribution towards infrastructure for some time. Evidence from schemes in that area indicates that viability is not adversely affected by the tariff (and therefore the same conclusion can be drawn in relation to the proposed rate of CIL).</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>priority for the council. The proposed rate for office development will put Lambeth at a further competitive disadvantage with other central London authorities all but one of whom now have lower proposed CIL rates for this use than north Lambeth. This will put at risk Lambeth's ambitions to achieve growth, and potentially have wider financial impacts in relation to business rate retention</p> <ul style="list-style-type: none"> • That the draft Regulation 123 list and the Draft revised s106 planning obligations SPD are inconsistent with one another, the CIL regulations and the Government's CIL Guidance. <p>Braeburn Estates is of the view that as it currently stands the Draft Charging Schedule should not be approved by an Examiner and would like to reserve its right to appear at any Examination.</p> <p>Extant Schemes The Council appears to have disregarded potential impacts on strategic developments which already have planning permission in setting its CIL rates. However, it is typical for large scale, complex, phased developments to be revised, not only through Section 73 applications, which are only liable for CIL on any uplift, but also new applications and drop ins. Under current regulations these would be fully CIL liable. The Council should not therefore assume that developments that have been granted planning permission prior to the adoption of the Charging Schedule will never be liable for CIL, when there is a good chance they might be in</p>	<p>As noted in our response to other representations, the Council has to strike a balance between raising funding for essential infrastructure and affordable housing. If infrastructure cannot be delivered, it will constrain growth in the area. Local communities will resist new development and the Council would be forced to scale back delivery of new housing. This would be an undesirable outcome for all parties. Based on evidence from across the Borough, the Council is satisfied that the proposed levels of CIL will not adversely impact on affordable housing delivery.</p> <p>The Council considers that this stance is unfortunate but does not believe there are compelling reasons to justify a reduction in CIL rates.</p> <p>The Council has not disregarded potential impacts on strategic developments. The Council has a large volume of evidence on the potential impact of CIL through the 'proxy' of the Nine Elms and Vauxhall tariff, which has been applied to developments. The Council is satisfied that the existing</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>whole or part. The Council should therefore have such developments in mind when considering appropriate rates and viability.</p> <p>Preliminary DCS Representations and the Council's Response</p> <p>The key points raised in our previous representations (November 2012) on the Council's Preliminary DCS Consultation were:</p> <ul style="list-style-type: none"> • The delivery of development at Waterloo is critical to the achievement of both Lambeth Council's and Mayor of London targets for homes and jobs. CIL charging rates should not jeopardise the delivery of schemes in this area. At present, charging rates are considered to be of a level that would put development at risk; • There is a clearly defined list of sites which comprise the development pipeline which will secure the delivery of housing and job targets. As such the Council should undertake specific viability testing of those sites; • The Council needs to demonstrate that the impact of the combined weight of expected developer contributions, including CIL, does not jeopardise the viability of key sites; and • General concerns regarding the inputs to the viability appraisal which are not considered to be reflective of 'real-life' development circumstances. <p>The Council has responded to this, and other representations making similar points, in three ways:</p> <ul style="list-style-type: none"> • By merging the Vauxhall and Waterloo charging zones with a single rate at the level that had 	<p>Tariff – and by extension the proposed rate of CIL – will not adversely impact on viability and affordable housing delivery. The most recent decision to grant consent in the area provided both the equivalent of 40% affordable housing and full tariff.</p> <p>The Council is satisfied that the proposed rates of CIL will not adversely impact on viability. It has responded positively to representations to the PDCS by reducing the CIL rate in Waterloo to the same level of CIL proposed for Vauxhall. It is now clear that the respondent is simply seeking to negotiate a lower rate. This is unacceptable to the Council as it would result in a substantial loss of income that will support development and growth.</p> <p>Most of these sites now have planning consent and some are already on site. Many of them are paying the Nine Elms and Vauxhall tariff, which than the proposed rate of CIL is broadly based on.</p> <p>As noted above, the Council is</p>

No	Name	Organisation	Topic	Response	LBL Response
				<p>previously been proposed for Vauxhall (£265 per square metre)</p> <ul style="list-style-type: none"> • Producing an updated Viability Study (2013) but not addressing any of the site specific concerns on the basis that 'Lambeth has no strategic sites', • Producing a draft Regulation 123 list and Draft revised s106 Planning Obligations SPD which is intended to provide re-assurance in relation to residual Section 106 issues. <p>We are pleased that the Council has made such information available as it allows us to make a more detailed response, however this has, if anything, increased our concerns about the potential impacts of the proposed residential and commercial CIL rates on development. Further details of our concerns are set out below.</p> <p>As far as we are aware the Council has not provided any evidence in relation to previously achieved Section 106 contributions and affordable housing delivery.</p> <p>Viability Study Our review of the revised (2013) Viability Assessment document suggests that have been few if any substantive changes to the previous version, despite the publication in December 2012 of the new CIL Guidance. Our points made in response to the PDCS therefore still stand. In summary:</p>	<p>satisfied from evidence in the viability study and from live schemes that the proposed CIL rate will not adversely impact on viability. The Council has the benefit of considering a range of schemes in arriving at its assessment.</p> <p>The April 2013 Statutory Guidance makes reference to the need for testing of strategic sites where these are critical to the delivery of the Plan. These conditions do not arise in Lambeth – housing supply does not rely upon one or two key sites to deliver the bulk of housing numbers. Furthermore, many of the key major sites in the Borough already have planning consent, or a decision in principle to grant planning permission</p> <p>The Council has had regard to this information when considering its Draft Charging Schedule.</p> <p>The Viability Study considers a range of scheme types, which were informed by live appraisals in the Borough. Whilst there are a handful of schemes that may lie outside the parameters in the study, these are</p>

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				<p>The construction period for larger sites, at 24 months, does not reflect the reality of large complex sites and includes no planning period, or pre-commencement lead in. The impact of this has very significant impacts on early investment costs and cashflow, particularly for phased developments. In addition we assume that the 4 month sales period for the 'Type A' sites set out in paragraph 4.46.1 is a typographical error, but it has been carried forward into the updated study. This again has a potentially significant impact on the conclusions, but it is not possible to check as the details set out in the Annex are only output sheets;</p> <ul style="list-style-type: none"> • Costs for complex sites are underestimated, particularly in relation to demolition and external works. If an appropriate allowance is included for site preparation and the external work allowance is increased to a more appropriate level for larger sites (for example typology 6) this will materially impact the reported surplus available for CIL. • The impact of the payment of Mayoral CIL is not properly assessed. We assume following the response to our previous representations that Mayoral CIL payments are dealt with in the same way as Lambeth CIL payments. This would suggest that that Mayoral CIL payments for larger schemes are identified as three payments at 1, 12 and 24 months. In fact the Mayor's adopted instalment policy, for a development on the scale of the Shell Centre, is for two instalments, at 60 days and 240 days. It is a requirement for Boroughs to take the Mayor's CIL into account and this has not been done properly to date. 	<p>exceptional cases and to apply these conditions to all appraisals would distort the results.</p> <p>Again, the Viability Study reflects the situation on a majority of developments, informed by a large volume of data the Council has gathered from applicants. It would distort the results of the appraisals to apply costs that only apply to complex schemes. We would note, however, that the Council has secured Nine Elms and Vauxhall tariff funding from major complex schemes.</p> <p>The Council will keep its position on instalments under review.</p>

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				<p>The combination of these factors, if properly assessed, would significantly reduce the notional maximum CIL charges set out in the report.</p> <p>Site Specific Appraisals & Evidence</p> <p>It is recognised by all parties in the CIL setting process, including the Council and its advisers, that high level generic appraisals of the type used in the CIL Viability Study are at best a broad guide to viability, and cannot reflect the diversity of sites 'on the ground'. This is the ostensible reason that, for example, the Viability Study does not include 'abnormal costs', although they are common to many of the larger complex sites, particularly those adjacent to or above transport infrastructure as is the case in much of North Lambeth. This is why the CIL Guidance suggests that Councils should undertake site specific sampling, and it is worth quoting the relevant paragraph (27) in full:</p> <p><i>"In addition, a charging authority should sample directly an appropriate range of types of sites across its area in order to supplement existing data, subject to receiving the necessary support from local developers. The focus should be in particular on strategic sites on which the relevant Plan relies and those sites (such as brownfield sites) where the impact of the levy on economic viability is likely to be most significant. In most instances where a charging authority is proposing to set differential rates, they will want to undertake more fine-grained sampling (of a higher percentage of total sites), to identify a few data points to use in estimating the boundaries of particular zones, or different categories of intended use. The sampling should</i></p>	<p>There is now a substantial buffer below the maximum rate, which has increased since the PDCS as a result of the reduction in the rate from £369 to £265 per square metre. The proposed CIL accounts for a modest proportion of overall development costs and pose no threat to scheme viability.</p> <p>The Council has had an opportunity to 'test' the proposed CIL rates through a proxy of the Nine Elms and Vauxhall tariff. This has been applied to a range of schemes, including complex schemes, and it has not adversely impacted on viability. The proposed rate of CIL is broadly based in the Nine Elms and Vauxhall tariff.</p>

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				<p><i>reflect a selection of the different types of sites included in the relevant Plan, and should be consistent with viability.”</i></p> <p>This does not say that Councils should only assess strategic sites, and nor does it say that in order for a site to be considered ‘strategic’ it must account for 5% of the housing supply. In this context it should also be noted that sites such as the Shell Centre, Elizabeth House and Waterloo Station, could be considered strategic sites in terms of their ability to deliver commercial floorspace as well.</p> <p>The Council clearly does rely on the Waterloo and Vauxhall areas for the delivery of the Plan targets as a whole, and as Opportunity Areas they are also strategic locations in a London context. Despite this the Council has undertaken no site specific assessments “<i>where the impact of the levy on viability is likely to be most significant</i>” and, as far as we are aware, has not sought to engage with developers and landowners on such appraisals.</p> <p>To illustrate the point, the Council has recently resolved to grant permission for two major developments with a large commercial office component in the Waterloo area, Braeburn’s development at the Shell Centre and the neighbouring Elizabeth House. Appraisals for these developments, to which the Council has access, demonstrate that they could not support obligations at anything like the rate proposed in the DCS. In our opinion the Council should place great weight on the findings of these assessments which constitute</p>	<p>As previously noted, the Council does not have a particular reliance on a small number of strategic sites. While there are major sites in the Borough, no one sites accounts for more than 5% of total supply and the Council is not reliant on any one site to deliver the bulk of its housing needs. Notwithstanding this point, most major sites have already secured consent and will make contributions through S106, not CIL.</p> <p>Both these sites have secured planning permission, or are in the process of doing so prior to adoption of the Lambeth CIL and therefore, will not be CIL liable.</p> <p>As noted in response to other representations, the Council has secured a large degree of consensus with landowners in the</p>

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				<p>'appropriate available evidence' as set out in the CIL legislation and Guidance, as opposed to abstract and generic assessments for typologies that, as far as we are aware, have been brought forward nowhere in the Borough.</p> <p>To compound this problem the Council appears to have also disregarded the requirement set out in Paragraph 22 of the Guidance 22 to:</p> <p><i>“prepare and provide information about the amounts raised in recent years through section 106 agreements. This should include the extent to which affordable housing and other targets have been met.”</i></p> <p>We are aware that the Council has required developers across the Vauxhall and Waterloo areas to undertake independently verified viability assessments of their proposals to demonstrate that affordable housing has been maximised. The CIL Viability Study makes reference to having reviewed some of its inputs against these studies. However the Council does not appear to have undertaken the straightforward task of applying the proposed rates set out in the Draft Charging Schedule, applying the formula in CIL Regulation 40 to these developments, in order to sense check whether the emerging rates are of a similar order of magnitude. In the case of the Shell Centre permission we can demonstrate that if the proposed CIL rates had been applied the development would not have been viable. We understand that this is the case with a significant number of other developments in the north of Lambeth. It is for these reasons we believe that the Council has not, as required, considered appropriate available</p>	<p>then named Vauxhall Nine Elms and Battersea, Development Infrastructure Funding Study, resulting in the Nine Elms Vauxhall tariff. This tariff is being secured on schemes throughout the Opportunity Area and the Council has a substantial amount of information on the impact on development.</p> <p>The Elizabeth House schemes have already secured consent, and the shell Scheme will be subject to Inspectors Decision due prior to Lambeth adopting CIL, and will not be CIL liable. Both schemes have their own unique complexities that are unlikely to be repeated on schemes elsewhere. To rely upon these schemes for setting CIL rates for other developments, which do not share the same complexities, would distort the outcome.</p> <p>The typologies in the viability study are reflective of schemes that have been submitted to the Council for planning.</p> <p>The Council has gathered information on Section 106 and affordable housing and has relied upon this in its considerations for</p>

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				<p>evidence in proposing its CIL charge, and without a clear understanding of the implications for the delivery of real pipeline developments in strategic locations, it cannot demonstrate that it has struck the appropriate balance between the need for CIL funding and the impact on the delivery of the scale and types of development set out in the Local Plan.</p> <p>Infrastructure Planning, the Regulation 123 List and Draft Revised s106 Planning Obligations SPD</p> <p>The CIL Guidance (December 2012/April 2013) also includes some significant additional requirements on local authorities to provide better information on infrastructure planning and in particular on residual obligations after a CIL charge has been adopted. This reflected concerns that local authorities were assuming a very large scaling back of S106 requirements without providing any evidence or commitment that this would happen. Lambeth's CIL viability study, for example, assumes S106 obligations of £1,000 per home, which is significantly below what is currently required.</p> <p>One of the main purposes of the CIL guidance is to allow developers and other stakeholders to properly understand and make an informed response to an authority's assumptions on Section 106. The Guidance includes some very specific requirements on local authorities including:</p> <ul style="list-style-type: none"> • Setting out a draft list of infrastructure <i>"to provide transparency on what the charging authority intends to fund in whole or part through the levy and those known matters where section 106 contributions may continue to be sought"</i>. (para 	rate setting in the DCS.

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				<p>15);</p> <ul style="list-style-type: none"> • Setting out how Section 106 policies will be varied (para 87); • Work proactively with developers to ensure they are clear about charging authorities' infrastructure needs and what developers will be expected to pay for through which route (para 88); and • Where the regulation 123 list includes a generic item (such as education or transport), section 106 contributions should not normally be sought on any specific projects in that category. Such site-specific contributions should only be sought where this can be justified with reference to the underpinning evidence on infrastructure planning made publicly available at examination." (para 88) <p>At present we believe that the Regulation 123 list and Draft revised s106 Planning Obligations SPD fall well short of these requirements.</p> <p>With regard to the Regulation 123 list we believe that the scope of the list is correct but that the use of the phrase "Lambeth Council will not normally seek planning obligations" would undermine the purpose of the list. In fact our view is that, because of this, the proposed list is not consistent with Regulation 123 of the CIL regulations which does not allow the Council to seek to lay the basis for exceptions in this way.</p> <p>Our concerns about this are amplified by the approach taken to the Draft revised s106 Planning Obligations SPD. This revised SPD is intended to support the 'scaling back' of planning obligations, but at 70 pages</p>	<p>The Council have taken account of the point made, and have remove the use of the word "normally " from the regulation 123 list. It has also sought to further refine and clarify where CIL will not be used and planning obligations will be used for infrastructure, by excluding securing of school sites specifically from the regulation 123 list.</p> <p>The draft revised Section 106 SPD, which was consulted on,</p>

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				<p>long is nearly as extensive as the current document. We will provide our detailed comments on the Draft revised s106 SPD under separate cover, but in relation to CIL, sections 5C (Community Facilities) and 5D (Transport) are of most concern.</p> <p>The Council has included most relevant items in these areas on its Draft Regulation 123 list. However the SPD appears to be seeking to retain the ability to require obligations for major sites or clusters of sites, which it deems, through the use of formulae or required assessments, to have a significant impact. From a review of planning policy it is clear that the bulk of such likely requirements would fall on the Waterloo and Vauxhall areas, which are subject to a Draft and an Adopted area based Supplementary Planning Document respectively which include extensive infrastructure requirements.</p> <p>The Draft revised s106 planning obligations SPD and the two area specific SPD's all contain lists of potential infrastructure requirements with no clarity as to the cases when such items will be required and impacts on viability and other obligations such as affordable housing. The draft Local Plan adds to this confusion. We would welcome it if Lambeth took the opportunity to rationalise these documents and be much clearer about what will be required where and when and how it will be paid for. The Council has referred to its intention to produce Local Infrastructure Plans, but this clarity is required prior to the examination of the CIL rates and not afterwards.</p> <p>If the Council wishes to secure Section 106 obligations</p>	<p>substantially scaled back planning obligations through the removal of financial contributions for education, health, libraries, sport and leisure, and parks and open space as set out in the current adopted Section 106 planning obligations SPD.</p> <p>The scope for the opportunity to provide or secure community facilities and major transport facilities will be linked to a limited number of sites in Waterloo and Vauxhall, The Council has sought to the draft revised Section S106 SPD, and more specifically in the Waterloo and Vauxhall Area SPD's to indicate infrastructure requirements arising from development.</p>

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				<p>in relation to these issues it is required to bring that evidence to the examination, and to account for the potential costs in setting its CIL charges (see paragraph 88 of the Guidance). The Council has not provided such evidence to date, nor has it undertaken any site specific appraisals or included any costs (above token ones) in its Viability Study. It should therefore either provide this evidence or remove most of Sections 5C and 5D.1 and 2 of the Draft revised s106 planning obligations SPD prior to the examination. More generally the Council should test the proposed scope of obligations against the Regulation 122 tests, as there are a number, particularly in Section 5B, which would be unlikely to be considered necessary or directly related to development in most cases.</p> <p>The document would merit from being significantly shortened to cover what the likely scope and key heads of terms for Section 106 agreements might be, as it goes into unnecessary detail and in a number of areas simply repeats policy which is set out elsewhere in Lambeth's Local Plan documents.</p> <p>Conclusion Braeburn Estates welcomes the opportunity to respond to the consultation on the Draft CIL Charging Schedule, the revisions to the proposed charging zones in the north of the Borough and decision to allow for Exceptional Circumstances relief. We do however continue to have major concerns about the potential impacts of CIL on development in the north of Lambeth, and the approach proposed in the Regulation 123 list and Draft revised s106 Planning Obligations SPD. We are keen to continue to be engaged in this process,</p>	<p>The Council has carefully considered responses to representations, but has also considered the range of information at its disposal when considering CIL rates for the DCS. The proposed rates of CIL represent only modest proportions of overall development costs and are therefore unlikely to threaten delivery of the bulk of</p>

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				and look forward to working with you to ensure that CIL is used as a tool to support the achievement of the Council's objectives for Waterloo and does not hinder development.	housing and other uses identified in the plan.
025	Mike Smith	Network Rail	Definition of buildings in CIL regulations	<p>Introduction Network Rail is the 'not for dividend' owner and operator of Britain's railway infrastructure, which includes the tracks, signals, tunnels, bridges, viaducts, level crossings and stations - the largest of which we also manage.</p> <p>Network Rail's position</p> <ul style="list-style-type: none"> <input type="checkbox"/> Network Rail believes that it should be exempt from CIL or its developments classified as payments in-kind; <input type="checkbox"/> Network Rail is seeking further clarification on the definition of buildings in CIL regulations. Stations are open-ended gateways to rail infrastructure and should not be treated as buildings and lineside structures used to operate the railway should be classed as railway infrastructure; <input type="checkbox"/> Network Rail would like clarification on whether its developments over 100 m2 undertaken using our Permitted Development Rights will be CIL liable; <input type="checkbox"/> Given that CIL can be used to fund sub regional infrastructure projects, we hope that railways will be specifically mentioned, alongside roads, as a potential beneficiary of CIL in the regulations. <p>Given that Network Rail is a not for dividend company</p>	<p>Station developments are not included in the Draft Charging Schedule as chargeable development.</p> <p>Development under PD rights is generally CIL liable. NR are advised to consult the regulations to determine whether particular types of development will be CIL liable.</p> <p>The Council have addressed the inclusion of rail projects in its Regulation 123 list, under Transport. It should be noted also the London Mayors CIL address's the pan London Crossrail initiative.</p> <p>No station development will be CIL liable. If NR develops other land</p>

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				<p>whose profits are reinvested in the network, this represents the direct loss of railway investment. However, as an optional, locally set charge, the precise impact of CIL on Network Rail is very difficult to quantify. We believe that charging CIL on gross internal floor space is disproportionate given that it will encompass very minor as well as major projects. For example, the installation of a Disability Discrimination Act compliant covered footbridge at a station would add 110 m2 to floor space.</p> <p>The way in which our revenue requirement from access charges (paid by train and freight companies) is calculated deducts expected income from developments.</p> <p>Revenue from these developments is then retained by Network Rail and used exclusively to fund its capital investment programme. Network Rail's regulatory assessment makes forecasts of the revenue which Network Rail will receive from this source. Indeed, Network Rail has obligations to maintain and improve the UK rail network; and maximise returns from land and property no longer required by the rail industry</p>	<p>in its ownership for commercial use, then this will be CIL liable. Whilst this would result in a diminution in land value, this is no different from other planning requirements (such as affordable housing). If commercial developments have an impact on infrastructure requirements, it is reasonable for the Council to expect those developments to contribute.</p> <p>The Council has no choice on the charging unit for CIL, but station buildings and footbridges would not be CIL liable.</p> <p>See point above re impact of planning on development value.</p> <p>Other public authorities have similar duties, but accept that if they develop land, they are subject to planning requirements.</p> <p>NR's starting point is inappropriate – they appear to assume that the value they can derive from land in their ownership is not liable to</p>

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				<p>for reinvestment into the railway infrastructure. Network Rail would therefore require additional funding through the current periodic review by the Office of Rail Regulation, which will set Network Rail's outputs, revenue requirement and access charges for CP4, or some form of regulatory re-opener to address the issue of the CIL.</p> <p>- the case for an exemption</p> <p>Given this threat to Network Rail's revenue from CIL, Network Rail very much hopes that it will be granted an exemption for its developments or, as an infrastructure provider, the regulations will treat them as payments in-kind. Network Rail believes it has strong grounds for such an exemption.</p>	<p>planning obligations. This is entirely inappropriate, as all developments on NR land must mitigate their own harm and contribute towards infrastructure requirements generated by new housing.</p> <p>CIL in Lambeth will amount to a very modest proportion of development costs and is unlikely to have a substantial impact on NR's receipts. If NR consider that they have a stronger case for exemption than other public authorities (which accept that they must comply with planning obligations when selling land), then this should be addressed to the Secretary of State.</p>
026	Ed Kemsley	Peacock and Smith on behalf of Morrisons Supermarkets plc	Retail and large retail developments	<p>On behalf of our client, we object to the proposed CIL rate for retail development (over 2,500 sq m) of £115 per sq.m the Borough. We are gravely concerned about the viability of the proposed CIL rates for new retail developments. Levies of this level are likely to have a significant adverse impact on the overall viability of future large-scale retail developments, particularly when taking into account other costs for local infrastructure works and other contributions required as part of typical S106 agreements (such as highway works which are typically expensive to ensure large scale retail developments function well).</p> <p>We consider that the proposed charge will put undue</p>	<p>This rate is commensurate with rates for large retail developments that have either been adopted or proposed by other London authorities. Rents, yields and costs do not vary significantly in Lambeth from those other boroughs.</p> <p>The proposed rate of CIL will account for only a modest proportion of overall development costs, typically around 1.75%. Given the marginality of this cost, it</p>

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				<p>risk on the delivery of food retail proposals, and will be an unrealistic financial burden which is likely to pose a significant threat to potential new investment and job creation in the Borough, particularly at a time of economic recession and low levels of development activity.</p> <p>In this regard, our client has reviewed the Preliminary Draft Charging Schedule and supporting documentation from a viability perspective, given their expertise in this field. Please see the enclosed representation which provides specific comments.</p> <p>Introduction For the purposes of these representations we have reviewed the following documents:</p> <ol style="list-style-type: none"> 1. Community Infrastructure Levy – Charging Schedule (Draft), London Borough of Lambeth, June 2013 2. Community Infrastructure Levy: Viability Study, BNP Paribas, April 2013. We are concerned primarily with retail and large retail development in this representation. Clearly the CIL rates should not stymie economic development, jobs and growth. <p>Representation Methodology – Benchmark Land Values/Threshold Land Values BNP Paribas adopt an approach whereby the “input land cost” in the assessment of CIL Viability is calculated using the basis as described in Chapter 3. At Chapter 4 further commentary and explanation is given with respect to the actual calculation of the benchmark</p>	<p>is very unlikely that a supermarket operator would not proceed.</p> <p>All appraisals, whether of commercial or residential</p> <p>Developments, are hypothetical but based on locally sourced inputs.</p>

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				<p>land values. It is interesting to note the following</p> <ol style="list-style-type: none"> 1. That the residential analysis BNP Paribas have selected 4 different land (existing) uses to test a range of different benchmark land values. 2. However with the commercial developments they have departed from this approach and have set out an approach at Para 4.47. In their own words it is stated that “We have appraised a series of <i>hypothetical</i> commercial developments”. <p>We believe that when it comes to the retail assessment in particular (it applies to the other commercial uses too) that there must be an assessment of benchmark land values which reflect a range of other land uses. The approach adopted is inappropriate and designed to create a gap between existing land values and potential future ones and thus justify higher rates of CIL.</p> <p>To explain this further the spatial context of LB Lambeth must be considered. It is an inner London Borough which is already densely developed (there are no Greenfield development sites). As such any large retail development will occur on land which may have a wider range of pre-existing uses such as retail, roadside (e.g. petrol filling station, showrooms) and residential (including on upper floors).</p> <p>Therefore to take the approach at paragraph 4.47 “...assumes that the existing building is half the size of the new development, with a lower rent and higher yield reflecting the secondary nature of the building.” is unrealistic and designed to produce a higher degree of viability.</p> <p>The approach taken here ignores expressly that any landowner whom is selling land where a site has</p>	<p>The respondent may not understand the nuances of the appraisals, which already reflect a range of benchmark land values. The three existing use values reflect the range of sites that might come forward for development (i.e. existing but secondary retail floorspace; industrial and warehousing sites etc). The evidence base does not suggest that the existing use values are based on greenfield land; if that were the case then values would have been considerably lower.</p> <p>The Council has advised that a vast majority of applications result in an intensification of existing sites, including retail developments.</p> <p>The approach advocated by the respondent runs counter to the</p>

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				<p>development potential will wish to share in the prospective “hope” value. This is exceptionally high in locations across London and therefore once again we consider that this hypothetical approach ignores market reality. We do note the “Landowner Premium” figure at table 4.40.1 at 15-20% and consider that this is an arbitrary allowance added to an already depressed figure.</p> <p>This approach is clearly inappropriate and unfairly weighted to create the impression that the existing use value is low and as such the potential CIL that can be levied will be significant.</p> <p>We will make further comments on how the approach taken makes an overly optimistic assessment of CIL.</p> <p>Mayoral CIL – Para 4.25</p> <p>We note the comments that the Mayoral CIL has not formed part of the analysis. We consider that this is an omission as any reader may construe the analysis and findings as what the actual CIL payable could be. It would be preferable for this to have been taken into account in the appraisals and work such that the figures presented at “net of CIL”.</p> <p>It must also be borne in mind that the Mayoral CIL is payable all or in part during the development phase of larger developments as such costs would be financed in the normal way. The analysis does not therefore take into account these additional costs and as such overstate the CIL level proposed.</p> <p>Section 278 and S106 Costs – Para 4.26</p> <p>It is noted that an allowance has been made in the residential assessments but has been omitted from the commercial assessments. It is highly probable that with</p>	<p>Harman Guidance on ‘Viability Testing Local Plans’ and is also counterintuitive; landowner expectations are framed within planning policy requirements, including CIL. If planning permission is not realised on a site, there is no uplift in value to benefit from.</p> <p>The benchmarks are based on evidence of rents and yields on the ground in Lambeth. We note that no counterfactual evidence has been provided by the respondent.</p> <p>The respondent has misunderstood how Mayoral CIL has been treated in the assessment. The appraisals identify the <i>maximum potential CIL</i> including Mayoral CIL. This is clearly stated in the report.</p> <p>Analysis of large retail developments with CIL included as a cost indicates that the financing costs add marginally to costs but do not alter the outcome, given the significant discount below the maximum rate applied by the Council.</p>

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				<p>Large Retail (and other commercial developments) that local S106 and 278 costs would be incurred – particularly in the spatial context of LB Lambeth. This is a significant weakness in this assessment of CIL and must be rectified.</p> <p>An allowance must be made for larger developments which would reflect such costs.</p> <p>Table 4.48.1 Commercial Appraisal Assumptions for Each Use</p> <p>We have specific comments on the assumptions made</p> <ol style="list-style-type: none"> 1. Market information and comparable evidence – there is neither market information nor comparable evidence presented to support the assumption made in terms of the rent assumed. We would expect that rental levels will vary across the Borough as there is a great variation in residential and commercial property values. For instance the value that an operator may pay in West Norwood would not be the same as that paid in Vauxhall and Waterloo? There appears to be no cognisance of this in the work presented. The existing use levels of rents are unrealistically too low – adopting a rental range of £7-£10 psf for retail accommodation in Vauxhall or Waterloo is undervaluing properties significantly. 2. Commercial Build Costs – BNP Paribas have not made explicit the dates and types of development that they have based their construction cost assumption. We have referred to BCIS ourselves (27/7/13 LB Lambeth – Hypermarkets/supermarkets) and consider that the 	<p>The Council doe not understand the respondent’s reference to residential property values – why are these relevant to the viability of large retail development.</p> <p>The rents for retail development are sourced from subscription-based databases (EGI and Focus) to which the respondent presumably has access. If it considers that the rents sourced from those databases are incorrect, evidence supporting that view should be submitted.</p> <p>BNP Paribas Real Estate have had regard to costs from BCIS as well as costs used in development appraisals submitted with planning</p>

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				<p>assumed level is too low the median figure is consistent which that which BNP have selected, but the upper quartile (£1,685 psm and highest £2,243) indicate the wider variation in costs. We would recommend that the cost level is reviewed and the level increased by a minimum of 10%.</p> <p>3. Demolition Costs – an assumption has been made for the entire assessment that these costs will be £5.00 per square foot. We consider that these costs are too low given the very congested and developed nature of LB Lambeth. Costs of demolition (which will need preliminaries and costs possibly of closing footpaths and highways and supporting adjoining structures) will be significant and we would consider that this figure must be changed to a minimum of £10.00 per square foot.</p> <p>4. Profit (% of costs) – profit has been assumed at 20% on cost. This is too low. Given the complexities of land assembly, planning and other development and market risks a developer would be seeking to secure a minimum of 20% on Gross Development Value. The returns proposed here are too low and again intended to produce an optimistic level of CIL</p> <p>Retail Development – Para 6.34 The consultants acknowledge the “recycling of sites”. The question here is how is the methodology they have adopted reflects this?? The assessment of the existing use value is undervaluing the assets that would in reality be acquired and re-developed.</p>	<p>applications. In the context of these sources, the build cost adopted is considered reasonable. While BCIS indicates that costs may be higher, the respondent fails to acknowledge that costs can also be considerably lower than those adopted in the appraisals.</p> <p>The respondent has not justified their proposed cost increase.</p> <p>This assumption is based on a wide range of London-based schemes, including those based in Lambeth.</p> <p>The respondent has not provided any supporting evidence for their suggested £10 per square foot demolition cost.</p> <p>A 20% profit on cost is widely accepted for commercial development, including live schemes that the Council has reviewed through the planning process. Furthermore, if an operator is self developing, then no profit would be required, thus enhancing viability.</p> <p>The respondent appears to have misunderstood the point being made. High street stores will in the</p>

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				<p>As stated the approach is designed to over emphasise the level of CIL payable and this could have significant impacts on restricting investment in growth and jobs across the Borough.</p> <p>Development Appraisals – Large Retail</p> <p>There are a number of issues which we consider need to be addressed with respect to the development appraisals – some of these have already been mentioned.</p> <ol style="list-style-type: none"> 1. Allowance for S278/S106 – for large retail such allowances need to be made for localised costs 2. Mayoral CIL – this should be accounted for in these appraisals 3. Demolition Costs – we have already commented on this above and this needs to be increased 4. Site Works/Preparation – there is no allowance for abnormal costs of development which are likely in an urban area like Lambeth where development will occur on previously developed land. Costs of diversions, ground stability, archaeology and decontamination are all relevant and highly probable costs for a developer. None of these have been allowed for. 5. Finance Timescales – the finance has been calculated for a period of 18 months. This is wholly unrealistic for a large retail development. Site assembly, town planning, demolition, site preparation and then construction can take several years. Basically once again the assumption being made is too optimistic. The finance on the land cost needs to be lengthened as a minimum. 6. Developer’s Profit – this must be amended to 20% of Gross Development Value. 	<p>main be recycled, but not result in any increase in net floorspace, due to the physical constraints of the building. Clearly that does not apply to larger stores, which are often developed on sites in other use. If a larger store is being developed on an existing store, then CIL will only be payable on the net increase, not the whole floorspace.</p> <p>BNP Paribas Real Estate have re-run their appraisals to address the respondent’s assertions. see Addendum Viability Study, November 2013, Section 4 and Appendices 6.</p> <p>Site preparation costs are included within tenders that BCIS is based on. To include a further allowance would result in double counting.</p> <p>Developers typically purchase land on a subject to planning basis and the delays claimed by the respondent are rarely incurred. Sites that are purchased pre-planning are often occupied and</p>

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				<p>Summary A number of critical points have been made above which require urgent attention. Otherwise LB Lambeth will seriously prejudice development and investment which will lead to growth and employment generation. The methodology and approach taken has a number of weaknesses which we have set out. Fundamentally we the circumstances of place have not been applied to this assessment, for instance</p> <ul style="list-style-type: none"> • Mayoral CIL • Local S106/S278 requirements • Density of existing development – resulting in complex and expensive development • Understating the current use value – the consultants are proposing a site can be acquired for between £155,691 and £465,476 in respect of a 30,000 sq ft retail development. To put this in context the average price for a single residential property in Lambeth is £405,533 (BBC Website – Jan to March 2013). Clearly this approach in unrealistic in its approach. <p>The assessment needs review such that the local factors are properly reflect otherwise the CIL will prevent future development.</p>	<p>thus generating an income stream which helps off-set holding costs, sometimes in their entirety.</p> <p>There is no evidence to support a profit of 20% on GDV for large retail development. No developer would currently embark on such a development without a pre-let or pre-sale of such space in place. Consequently, the risk is minimal and fully addressed by 20% on cost.</p> <p>These points have been considered in revised appraisals by BNPPRE and the maximum rate of CIL still substantially exceeds the Council's proposed rates.</p> <p>The proposed CIL equates to 1.75% of cost and therefore very modest in scale. The respondent has not provided any compelling evidence to support their assertion that the proposed CIL will adversely impact on viability of large retail development.</p> <p>The Council would not expect retailers to purchase a residential property upon which to develop a retail store; indeed such an</p>

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					<p>approach would probably not be permitted by the Council's planning policies. Residential is the most valuable type of property in the Borough and retail development would only come forward on land in lower uses.</p> <p>The Council has carefully considered its proposed rate of CIL for large retail development and considers that it will not adversely impact on viability. This is clear when the proposed CIL is considered as a percentage of overall development costs (1.75%). Furthermore, the appraisals assume that a developer will develop a large retail store speculatively, thus requiring a 20% profit, but this is rarely the case. Supermarkets will typically self-develop (requiring no profit to be included at all) or a developer will pre-let/pre-sell, which considerably reduces risk. Given also that the proposed CIL is set at a substantial discount to the maximum rate, there is headroom to allow for many of the factors that the respondent has identified. The Council also notes that the respondent has not provided any compelling evidence that demonstrates that the</p>

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					proposed rates would render their clients' stores unviable.