

## Consultation Statement

### Response to Consultation on the Harrow Preliminary Draft Charging Schedule (Regulation 15)

September 2012

# LDF

Local Development Framework

## 1. Introduction

- 1.1 Consultation on the Harrow Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule took place between 10<sup>th</sup> August and 21<sup>st</sup> September 2012. Consultation was undertaken in accordance with the Council's Statement of Community Involvement and in line with the requirements of Regulation 15 of The Community Infrastructure Levy Regulation 2010, as amended.
- 1.2 This Consultation Statement provides a summary of the consultation undertaken, highlights the main issues raised and the Council's response to these matters.

## 2. Summary of consultation undertaken on the Preliminary Draft Charging Schedule

- 2.1 Upon commencement of the project to prepare a Harrow CIL, the Council appointed CiL Knowledge and BNP Paribas to advise on infrastructure costs that CIL funding should help pay for and development viability. With respect to the latter, the Council had commissioned an earlier Development Viability Study, undertaken by GVA in 2010, to support the policies of the emerging Core Strategy. However, it was felt that a new report was required to ensure that the development assumptions underpinning the viability findings represented the most current situation. Prior to running the new viability appraisal, BNP and the Council held a workshop to discuss and agree with development industry representatives, the development assumptions to be used in the modelling exercise. Over 80 local agents and developers were invited to participate in the workshop held on 18<sup>th</sup> June 2012. A copy of the invitation is provided at **Appendix A**.
- 2.2 On 19<sup>th</sup> July, Harrow's Cabinet considered a report on the Harrow CIL Preliminary Draft Charging Schedule (see <http://www.harrow.gov.uk/www2/documents/g61070/Public%20reports%20pack,%20Thursday%2019-Jul-2012%2019.30.%20Cabinet.pdf?T=10> ). At that meeting Cabinet approved the Preliminary Draft Charging Schedule for consultation for a period of six weeks.
- 2.3 Formal notification of the Harrow CIL Preliminary Draft Charging Schedule was given on 10<sup>th</sup> August 2012, and representations were invited for a six week period ending 21<sup>st</sup> September 2012. Representations were also invited on the evidence base, including the Viability Study (BNP Paribas, July 2012), Harrow Council's Infrastructure Assessment & Delivery Plan (updated June 2012) and the Infrastructure Report (CiL Knowledge, July 2012), during this period.

- 2.4 A formal notice setting out the proposals matters and representations procedure was placed in the 'Harrow Observer' newspaper on the 16<sup>th</sup> August 2012 (see **Appendix B**). In addition, on 9<sup>th</sup> August 2012 a total of 1,048 letters (see **Appendix C**) were sent by post or email to all contacts on the LDF database (see **Appendix D**), including all specific and appropriate general consultation bodies. Those emailed were also provided with the web link to the documents on the Council's consultation portal and LDF web pages.
- 2.5 Hard copies of the Harrow CIL Preliminary Draft Charging Schedule Report, the Viability Study (BNP Paribas, July 2012), Harrow Council's Infrastructure Assessment & Delivery Plan (updated June 2012) and the Infrastructure Report (CiL Knowledge, July 2012) were made available at the Harrow Civic Centre (Access Harrow) and all libraries across the Borough. The documents were also made available to view and download from the LDF web pages of the Council's website and via the Council's consultation portal. The consultation portal has the added benefit of enabling respondents to submit their representations online as they review the document.
- 2.6 A week prior to the close of consultation a reminder email and letter were sent out to those on the LDF consultation database to remind people of the closing date for making their comments.

### **3. Duty to Cooperate**

- 3.1 Section 110 of the Localism Act inserts section 33A into the Planning and Compulsory Purchase Act 2004. Section 33A imposes a duty on a local planning authority to co-operate with other local planning authorities, county councils and bodies or other persons as prescribed.
- 3.2 The other persons prescribed are those identified in regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012. The bodies prescribed under section 33A(1)(c) are:
- (a) the Environment Agency;
  - (b) the Historic Buildings and Monuments Commission for England (known as English Heritage);
  - (c) Natural England;
  - (d) the Mayor of London;
  - (e) the Civil Aviation Authority;
  - (f) the Homes and Communities Agency;
  - (g) each Primary Care Trust
  - (h) the Office of Rail Regulation;
  - (i) Transport for London;
  - (j) each Integrated Transport Authority;
  - (k) each highway authority and
  - (l) the Marine Management Organisation.
- 3.3 The duty imposed to co-operate requires, in particular, that each person, including a local planning authority, to:

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and

(b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).

3.4 The duty under section 33A(2) Planning and Compulsory Purchase Act 2004 applies to the preparation of development plan documents, and activities which prepare the way for and which support the preparation of development plan documents, so far as relating to a strategic matter such as CIL and the funding of infrastructure required to support new development.

3.5 The Council has and continues to engage constructively with other local planning authorities and other public bodies on the preparation of the Harrow CIL, following the approach set out in the NPPF. The mechanisms for and evidence of cooperation and engagement is set out in the table below.

#### **Public Body**

Local Planning Authorities & County Councils

#### **Council's Engagement and Cooperation**

The production of CIL charging schedules is a standing item on the West London Alliance (WLA) Planning Policy Officers meeting agenda. The WLA includes representatives from Harrow, Hillingdon, Ealing, Brent, Hammersmith & Fulham, and Hounslow councils. The Planning Officers Group has an agreed TOR Although Barnet are not part of the WLA, they often attend the meetings given their relationship with Harrow and Brent. Early discussions considered the possibility of preparing a joint West London CIL. However this option was not considered feasible given that each of the boroughs are at very different stages in preparing their Core Strategy and evidence base, and that to do a joint CIL would require some to delay their CIL timetable, which was not considered a suitable proposition. Other options were also explored including the use of a standard brief; a standard approach to rate setting; consistency in consultants used etc but on balance it was agreed that the most suitable approach would be for each authority to give a briefing update at each meeting to keep the others informed of proposed rates, consultation dates, issues raised and how these were being addressed, as well as to share experience on such matters as the effectiveness of the consultants used and the scope of their involvement; strategic infrastructure planning; CIL systems and administration requirements; staffing etc. The last meeting was held 12 July 2012 and which all boroughs, including Harrow, gave an update on proposed rates, timetables and issues (the minute of this meeting is provided at **Appendix E**). With regard to Harrow's proposed rates, no concerns were raised.

In addition to briefing updates via WLA, both Harrow and Hillingdon councils regularly attend a meeting of the Hertfordshire and Buckinghamshire councils (Three Rivers, St Albans, Dacorum, Watford, Hertsmere, Chiltern and South Bucks) to discuss cross-boundary matters, potential for joint working and to update each other on local plan development and recent experiences. Our last meeting was held on 16 July 2012, where each borough gave an update on CIL – no concerns were raised regarding Harrow's proposed CIL rates (the minute of this meeting is provided at **Appendix F**).

Upon publication of Harrow's PDCS, all neighbouring local authorities were formally sent notification, however only Hertsmere Borough Council took the time to respond and then only to confirm that they have no comment to make. The Council will continue to update its neighbouring authorities on progress with its CIL through the sub-regional

forum meetings and will continue to formally notify them of consultation.

The Environmental Agency

The Environment Agency has been heavily involved in the scrutiny and review of Harrow's SFRA work, including proposals for on and off-site mitigation, especially in relation to Wealdstone town centre. The EA gave their formal support towards a Core Strategy policy proposal to deculvert the Wealdstone Brook through Kenton Recreation Ground and to other proposals associated with Queensbury Rec and Stanmore Marsh, and have supported the inclusion of these projects within the Council's IDP to be funded in part of wholly through CIL.

The EA was formally notified of publication of Harrow's PDCS but did not make a representation. The Council will continue to notify the EA but there are currently no grounds identified that warrant more active engagement between the parties.

The Historic Buildings & Monuments Commission

The conservation, management and maintenance of Harrow's historic buildings and scheduled monuments are considered by the Council to be site/asset specific matters rather than strategic infrastructure to be covered by CIL. They therefore continue to fall within the remit of Section 106 agreements for private assets and site specific mitigation and management requirements or the Council's own asset management plans, where such assets are located within public land. As such, other than notifying the Historic Buildings & Monuments Commission of the publication of the Harrow CIL PDCS, the Council has not sought more active engagement with this particular body. It should be noted that no representation was received to the PDCS from this body and therefore the Council can only conclude that they are content with Harrow's proposals. The Council will continue to notify the Commission but there are currently no grounds identified that warrant more active engagement between the parties.

Natural England

Natural England (NE) has and continues to be engaged in the preparation of Harrow's various local planning policy documents. As part of the formal submission and examination of the Harrow Core Strategy, NE was consulted on Harrow IDP. While NE made formal representations to the Core Strategy and to other evidence base documents, including the Sustainability Appraisal and Habitats Impact Assessment, they did not make comment to the detail or content of the IDP. The Council therefore considered that NE was content with the assessment findings and the infrastructure requirements identified therein. On the basis of previous engagement, in respect of preparing the Harrow CIL PDCS, the Council did not seek more active engagement with this particular body. However, NE was formally notified of publication of the PDCS and has made a representation. The Council will therefore continue to engage with NE over the production and implementation of the Harrow CIL and seek to address the issues raised by NE through this process.

Mayor of London

The Mayor of London has been engaged in the production of Harrow's planning policy documents. In 2010 Harrow Council and the Mayor agreed a GLA policy officer secondment to assist with the application of London Plan policy at the Local Plan level, including the production of a joint AAP. The secondment has helped to facilitate two-way working between the two authorities and is programmed to continue for the foreseeable future. The GLA has also made a design specialist available to the Council to assist in alignment of the Harrow Green Grid project with that of the London-wide project and to assist in the design of urban realm improvements. These elements now form a significant part of the IDP and have attracted successful bid funding for delivery via the Mayors Outer London Fund rounds 1 & 2.

The GLA were formally notified of the publication of the Harrow CIL PDCS and has made a representation welcoming the fact the Mayor's Crossrail CIL levy was taken into account by the Council in its viability assessment and in the establishment of the Harrow CIL rates. The comments received indicate that the Mayor is content with Harrow's CIL proposals. The Council will therefore continue to formally notify the Mayor of the progress being made on the Harrow CIL.

Civil Aviation Authority

Other than formal notifications, the Council has had little engagement with the CAA over the development of its Local Planning Policies. The CAA was formally notified of publication of Harrow's PDCS but did not make a representation. The Council will continue to notify the CAA but there are currently no grounds identified that warrant more active engagement between the parties.

Homes and Communities Agency

The HCA were represented on the both the Council's Steering Panel and Office Working Group for the production of the Harrow and Wealdstone Area Action Plan. A key role of the HCA was to assist the Council in understanding the viability implications associated with introduction and application of the affordable rent model as well as potential HCA funding streams. As such the HCA provided significant input into the brief for the commissioning of the Viability Study undertaken to support the Harrow Core Strategy, which has subsequently been the subject of review and updating to inform the Harrow CIL PDCS. However, the Mayor of London has now taken over the responsibilities of the HCA within London, so our engagement with HCA functions is now undertaken as part of our engagement with the Mayor of London (see comments above).

PCT

Harrow PCT is a Member of the Harrow Local Strategic Partnership, alongside the Council and other key agencies. At the Strategic level the Council and the PCT work together to help promote good health amongst residents and to support vulnerable people who are eligible for social care. With regard to local planning and the CIL Council's planning policy officers have meet with the PCT on many occasions over the years to understand key health issues facing the borough, the need/demand/levels and specific requirements for new healthcare provision to serve existing and new communities and Harrow's changing demographics, as well as the PCT's proposed capital and estates strategies for the Borough. Unfortunately, the reforms to the NHS have impacted upon this relationship over the past year with the commissioning of local healthcare services now being devolved to local GPs. While the Council has actively sought to engage GPs, this continues to be on a one to one basis rather than with a GP consortium, and therefore has not been overly effective as yet in informing any review or update of the IDP. While the Council will continue to notify and consult the Harrow PCT and all known local GPs and health providers on such matters as local planning and publication of the Harrow CIL PDCS, it is likely to take time for these radical reforms to bed in and for more effective engagement to be achieved. No representations were received by bodies representing the health sector to the PDCS.

Office of Rail Regulation

Other than formal notifications, the Council has had little engagement with the Office of Rail Regulation over the development of its Local Planning Policies. The Office of Rail Regulation was formally notified of publication of Harrow's PDCS but did not make a representation. The Council will continue to notify the Office of Rail Regulation but there are currently no grounds identified that warrant more active engagement between the parties.

Transport for London

TfL have been engaged both in the review of the Council's Transport Audit study and more recently in

commissioning on behalf of the Council, a Transport Assessment of road and junction capacity associated with planned growth within the Harrow and Wealdstone Intensification Area. The findings of both studies have informed the IDP underpinning the CIL infrastructure requirements. TfL continue to be represented on the Office Working Group for the production of the Harrow and Wealdstone Area Action Plan. The Council hopes to continue its joint working with TfL post adoption of the AAP to continue to refine the potential transport mitigation measures to be employed for specific sites/junctions as well as in the design, costing, funding and delivery of station improvements. Such information will be important in any review of the CIL in coming years.

TfL were directly notified of the publication of the Harrow CIL PDCS but did not make a representation. The Council will continue to notify TfL, and will continue to seek TfL engagement in the preparation of Harrow's Local Plan documents and the CIL, and the supporting transport infrastructure requirements. Where appropriate, the IDP will be updated to reflect such engagement.

Highway Authority

Harrow Council and TfL are the Highways Authority within Harrow. See comments above re engagement of TfL.

Marine Management Organisation

Other than formal notifications, the Council has had little engagement with the Marine Management Organisation over the development of its Local Planning Policies. The Marine Management Organisation was formally notified of publication of Harrow's PDCS but did not make a representation. The Council will continue to notify the Marine Management Organisation but there are currently no grounds identified that warrant more active engagement between the parties.

#### 4. Who responded and number of representations received

4.1 12 consultation responses were received to the Harrow CIL Preliminary Draft Charging Schedule - three representing statutory bodies; three from the development industry; two representing service providers; two from local individuals; one from Harrow School; and one from an adjoining local authority. Table 3.1 below provides a full list of the respondents. The individual comments made, the Council's detailed consideration and response to these by the Council is provided in the Table at **Appendix G**.

Table 3.1: List of Respondents to the Harrow CIL Preliminary Draft Charging Schedule Consultation

ID no.	Respondent	ID no.	Respondent
1	Hertsmere Borough Council	7	Mayor of London
2	Mr Chris Parkins	8	CgMs on behalf of Mayor's Office for Policing and Crime / and the Metropolitan Police Service
3	Mr Kishor Vekaria	9	English Heritage
4	Thames Water	10	Gerald Eve on behalf of Signature Senior Lifestyle
5	Network Housing Group	11	Thomas Eggar on behalf of Asda Stores Limited

ID no.	Respondent	ID no.	Respondent
6	Natural England	12	Harrow School

## 5. Summary of main comments / issues raised and Council's response to these

- 5.1 At the close of consultation on the Harrow CIL Preliminary Draft Charging Schedule, officers considered the representations and prepared a report for the meetings of the Council's LDF Panel on 4<sup>th</sup> October, Cabinet on 11<sup>th</sup> October and full Council on 8 November 2012. The report provided a summary of the main issues raised and Council officer's consideration and response to these. In addition to providing feedback on the consultation within a public forum, the main purpose of the report was to get political agreement on a way forward on these matters, enabling officers to take these into account in preparing the Draft Charging Schedule. The main comments raised are summarised below.
- 5.2 Of the 12 representations received, two responses simply acknowledged the fact they had been consulted but had made no comment to make on Harrow's proposed Charging Schedule, six were in support of the proposed Charging Schedule, two objections and two the content of which implied objection although this was not stated.

### Hertsmere Borough Council

- 5.3 Hertsmere BC noted the content of the Draft Charging Schedule for Harrow and confirmed that they did not have any comments at this stage.
- 5.4 In response the Council noted that no action / changes were required.

### Mr Parkins

- 5.5 Suggested that Harrow's identified funding gap could be considered as Harrow overspending by £61.2m and suggested the Council needed to economise. Mr Parkins also queried whether the Council had a valid mandate to effectively raise taxes.
- 5.6 In response, the Council clarified that new development gives rise to the need for new physical, social and environmental infrastructure, such as schools, healthcare, transport etc, and therefore developers should contribute towards the cost of new or enhanced infrastructure provision. The infrastructure identified represented that essential to ensure new development results in sustainable development for Harrow. The Council also clarified that the CIL Regulations provided the mandate to introduce CIL, and this effectively replaced section 106 agreements for strategic infrastructure provision.

### Mr Vekaria

- 5.7 Sought clarification that the CIL rate for residential schemes also applied to extensions, new build conversions. Mr Vekaria also considered that the proposed residential charge of £110 per sqm would make development unviable and suggested £35 per sqm would be more appropriate.

- 5.8 In response, the Council clarified that new buildings, including extensions, are liable for CIL where the net increase in floorspace area exceeds 100sqm or where the development involves the creation of a new residential unit, even if the unit is below 100 square metres in area. The Council has suggested that this clarification be included in the supporting text to the Draft Charging Schedule.
- 5.9 With respect to Mr Vekaria's viability concerns, the Council stated that the residential rate was supported by robust evidence of viability, was set well below the upper levels of viability, and therefore was considered to strike an appropriate balance between development viability and raising funds to pay for essential infrastructure to support new development. It also reiterated that CIL monies is not new money, as it replaces s106 contributions, and that a charge of £35 per sqm would further exacerbate the existing funding gap.

#### Thames Water

- 5.10 Sought to ensure buildings for water and wastewater infrastructure would be exempt from CIL. Thames Water also asked the Council to consider using CIL contributions for enhancements to the sewerage network in respect of protect against surface water flooding.
- 5.11 In response, the Council clarified that the definition of a building or floorspace applicable to the CIL levy does not include buildings which people do not normally go into or that people only go into intermittently for the purpose of maintaining or inspecting machinery. The Council also considered such buildings to be classified as sui generis and therefore they would fall under the category of 'all other uses' under the Harrow draft charging schedule, and attract a 'nil' levy. Therefore on both accounts, buildings required for water and wastewater infrastructure would be exempt from a CIL Levy.
- 5.12 With regard to the use of CIL to enhance the sewerage network, the Council responded that this was appropriate in respect of flood risk from surface water sewer flooding, as suggested. Strategic water and waste water infrastructure was the subject of assessment as part of the Harrow IDP, which details proposed strategic flood mitigation works, which cover flooding from all sources. Such infrastructure requirements are therefore proposed for inclusion in the Regulation 123 List.

#### Network Housing Group

- 5.13 The Network Housing Group wrote in support of Harrow's proposed CIL rate for residential development, which they considered was set at an appropriate level that balances the need to provide infrastructure, without prejudicing the viability of the majority of developments. They considered that increasing the CIL level above the £110 rate would increase the number of the schemes whereby affordable housing would need to be significantly reduced below policy levels.
- 5.14 In response, the Council welcomed Network Housing Group's support for the draft charging schedule and the acknowledgement that the proposed residential rate is considered appropriate, especially within the context of affordable housing delivery.

#### Natural England

- 5.15 Sought to ensure that CIL contributions would be used for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.



5.16 In response, the Council confirmed that green infrastructure, such as that suggested by Natural England for inclusion in the Regulation 123 list, were the subject of the infrastructure assessment as part of the Harrow IDP, which covered open space (parks, natural and semi-natural green space, allotments, amenity space and green corridors and green grid), biodiversity (BAP identified infrastructure) and transport (including rights of way). Such infrastructure requirements are therefore proposed for inclusion in the Regulation 123 List.

#### Mayor of London

5.17 Wrote to confirm that they were pleased that the Mayor's CIL applicable to Harrow had been taken into account in the viability report and subsequently in the rates proposed by Harrow.

5.18 In response, the Council noted the comments.

#### CgMs on behalf of the Mayor's Office for Policing and Crime / and the Metropolitan Police Service

5.19 Supported the proposed CIL rates and sought to ensure that the Council's list of beneficiaries of CIL (the Regulation 123 List) would include policing facilities.

5.20 In response, the Council welcomed the support for the Harrow CIL and confirmed that the provision of emergency services, such as police, ambulance and fire services were all the subject of the infrastructure assessment. Such strategic infrastructure requirements are therefore proposed for inclusion in the Regulation 123 List.

#### English Heritage

5.21 English Heritage raised concern that the application of a local CIL charge on development which affects heritage assets or their settings might lead to harm being caused to their historic significance. They therefore sought that, in such cases where development viability in respect of a heritage asset is threatened by CIL, that the Borough operate a discretionary relief policy.

5.22 In response, the Council reiterated the limited mandatory and discretionary circumstances under which exceptional circumstances relief can be granted. The Council then outlined the reasons why, within Harrow, exceptional circumstances relief was not warranted, including that the majority of schemes, following the adoption of CIL, would be unlikely to require onerous Section 106 agreements, and such agreements could be appropriately negotiated, and that the level of charge had been set at a considerably lower level than the maximum viable level, which the Council considered would provide sufficient flexibility to overcome viability concerns such as that highlighted by English Heritage in respect of heritage assets.

#### Gerald Eve on behalf of Signature Senior Lifestyle

5.23 Queried the Council's justification for proposing a charge of £55 per sqm for residential institutions which they considered is not supported by the viability evidence base. They also highlighted the fact the Hotel developments were not identified on the Preliminary Draft Charging Schedule as being subject to CIL despite the recommendation of the viability report that a suggested rate of £55 per sq is appropriate. Lastly, they sought to make a case for care homes (both public and private) being considered as healthcare facilities and therefore part of the Borough's social infrastructure requirements.

- 5.24 In response, the Council confirmed that Hotel developments should have been included in the Charging Schedule as being subject to a CIL charge of £55 per sqm. This omission will therefore be addressed in the Draft Charging Schedule.
- 5.25 With respect to the inclusion of residential institutions being included in the charging schedule as liable to a charge of £55 per sqm, the Council considered that it is the nature of CIL that some assumptions and generalisations have to be made and CIL guidance recommends that overly complicated methods and rates are avoided. The Council noted that the respondents had not provided evidence to suggest that the CIL rate for residential institutions should be any different to other residential institution accommodation. On basis that the rates for residential institutions had been set at a considerably lower level than the maximum viable level, the Council considered that there is sufficient flexibility to accommodate issues specific to care homes. Nevertheless, the Council will seek confirmation of the range of Class C2 type development viability, and will publish this as an addendum to the viability report.
- 5.26 With regard to care homes being part of the Borough's infrastructure requirements, the Council considers privately built and operated care homes are run on a purely commercial basis with the costs of provision being met by sales /rents /fees charged to occupiers of the development. As such they are considered to fall outside the remit of social infrastructure provision.

Thomas Eggar on behalf of Asda Stores Limited

- 5.27 Sought acknowledgement within the CIL rates proposed of the role of retail development in delivering Council's objectives for the regeneration of town centres and job creation. They also queried whether all relevant development costs had been considered in the viability assessments, in particular those related to brownfield development and allowances for s106 costs. They also queried the approach to setting the charge generally, which they consider should be calculated based on the total cost applied equally across all planned development, stating the approach set out in the Regulations results in a fundamental disconnect between CIL charges and the infrastructure requirements of CIL liable development. They also suggested the Council should consider, in developing its CIL instalments policy, payments staged to development phasing rather than the Regulation requirements that instalments be set based on time periods. Lastly, they encourage the Council to adopt an exceptional circumstances relief policy to address borderline viable developments.
- 5.28 In response, the Council reiterated that Harrow's CIL must comply with the requirements of the CIL Regulations in respect of determining the charging schedule and the instalments policy. The Council also reiterated the Government's guidance on establishing CIL charges, noting in particular, that CIL cannot be used as a tool to deliver policy as it must be predicated on economic viability.
- 5.29 With respect to development costs, the Council confirmed that the viability methodology included all relevant and normal / standard development costs. It also pointed out that these were the subject of a workshop where BNP went through each variable line by line with representatives of the development community, to confirm these prior to running the viability scenario models. The Council therefore confirmed that it was satisfied that the methodology and the findings of the viability report are robust.
- 5.30 With regard to the adoption of an exceptional circumstances relief policy, the Council again reiterated the limited mandatory and discretionary circumstances under which exceptional circumstances relief can be granted under the Regulations and again outlined the reasons why, within Harrow, the Council considered that exceptional circumstances relief was not warranted.

### Harrow School

5.31 The School sought clarification on its charitable status and whether, as a registered charity, any development undertaken by the School would therefore be exempt from CIL.

5.32 In response, the Council set out the criteria set out in the Regulations and CIL guidance that must be fulfilled to qualify for charitable exemption. If the School can demonstrate they met these requirements, then such development would be exempt from the CIL, noting also that education development falls within the category of 'all other land uses' which under the Harrow Draft Charging Schedule would attract a 'nil' charge.

## Appendix A – Invitation to the Viability Study Workshop

**From:** Matthew Paterson  
**To:** LDF LDF  
**Date:** 31/05/2012 12:57  
**Subject:** Harrow's Community Infrastructure Levy – Viability Study Stakeholders' workshop

The London Borough of Harrow is preparing a Community Infrastructure Levy (CIL) Charging Schedule and have appointed BNP Paribas Real Estate to undertake an assessment of the likely impact of CIL charges on the viability of development in the Borough.

We are keen to involve stakeholders in this process to help ensure that the viability assessment is as fully reflective of conditions on the ground as possible. We are therefore holding a viability study stakeholders' workshop:

Date: Monday 18 June 2012  
Time: 9:30am to 12:30pm

Venue: **BNP Paribas Real Estate Offices, 5 Aldermanbury Square, London, EC2V 7BP**

At the workshop, BNP Paribas Real Estate will present their methodology and key appraisal assumptions (relating to sales values, rents, yields, build costs, professional fees, finance costs, profit etc). Stakeholders will be invited to give their opinions so that the methodology and appraisal assumptions are as robust as possible.

CIL can be levied on all forms of development, where additional floorspace is provided (subject to certain minimum levels of floorspace). The viability assessment will consider the viability of a range of uses, including the following:

- Residential (C2 and C3)
- Hotels
- Retail (A1 – A5)
- Offices
- Industrial
- Institutional and community (D1)
- Leisure (D2)

The Council will be aiming to maximise revenue secured through CIL, but must also have regard to the viability of development. The viability study will be important in informing the process of rate setting and the involvement of stakeholders at this early stage is therefore crucial.

Other matters to be covered at the workshop include the types of infrastructure to be covered by CIL, the timetable for the production and implementation of the CIL, the CIL processes relevant to the making of a planning application, and the Council's initial thoughts on proposed governance arrangements for the prioritisation and spending of CIL receipts.

If you are interested in attending the workshop then please contact me to confirm your place. My contact details are provided below.

If you are unable to attend, please do forward this invitation to a colleague who might be able to attend in your place.

I look forward to seeing you at the CIL workshop.

Yours sincerely

Matthew Paterson  
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# Appendix B – Public Notice of the Harrow CIL Preliminary Draft Charging Schedule consultation

**Public Notice**

**Community Infrastructure Levy Regulations 2010 (as amended)**

**Notice of Consultation on a Preliminary Draft Charging Schedule (Regulation 15)**  
 In accordance with Regulation 15(6) of the Community Infrastructure Levy Regulations (2010), Harrow Council hereby gives notice of the publication of consultation on a preliminary draft charging schedule.

**Title of documents:**  
 Harrow Community Infrastructure Levy - Preliminary Draft Charging Schedule

**Subject matter:**  
 The Preliminary Draft Charging Schedule is the main component of a Community Infrastructure Levy for the Borough, and sets out the charges (per sqm) that will be levied on certain types of development to fund essential infrastructure.

**Area covered:**  
 Harrow's Community Infrastructure Levy will apply Borough wide.

**Period within which representations must be made:**  
 Representations can be made over the six week publication period, beginning on **Friday 10th August 2012 and ending on Friday 21st September 2012.**

**Where have the documents been made available, and the places and times at which they can be inspected:**  
 The Preliminary Draft Charging Schedule and supporting documentation are available for inspection at the following locations:

- Council's website: [www.harrow.gov.uk](http://www.harrow.gov.uk)
- Council's consultation portal: <http://harrow-consult.objective.co.uk/portal>
- Access Harrow: The Civic Centre 1, Station Road, Harrow, HA1 2XF
- at all Harrow Libraries (the details of which can be found below)

Address	Opening Times	Address	Opening Times
<b>Civic Centre Reference Library</b> Station Road, Harrow, HA1 2UU	Mon.- Thurs 9.30 – 8.00 pm Fri 9.30 – 5.30 pm Sat 9.00 – 5.00 pm	<b>Pinner Library</b> Marsh Road, Pinner HA5 5NQ	Mon – 9.00 – 5.30pm Tues, Thur 9.00 – 8.00pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm
<b>Gayton Central Lending Library</b> Garden House, 5 St John's Road, Harrow, HA1 2EL	Mon- Thurs 9.30 – 8.00 pm Fri 9.30 – 5.30 pm Sat 9.00 – 5.00 pm	<b>Rayners Lane Library</b> 226 Imperial Drive, Rayners Lane, HA2 7HJ	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm
<b>Bob Lawrence Library</b> 6-8 North Parade, Mollison Way, Edgware, HA8 5QH	Mon – 9.00 – 5.30 pm Tues, Thurs 9.00 – 8.00 pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm	<b>Roxeth Library</b> Northolt Road, South Harrow, HA2 8EQ	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm
<b>Hatch End Library</b> Uxbridge Road, Hatch End HA5 4EA	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00 pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm	<b>Stanmore Library</b> 8 Stanmore Hill, Stanmore, HA7 3BQ	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm
<b>Kenton Library</b> Kenton Lane, Kenton, HA3 8UJ	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00 pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm	<b>Wealdstone Library</b> The Wealdstone Centre, 38/40 High Street, Wealdstone, HA3 7AE	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm
<b>North Harrow Library</b> 429-433 Pinner Road, Harrow, HA1 4NH	Mon – 9.00 – 5.30 pm Tues, Thur 9.00 – 8.00 pm Weds Closed Fri 9.00 – 1.00 pm Sat 9.00 – 5.00 pm		

**Making a representation:**  
 The Council welcomes comments on the Preliminary Draft Charging Schedule. At this stage in the plan making process there is no prescribed form for how comments are to be made, however, it does help the Council to analyse comments if you clearly state which part of the schedule you are referring to. The Council would also encourage people to suggest the changes they would make to the document to address their concern.


Representations can be made:

- through the on-line consultation portal at: <http://harrow-consult.limehouse.co.uk>;
- by email at: [ldf@harrow.gov.uk](mailto:ldf@harrow.gov.uk);
- by post to: FREEPOST RLZL-GGTG-YBTG, LDF Consultation, Planning Policy, Harrow Council, Civic Centre, PO Box 21, Harrow, HA1 2UJ; or
- by fax to: 020 8424 8151

Please note that all representations received will be made publicly available.

**Comments must be received by 5pm on Friday 21st September 2012.**

For any further enquiries, please email [ldf@harrow.gov.uk](mailto:ldf@harrow.gov.uk) or contact the LDF Team on Tel. 020 8736 6068



## Appendix C – Letter of Notification sent to consultees on the LDF database



Giles Dolphin  
Greater London Authority,  
City Hall  
The Queen's Walk  
London  
SE1 2AA

Place Shaping  
Andrew Trehem  
Corporate Director

8 August 2012

Dear Sir / Madam,

### Harrow Community Infrastructure Levy (CIL) – Preliminary Draft Charging Schedule Public Consultation 10 August – 21 September 2012.

Work has begun on preparing a Harrow Community Infrastructure Levy. The Community Infrastructure Levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area to help pay for the infrastructure required to support new development.

In accordance with the CIL Regulations, the Council has produced a CIL Preliminary Draft Charging Schedule which sets out the details of the Council's proposed charging rates. The proposed charging rates set out in this preliminary draft charging schedule have been informed by number of evidence base studies. These studies are available to view and download from the Council's website and include an updated viability report produced by BNP Paribas; the Council's Infrastructure Assessment & Delivery Plan; and an Infrastructure Report prepared by CIL Knowledge.

In summary, the Council's proposed CIL Rates are as follows:

#### Preliminary Draft Charging Schedule – Rates of CIL

Use	Charge per sqm
Residential (Use Classes C3),	£110
Residential Institutions, except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui Generis)	£55
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants & Cafes (Use Class A3), Drinking Establishments (Use Class A4), Hot Food Take-aways (Use Class A5)	£100
All other uses	Nil

The above charges will apply across all of Harrow, and are exclusive of the Mayoral CIL of £35 per sqm.

The preliminary draft schedule is being consulted on between 10<sup>th</sup> August and 21<sup>st</sup> September 2012.

Comments must be received by 5pm on 21<sup>st</sup> September 2012

The schedule and supporting documents are available to download at [www.harrow.gov.uk/ldf](http://www.harrow.gov.uk/ldf) or can be viewed at any Borough library or at Civic Centre 1 – Duty Planners Office during normal opening hours.

#### How to comment

View the document and comment online at: <http://harrow-consult.limehouse.co.uk/portal>. You may also send comments:

**By email:** [ldf@harrow.gov.uk](mailto:ldf@harrow.gov.uk)

**By Post:** Planning Policy Team, Room 301, Harrow Council, Civic Centre, Station Road, Harrow HA1 2XF

For further information, please see the Council's website at: [www.harrow.gov.uk/ldf](http://www.harrow.gov.uk/ldf) or email [ldf@harrow.gov.uk](mailto:ldf@harrow.gov.uk).

Following this initial consultation, the Council will consider the comments received and revise the schedule where appropriate before publishing a Draft Charging Schedule for further consultation later in 2012. After this it will be submitted for independent examination, with anticipated adoption by the Council in mid 2013.

Yours faithfully,

**Stephen Kelly**  
Divisional Director of Place Shaping  
Harrow Council

## Appendix D – List of Contacts on the LDF Database

Moderation	Dron & Wright Property Consultants	London Waste Regulatory Authority
Home Office	London Fire & Emergency Planning Authority	A2 Dominion
Fields in Trust (FIT)	London Green Belt Council	London Wildlife Trust
Nursing Services	London Middx Archaeological Society	Age Concern Harrow
Metropolitan Public Gardens Association	London Natural History Society C/o British Museum (Natural History)	Planning Advisory Service
Office of Government Commerce	Edgware & Burnt Oak Chamber of Commerce	Martineau UK
Police Architectural Liaison Officers/Crime Prevention Design Advisors	Farmers Union	Commission for Architecture and the Built Environment(CABE)
London Borough of Brent	Forestry Commission East England Conservancy	National Federation, Gypsy Liaison Group
Department for Culture Media & Sport	London Tourist Board	Acton Housing Association
Department for Education and Skills	Hertfordshire County Council	Home Group
Harrow Health Authority	Hertsmeare Borough Council	Catalyst Communities Housing Group
Elstree and Borehamwood Town Council	Westminster City Council	West London YMCA
Elstree District Green Belt Society	Royal Mail Letters Planning & Legislation Unit	Metropolitan Police
Department for Environment, Food and Rural Affairs	The Society for the Protection of Ancient Buildings	Ealing Council
Department of Constitutional Affairs	Department for Business, Enterprise and Regulatory Reform (BERR)	Barnet Council
Department of Works and Pensions (DWP)	The House Builders Federation	Three Rivers District Council
Department for Business, Enterprise & Regulatory Reform	Sport England	Harrow East Constituency Conservative Party Assembly Member for Brent & Harrow & LDF Panel Member
London Borough of Camden	Sport England (Greater London Region)	Gareth Thomas MP for West Harrow
Council for the Protection of Rural England(Harrow)	Watford Borough Council	Bob Blackman MP for East Harrow
Council for British Archaeology	Watford Rural Parish Council	Harrow Churches Housing Association
Mark Dowse (Crime Prevention)	Health & Safety Executive	Circle Anglia
Vodafone LTD	Health Services Board	Family Mosaic Housing
Transport for London	Nature Conservancy Council	Chiltern Hundreds Charitable Housing Association Ltd
Transport for London Strategy Group	Network Rail	Dimensions (UK) Limited
London Borough of Haringey	Great Minster House	Jewish Community Housing Association
London Borough of Hillingdon	Group Property and Facilities	John Grooms Housing Association
Brent & Harrow Chamber of Commerce	Property Services Agency	Home Group Limited
BAA Aerodrome Safeguarding	Rail Freight Group	Genesis Housing Group (PCHA Maintenance)
The Civic Trust	Road Haulage Association	Pathmeads Housing Association Ltd
Civil Aviation Authority Safety Regulation Group	Iceni Projects	Genesis Housing Group
London Borough of Hounslow	GLA Biodiversity Group Strategy Directorate	

London Councils  
London Development Agency  
Harrow and Hillingdon Geological Society  
Shepherds Bush Housing Association Limited  
Paddington Churches Housing Association Ltd  
Paradigm Housing Association  
Housing Corporation  
Chiltern Hundreds Housing Association (Paradigm Housing Group)  
Shepherds Bush Housing Association Limited  
Stanmore Christian Housing Association Limited  
Peabody Trust  
The Abbeyfield Harrow Society Limited  
The Guinness Trust  
Innisfree Housing Association  
Sutherland Housing Association Limited  
Inquilab Housing Association Limited  
Haig Homes  
Anchor Trust  
Apna Ghar Housing Association Limited  
Network Housing Group  
Origin Group  
Home Builders Federation  
CB Richard Ellis  
Nathaniel Lichfield and Partners

URS Corporation Ltd  
WYG Planning & Design  
Tribal  
Tym & Partners  
  
CGMS Consulting  
DP9 Town Planning Consultants  
MEPK Architects  
Metropolis PD  
Octavia Housing  
Metropolitan Housing Trust Limited  
Notting Hill Housing Trust

London Underground  
Harrow Hill Chamber of Commerce  
London Underground Limited Infrastructure Protection  
Drivers Jonas  
RPS Group Plc  
Pro Vision Plann & Design  
DPDS Consulting Group  
Dalton Warner Davis

Oxalis Planning  
Andrew Martin Associates  
Barton Willmore  
WS Planning  
PB  
Turley Associates  
GL Hearn Property Consultants  
The London Planning Practice  
Halcrow Group  
Urban Initiatives  
Brown Associates  
Strategic Leisure  
Capita Symonds  
Knight, Kavanagh & Page  
MWH Global  
Gregory Gray Associates

First Plan  
Daniel Rinsler & Co  
Yurky Cross Architects  
Jones Lang LaSalle  
UK Planning Manager  
Dandara Ltd  
Saunders Architects LLP  
Savills  
Alsop Verrill  
Colliers CRE  
CB Richard Ellis Ltd  
Berkeley Homes

Home Group (Regional Development Director)  
Dimensions (UK) Limited  
Housing 21  
Warren House Estate Residents Association  
Worple Residents Association  
Augustine Area Residents and Tenants Association  
Roxbourne Action Group (RAG)  
Aylwards Estate Residents' Association  
  
Canning Road Residents Association  
Cannons Community Association  
Canons Park Estate Association  
Canons Park Residents Association  
Alexandra Avenue(Newton Farm) Tenant's Association  
Barrowdene Residents Association  
Belmont Community Association  
Arrowhead Parade Tenants & Residents Association  
Bentley Priory Residents Association  
Bentley Way Association  
Blenheim Road Action Group  
Brookshill Residents Association  
Afganstan Housing Association  
Cherry Croft Residents Association  
Chichester Court Association  
Claire Court, Elm Hatch, Cherry Croft Residents Association  
Claire Gardens Residents Association  
Colman Court Residents Association  
Copley Residents Association  
Waxwell Close Association  
Wealdstone Residents Action Group  
Wemborough Residents Association  
West Harrow Residents Association  
Corbins Lane Residents Assoc.  
Cottesmore Tenants & Residents Association  
Crown Sreet & West Sreet Area Residents Association  
Cullington Close Tenants Association  
Dalkeith Grove Residents Association



Housing 21  
Stadium Housing Association Limited  
Servite Houses  
LHA-ASRA Group  
Veldene Way Residents Association  
Victoria Terrace Residents Association  
Elmwood Area Residents' Association  
Elstree Village Association  
Gayton Residents Association  
Harrow Weald North Residents Association  
Harrow Weald Tenants and Residents Association  
Thurlby Close Residents Association  
Tyrell Close Tenants Association  
Gleneagles Tenants Association  
Golf Course Estate Association  
Atherton Place Tenants' Association  
South Hill Estates Harrow Ltd  
Herga Court Residents Association  
Gordon Avenue Residents Association  
Hobart Place Residents Association  
Grange Farm Residents Association  
Greenhill Manor Residents Association  
Greenhill Residents Association  
Greville Court Residents Association  
Grove Tenants & Residents Association  
Hardwick Court Maisonettes Association  
Jubilee Close & James Bedford Close Residents Association  
Kenmore Park Tenants and Residents Association  
Kenton Area Residents Association  
Honeybun Tenants Association  
Sonia Court Residents Association  
Rowlands Avenue Residents Association  
Roxborough Park Residents Association  
Roxborough Residents Assoc.  
Roxborough Road Residents Association  
Rusper Close Residents Association

Cluttons LLP  
DTZ  
Elm Park Residents' Association  
Wilton Place Residents Association  
Rayners Lane Tenants & Residents Association  
South Harrow & Roxeth Residents Association  
The Clonard Way Association  
The Cresnet Residents Association  
South Hill Estates Residents Association  
South Hill Residents Association  
South Stanmore Tenants & Residents Association  
Lodge Close Tenants Association  
Pinnerwood Park Estate Residents Association  
Merryfield Court Residents Association  
Pinner Road & The Gardens Residents Association  
Pinnerwood Park C.A. Residents Association  
Manor Park Residents Association  
Letchford Terrace Residents Association  
Laburnum Court Residents Association  
Laing Estates Residents Association  
Hardwick Close Flats Association  
Harrow Civic Residents Association  
Oak Lodge Close Residents Association  
Harrow Federation of Tenants & Residents Associations  
Pinner Green Council Tenants Association  
Pinner Hill Residents Association  
Pinner Hill Tenants & Residents Association  
  
Nicola Close Residents Association  
Orchard Court Residents Association  
South West Stanmore Community Association  
Princes Drive Resident Association  
Priory Drive Residents Association  
Sheridan Place Residents Association  
Northwick Manor Residents' Association  
Nugents Park Res Association  
Mount Park Residents Association

Daneglen Court Residents Assoc  
East End Way Residents Association  
Edgware Ratepayers Association  
Elizabeth Gardens Tenants Association  
Roxbourn Action Group (RAG)  
Kenton Forum  
Winton Gardens Residents Association  
Wolverton Road Tenants Association  
Cambridge Road Residents Association  
Brockley Hill Residents Association  
Aerodrome Householders Association  
Woodcroft Residents Association  
Woodlands Community Association  
Woodlands Owner Occupiers  
Roxeth First & Middle School  
Pinner & District Community Association  
Raghuvanshi Chartiabale Trust  
Eastcote Conservation Panel  
Post Office Property Holdings  
Stanmore Golf Club  
Stanmore Society  
St Anselm's RC Primary School  
Sheepcote Road Harrow Management Company Ltd  
Iraqi Community Association  
Jehovah's Witnesses  
John Lyon School  
Roxeth Mead School  
  
Royal Association in Aid of Deaf People  
Royal National Institute For The Deaf  
Kenton Lane Action Group  
Kerry Court Residents Greensward Properties Ltd  
Grimsdyke Golf Club  
Stanmore Chamber of Trade  
Herts & Middx Wildlife Trust  
Tempsford Court Management Company Ltd  
Wembley Rugby Club

Queensbury Circle Tenants Association  
The Pinner Association  
The Pynnacles Close Residents Association  
Sudbury Court Residents Association  
Eastcote Village Residents Association  
Rama Court Residents Association  
Harrow Heritage Trust, Harrow Museum & Heritage Centre  
The London Playing Fields Society  
The National Trust West Middlesex Centre  
The Ramblers Association - North West London Group  
Harrow Natural History Society  
Harrow Nature Conservation Forum  
Harrow Partnership for Older People (P.O.P)  
Friends of the Earth - Harrow & Brent Group  
Hatch End Cricket Club  
Estates Bursar Harrow School  
Bursar, Harrow School  
Orley Farm School  
The Twentieth Century Society  
The Victorian Society  
Harrow Association for Disability  
Harrow Association of Voluntary Service  
Harrow Athletics Club  
Dove Park Management Co  
West Harrow Action Committee  
Wealdstone Active Community  
Clementine Churchill Hospital  
Harrow Healthy Living Centre  
Hatch End Swimming Pool  
Whitmore Sports Centre  
Christ Church  
Cygnet Hospital Clinic  
Flash Musicals  
Pinner Wood Children's Centre  
Gange Children's Centre  
The Garden History Society

Harrow Hill Residents Association  
Hatch End Association  
The Waxwell Close Association  
Hathaway Close Residents Association  
Abchurch Residents Association  
Hazeldene Drive Tenants & Residents Association  
Harrow Dental Centre  
  
Abbey Dental Practice  
B Cohen Dental Practice  
Bridge Dental Practice  
Bright Dental Practice  
DentiCare  
Dr K A Nathan Dental Practice  
Dr Tikam Dental Surgery  
Family Dental Care  
G Bhuva & J Bhuva Dental Practice  
Harrow View Dental Surgery  
Harrow Weald Dental Practice  
M Ali Dental Practice  
N Bahra Dental Practice  
S Aurora Dental Practice  
Village Surgery  
Preston Medical Centre  
Streatfield Surgery  
GP Direct Medical Centre  
Pinn Medical Centre  
Simpson House Medical Centre  
Enderley Road Medical Centre  
Elliot Hall Medical Centre  
Aspri Medical Centre  
Bacon Lane Surgery  
Blackwell House Surgery  
Chandos Surgery  
Charlton Medical Centre  
Civic Medical Centre  
Dr. Eddington & Partners (1)

English Golf Union  
Harrow Heritage Trust  
St Mary's Church  
Harrow High Street Association  
Friends of Bentley Priory National Reserve  
Harrow in Leaf  
Kenton Bridge Medical Centre  
  
Kenton Clinic  
Mollison Way Medical Centre  
Pinner View Medical Centre  
Preston Road Surgery  
Primary Care Medical Centre  
Roxbourne Medical Centre  
Savita Medical Centre (1)  
Savita Medical Centre (2)  
Shaftesbury Medical Centre  
St. Peter's Medical Centre  
Stanmore Medical Centre  
The Circle Practice  
The Elmcroft Surgery  
The Enterprise Practice  
The Harrow Access Unit  
The Medical Centre  
The Northwick Surgery  
The Pinner Road Surgery  
Uxendon Crescent Surgery  
Wasu Medical Centre  
Harrow Public Transport Users Association  
Harrow Weald Common Conservators  
Zain Medical Centre  
Alexandra Avenue Health & Social Care Centre  
Belmont Health Centre  
Brent & Harrow Consultation Centre  
Honeypot Lane Centre  
Kenmore Clinic  
North Harrow Community Centre

The Georgian Group  
Harrow College (Harrow Weald Campus)  
Stanmore Park Children's Centre  
Whitefriars Children's Centre  
Chando's Children's Centre  
Grange Children's Centre  
Kenmore Park Children's Centre  
D Barnett Dental Practice  
Greater London Action on Disability  
Regard  
Age Concern London  
Centre for Accessible Environments  
Royal Institute of British Architects  
Commission for Architecture and the Built Environment  
Harrow Association of Disabled People  
JMU Access Partnerships  
JRF London Office  
United Kingdom Institute for Inclusive Design  
HoDiS  
Litchurch Plaza  
Shopmobility  
Disabled Foundation  
Harrow Crossroads  
Harrow Mencap  
Mind in Harrow  
Community Link Up Inclusion Project  
Royal National Institute for Blind People  
Royal National Institute for the Deaf  
People First  
Disability Awareness in Action  
National Centre for Independent Living  
Headmaster, Harrow School  
Our Lady & St Thomas of Canterbury  
Pinner Hill Golf Club  
Pinner Historical Society  
Northwood & Pinner Chamber of Trade G Lines  
Peterborough and St Margarets High School for Girls

Dr. Gould & Partners  
Dr. Merali & Partners (1)  
Dukes Medical Centre  
Fryent Way Surgery  
Hatch End Medical Centre  
Headstone Lane Medical Centre  
Headstone Road Surgery  
Honeypot Medical Centre  
Stimpsons  
Mr David Cobb  
Pegley D'Arcy Architecture  
John Phillips  
NVSM Ltd  
Roger Hammond  
Preston Bennett Holdings Ltd  
Studio V Architects  
Stephen Wax Associates Ltd  
W J McLeod Architect  
J G Prideaux  
Steene Associates (Architects) Ltd  
Stanmore Colllege  
Racal Acoustics Ltd  
Lloyds TSB  
The White Horse PH  
Curry Popeck Solicitors  
Allan Howard & Co Estate Agent  
Miss K Mehta  
Mrs Dedhar  
Mr Jay Lukha  
Mr Patel  
Mr Lodhi  
Mr James Palmer  
Mr Harshan  
Mr Sam Fongho  
Mr A Ahiya  
Ms Pauline Barr  
Apollonia Restaurant

Pinner West End Lawn Tennis Club  
Pinner Youth & Community Centre  
Brady-Maccabi Youth & Community Centre  
Grant Road Youth & Community Centre  
Henry Jackson Centre  
Lawn Tennis Association  
Irish Traveller Movement in Britain  
Habinteg Housing Association  
Sean Simara  
Mike Root  
Mr Julian Maw  
Harrow Agenda 21 Waste & Recycling Group  
Harrow and Hillingdon Geological Society  
Eileen Kinnear  
A J Ferryman & Associates  
Anthony J Blyth  
ADA Architecture  
C & S Associates  
C H Mckenzie  
PSD Architects  
David R Yeaman & Associates  
Donald Shearer Architects  
D S Worthington  
Eley & Associates  
G E Pottle & Co  
Geoffrey T Dunnell  
Jackson Arch & Surveying  
H Patel  
J Driver Associates  
John Hazell  
James Rush Associates  
Kenneth W Reed & Associates  
Naren Hathi  
Lawrence-Vacher Partnership  
Robin Bretherick Associates  
Patel Architects Ltd  
PCKO Architects

Pinner Local History Society  
Pinner Local History Society  
David Kann Associates  
Aubrey Technical Services  
Mr M Solanki  
Mr A Modhwadia  
Mr S Freeman  
RKA Architecture  
Madhu Chippa Associates  
Mr J Benaim  
Orchard Associates  
KDB Building Designs  
Jeremy Peter Associates  
JC Decaux UK Ltd  
Dennis Granston  
K Handa  
Gillett Macleod Partnership  
D Joyner  
S Mistry  
Saloria Architects  
Simpson McHugh  
Jeffrey Carr  
KDA Designs  
Mr Gow  
Home Plans  
KCP Designs  
John Evans  
Sureplan  
J Loftus  
V Sisodia  
Anthony Byrne Associates  
Top Flight Loft Conversions  
S Vekaria  
A Frame  
David Barnard  
A Laight  
B Dyer

Mr Harsham  
Mr Mark Roche  
Ms Cacey Abaraonye  
Mr R Shah  
Mr Terry Glynn  
Nugents Park Residents Association  
Linda Robinson  
Roxborough Road Residents Association  
Bryan Cozens  
Merryfield Gardens Residents  
John Richards & Co  
Mr Cunliffe  
LRHEquipment Hire  
Mr H Patel  
Le Petit Pain  
Mrs Jacqueline Farmer  
Mr Rashmin Sheth  
R Raichura  
Pharaoh Associates Ltd  
Mr Paul Bawden  
Mr Kumar  
Mr Deva  
Mrs Jill Milbourne  
Mr Yousif  
Ms Michelle Haeems  
Mrs Mandy Hoellersberger  
Mr George Apedakih  
Mr H Khan  
Mr John Fitzpatrick  
Mr and Mrs Siddiqi  
Mr Shah  
Mr Goreeba  
Ms Anna Biszczanik  
Bhojani, Bhojani Properties Ltd  
Mr Damian Buckley  
Mr Asury  
Mrs Trivedi

Pearson Associates  
Pindoria Associates  
Richard Sneesby Architects  
Mr P Varsani  
Satish Vekaria  
S S & Partners  
Survey Design (Harrow) Ltd  
V J McAndrew  
Nafis Architecture  
N M Architects  
Mr Ian Murphy  
Gibbs Gillespie Estate Agent  
Mr AbdulNoor  
Mr B Nieto  
Ms Jean Altman  
Mr Murray  
Mrs Tsang  
Paige & Petrook Estate Agent  
Mr G Trow  
Mr Parekh  
Mrs Walker  
Mr Abood  
Mr Sanders  
Mr Tom Johnstone  
Mr Daniel Petran  
Marchill Management Ltd  
Mr Milan Vithlani  
Miss Wozniak  
Ms Erika Swierczewski  
Mr Anat  
Mr Patel  
Mr T Karuna  
Hair 2 Order  
Mr John Imade  
I Muthucumarasamy Inthusekaran  
Ms Marli Suren  
Mr M Meke

Sheeley & Associates  
Michael Hardman  
Canopy Planning Services  
E Hannigan  
Plans 4 U  
P Wells  
Mr Sood  
Thomas O'Brien  
Wyndham & Clarke  
Bovis Lend Lease  
Fairview New Home Ltd  
Mr Suresh Varsani  
Rouge Property Limited  
Mr S Pervez C/O Mr T Mahmood  
The Castle PH  
Grimsdyke Hotel  
Irene Wears  
V A Furby  
Kingsfield Arms PH  
Mr & Mrs Deller  
Raj Shah  
Stephen Hassler  
Mr Barry  
Richard Maylan  
Mr Bhupat Patel  
Mr Kirit Dholakia  
Mr Samit Vadgama  
Mr Rasite  
Mr Xioutas  
Mr B S Bhasin  
Mr W Ali  
MR Z Patel  
Mrs Shah  
Mr Kishore Tank  
Mr M Khan  
Mr Manesh  
Mrs Vad

Mr Mark Fernandes  
Mr M Selvaratnam  
Miss Da Cruz  
Mr Mohammed Hyder  
Mr P Allam  
Mr Kevin Conlon  
Mr Shah  
Mr Morshed Talukdar  
Ms Orci  
Mr Oliver Reeves  
Mr Michael Moran  
Mr SA Syed  
Mr Argarwal  
Mr R David  
Ms Lorraine Wyatt  
Mr Vishnukumar  
P J Quilter  
Mrs M Moladina  
Mrs Gill  
Mr Pandya  
Lrh Equipment Hire  
MR Bharat Gorasia  
MR Imran Yousof  
Miss Wozniak  
Mr Gunasekera  
Mrs B Murray  
Mr R C Patel  
Mr Bernard Marimo  
Mrs Patel  
CCRE Touchstone Ltd  
Ms Rena Patel  
Mr M Patel  
Mr Amory & Glass  
Mr V Barot  
Mrs Patten  
Ms Samia  
Mr Anil Mavadia

Team 2 Telecommunications Ltd  
Mr Sadiq  
Mr Gilani  
Mr D Burton  
Foxon Property  
Mr Reidman  
Mr Dillon  
Mr E Campbell  
Doctor A Savani  
Doctor Samantha Perera  
Ms Mc Gleen  
Mr Shemsi Maliqi  
Mr Delroy Ettienne  
Mrs Gohil  
Ms Yvonne Afendakis  
Miss M Lean  
Mr Z Hansraj  
Mr Raja  
Ms Grace Ellis  
Doctor Amin  
Mr Noel Sheil  
Mr Shah  
Mr Singh  
Mrs Cirillo  
Mr Gary Marston  
Mrs Lilley  
Mr Michael Foti  
Helen Stokes  
Mrs S Narayan  
Mr Depaie Desai  
Mr D Morgan  
Mrs K V Hirani  
Mr Christopher Dixon  
Mr and Mrs Patel  
Mrs M Patel  
Mr P Mantle  
Mrs D Nagewadia

Ms Patricia Simpson  
Mr Liu  
Mr V Pansuria  
Mr A Patel  
Ms Rena Khan  
Dr A Savani  
Pk Properties Estate Agent  
Mr John Knight  
Miss Patricia Long  
Mr M Mccarrall  
Mr Oliver Abbey  
Mrs Lipton  
Mr Akhtar  
Mr Andrew Lemar  
Zoom the Loom Ltd  
Miss Mepani  
Mr Ali  
Mrs Shah  
Mr G Vitarana  
Mr Ashwan Shah  
Mr Simon Bull  
Ms Hema Ganesh  
Mr S Nathan  
Mrs Senanayake  
Ventra Management Ltd  
Mssr H Carolan  
Vantage Property Services  
Rawlinson Gold Estate Agent  
Mr R Shah  
Mr J Meegama  
Mr C Patel  
Mr N Shah  
Mr Alpesh Patel  
Mrs Deroy  
Mrs H Pereira  
Ms Alison Wood  
David Conway & Co Estate Agent

Mrs Winnie Potter  
Mrs P Naring  
University of Westminster  
Mr Peter Bennet  
Parkfield Estates  
Mr Dipack Patel  
Mr Jaymesh Patel  
Mrs Rabbie  
Mr Ahmed  
Colin Dean Estate Agents  
Mrs Changela  
Citywest Properties Ltd  
In Residence Estates  
Mr K Patel  
Philip Shaw Estate Agent  
Mr A Patel  
Mr Hiren Hirani  
AKA  
Mrs Scantle Bury  
Ms Mitual Shah  
Mr Sideras  
Mr Wright  
Mrs Ahmed  
Mrs Anastasia Marshall  
Mr V Sorocovich  
Dr Vara  
Hinton & Bloxham Estate Agent  
Raka Properties & Lets Ltd  
Mrs Liza  
Mr Prajesh Soneji  
Mr Shah  
Mrs Amanda Fogarty  
The Rollands Phelps  
Cameron & Associates  
PK Properties Estate Agent  
Mrs Ved  
Mrs N Hindocha

Mrs R J Choudhry  
Mr David Michaelson  
Mr Yaqub  
Mr Wolf  
Mr Fabrizio Pisu  
Mrs Ram  
Mrs Patel  
Mr Dattani  
MRs Naring  
Mr R Harrison  
MRs Neetal Khakhria  
Mrs Bhudia  
Mr Hussain  
Mr Vivek Marwaha  
Mr Pedro Vas  
Hanover Shine Estate Agent  
Mrs Hirani  
Mr C Karaiskos  
High Lawns Hostel  
Mr Patel  
Ms Mullins  
Miss Innis Davis,  
Mr Sanjay Patel  
Skippers Fish & Chips  
MPS Architects  
Mr Lavin  
Mr Stephenson Mallon  
Mr Pravin Bhudia  
Mrs Sandra Jenkins  
Mr P Nathan  
Cumberland Hotel  
MR Pulford  
Tisser and Aromatherapist  
Mr R Dutt  
Mr Lanagan  
Mrs Garner  
Ms J Sanagasegaran

Mr Sandu & H Singh  
Mr R Jani  
Mr Dar  
Bathrooms/Kitchens/Conservatories  
Mr Black  
D Shemie  
Mr A Kidwai  
MR Farhan Ebrahimjee  
Camerons Jones  
Mr D Saran  
Mr A Maragh  
Mr M Mockler  
Mr Bellank  
J B Webber Chemist  
Mr B Patel  
Panstar Group Ltd  
Stephen J Woodward Ltd  
Mr Hedvit Anderson  
Mrs Senanayake  
Mr Mitesh Vekaria  
Mr S Sharma  
Mr Jiten Soni  
Doctor A Savani  
Mrs Uzma Awam  
Mrs Nishma Palasuntheram  
Mr Mahmood Sheikh  
Mr Brian Watson  
Mr K Weerasinghe  
Ms Vanisha Patel  
Mr Vyas  
Mr A Clifford  
Mrs Shelagh Kempster  
Blue Ocean Property Consultant  
Mrs Roth  
Mr Kevin Conlon  
Mr Ramchurn  
Mr K Jabbari

Mr Richards  
Mr Jeff Panesar  
Mr M Haq  
Mr Sidhu  
Playfield Management  
SPLA  
Middlesex Properties  
Mr M Fazio  
Quainton Hall School  
Mr Goodman  
Mr A Hanefey  
Mr Kahn  
Mr Jonjan Kamal  
Luigi Hairdresser  
Ms Lindsey Simpson,  
Mr David Benson  
Mr D'Souza  
Mr Arshad Minhas  
Dr P Sadrani  
Mr Eric Lipede  
Mrs McKenzie  
Mr C Mohotti  
Mr Dalius  
Miss M Patel  
Mr K Nava  
Mrs Trivedi  
Mr MH Asaria  
Mr N Johnstone  
Miss F Khan  
Mr A Balasusriya  
Mr John Campbell  
Mr P Lewis  
Miss Shah  
Mrs Regunathan  
Mr Dattani  
Mr Brian Lampard  
Mr Ralph Jean-Jacques

Mr Mohamed Ariff  
Mrs Elliot  
Mr N Radia  
Mrs S Akhtar  
MR Taylor  
Castle Estates  
Mr Sturrock  
Mr Mathew Hutchinson  
Mr Bhupinder Singh  
MRs J Ahilan  
Ms F Bajina  
Anscombe & Ringland Est Agent  
Mr NG Lakhani  
Mr Campbell  
Mrs R Draycott  
Stephen J Woodward Ltd  
Mr G Trow  
Burgoyne Johnston Evans  
Wilson Hawkins & Co  
Mr N Patel  
Mr Antonio Branca  
Mr Brijesh Mistry  
Mr Sanjay Naran  
Mr Mohamed Agwah  
Mr Ramzan Farooqi  
Mr A Jaroudi  
Mrs Jacqueline Pepper  
Mr Patrick Curran  
Mrs Jacqueline Pepper  
Mr Saleem  
Mr William Hunter  
Mrs Q Chow  
Mr Khan  
Mr Dene Burton  
Mr Deva  
Mr B Desai  
Miss J Parker

Mr McCormack  
Mrs Kettles  
Mr Rulamaalam Asokan  
Mr Alexis  
Mr Raymond

Mr Rupesh Valji  
Chase Macmillan Estate Agents  
Mrs O'Sullivan  
Mrs D Ahmed  
Mr Dene Burton

Mr R Carnegie  
Mr James Kearney  
Mr A Ahmed  
Mr G Puvanagopan  
Mr Patrick Curran



# Appendix E – Minutes of the West London Alliance Policy Officers Meeting – 12 July 2012



Notes of the West London Alliance Planning Policy Officers Meeting  
Thursday 12<sup>th</sup> July 2012

Present:

Chris Walker- Chair Brent	Ken Hullock- Brent	Molly Peman- Hounslow
Sam Cuthbert- Ealing	Brian Whiteley- Hillingdon	Matthew Paterson- Harrow
Nick Lynch- Barnet	Ian Nichol- WLA	Gemma Poxon- WLA
Diana Coppin- H&F	Rachel Ormerod- H&F	Shahnaz Abbasi - WLA

**1. Welcome, introductions and apologies**

Chris Walker (CW) welcomed colleagues to the meeting.

**2. Minutes of the last meeting**

Ken Hullock (KH) summarised the notes of the last meeting verbally. Key points noted were;

- Boroughs to circulate information on their boroughs' specialist services
- Old Oak Common update- covered under Agenda item 7
- TOR- IN to re circulate a copy of the TOR for the group to colleagues.

Colleagues provided an outline of their boroughs position on CIL rates;  
Barnet circulated a report to colleagues and a detailed update to be provided in Agenda item 4.

Brent reviewed their CIL charging schedule and was endorsed on an executive level. A charging schedule is to be drafted – looking at £200 across the borough for residential and student accommodation.

Harrow is waiting for approval to finalise a flat rate for residential of £110; non-residential and student accommodation £55 and £100 retail. Nil all others

H&F are at the same stage but tiered for residential with flat rate for others across the borough

Hounslow reported to be at the infrastructure planning stage and will be looking to employ viability consultants in the near future.

Hillingdon reported that the first draft consultation was finished yesterday on the first draft and initial feedback was that large retailers expressed concerns over the charges proposed which charged more for out of town centre but generally there was positive feedback. It was noted that Hillingdon had not set a differential rate across borough.

In discussion of CIL the following points were noted;

- Sam Cuthbert (SC) attended a briefing last week organised by Planning Inspectorate with presence of CLG reps. Key theme of the meeting was duty to co-operate and its application to CIL with regard to soundness and legal process. SC reported that boroughs who fail to meet the legal element (duty to cooperate) adequately would have their examination of documents terminated until it's redone; SC further added that the CLG guidance was incomplete and the version presented at the meeting described the ladder of cooperation which would advise different levels of compliance; an invitation to

consultation with neighbouring boroughs would constitute level 2 out of 6 and MOU would constitute level 6. The other part would be the level of political sign off accompanied by an invitation to be involved; officer sign off would only be level 2 and CE would count towards level 6.

- The guidance on the various levels set out has not been confirmed by the CLG.
- The MOU would be statements of common grounds; duty to co-operate was not a duty to agree but it is a duty to consult and cooperate; boroughs are required to go through the process and it was acceptable for boroughs to have a planning disagreement. Nick Lynch (NL) noted that the North West Waste Strategy plan was prepared back in November 2011 and wasn't submitted until February 2012 but had been stopped on duty to co-operate grounds. It was further added that lobbying is underway with Westminster and the Mayor of London to overturn the decision.
- Brian Whiteley (BW) commented that a common agreement was been sought on the Waste London Waste plan. CW commented that independent Council opinion is required to assist boroughs to know where they stand; Mouchel are commissioned to provide advice currently.
- In relation to geographical boundaries and what may constitute a requirement to comply with the duty to co-operate, SC commented that the requirement may potentially stretch wider than just adjoining authorities.

Key points agreed;

- Colleagues agreed that it would be desirable to liaise with and potentially meet with counties, boroughs and districts in the North and West around spatial planning and economic development. This would encompass authorities from Surrey right round to Hertfordshire, IN to map work to be done to facilitate discussions.

Actions-

- Duty to co-operate to be explored further at the next meeting with an aim to agree an approach
- IN to circulate the WLA Accord to colleagues- IN

**3. DLG Illegal Landlords initiative**

Rachel Ormerod (RO), Head of the West London Housing Partnership informed colleagues that at the last WL Housing Directors meeting (Tuesday) it was confirmed that four of the six West London boroughs have received funding from the CLG to address issue of 'beds in sheds', the work is led by either the planning policy officers or enforcement officers or combination of both in some boroughs.

RO added that Housing Directors expressed concerns that implementing the initiative in Brent and Ealing could potentially add to the rise in rough sleepers; generally 'beds in sheds' occupied are by single men which is the group found in rough sleeping. It was noted that Housing Directors are to keep a watching brief to see whether there is link between the two.

RO commented that though there is currently a WL Rough Sleeping Action Plan in place to address areas most affected by rough sleepers the problem of rough sleepers is on the increase due to lack of affordable accommodation or accommodation that is 'cheap' with poor health and safety conditions.

It was further noted that the Housing Directors are keeping a watching brief on the Newham's plans. Newham have announced a licencing scheme for private rented housing and which will come into force in January 2013. Though the Housing Directors agreed that the scheme would not be copied in WL it was agreed that the scheme will present some interesting learning opportunities.

RO further added that problem is expected to increase in the housing sector with the enforcement of benefit cap, which is to be introduced in April 2013. It was noted that a scoping study needs to be undertaken to determine the impact it will have in West London.

In discussion on the above it was noted;

## Appendix F – Minutes of the Hertfordshire and Buckinghamshire councils

### NOTES OF CROSS BOUNDARY MEETING/DUTY TO COOPERATE MEETING

10am 16 July 2012 at Three Rivers District Council, Rickmansworth, Hertfordshire

Attendees:	Claire May	Three Rivers District Council
	Brian Whiteley	London Borough of Hillingdon
	Matthew Paterson	London Borough of Harrow
	Marguerite Cahill	Dacorum Borough Council
	Catriona Ramsay	Watford Borough Council
	Jane Custance	Watford Borough Council
	David Waker	Chiltern District Council
	Simon Warner	Hertsmere Borough Council
	Manpreet Kanda	St Albans City and District Council

#### 3) Brief Update on LDDs and Housing Targets

LDD updates provided on attached matrix.

All districts/boroughs feel that housing targets can be met within district/borough boundaries.

Generally completions have been strong and authorities are able to meet five year supply requirements but there has been some fall off in planning applications/permissions which may make this more difficult in future, and some authorities have seen a reduction in planning permissions resulting in development on site.

#### 4) Cross Boundary Issues

##### Gypsies and Travellers

Updates provided on attached matrix.

##### Neighbourhood Plans

Within Chiltern District Council, Chalfont St Peter have frontrunner funding and are intending to produce a neighbourhood plan which would be adjacent to Three Rivers District. Some other parishes have shown an interest in neighbourhood plans but CDC are encouraging them to get involved in the Delivery DPD.

St Albans have had some interest and are helping groups to decide whether a neighbourhood plan should be prepared. The 'Rural Vision' group will be discussing neighbourhood planning with St Albans parishes.

##### Infrastructure

It was considered that infrastructure is generally well covered in infrastructure delivery plans which are subject to consultation with infrastructure providers and surrounding authorities.

Following on from the Water Cycle Study, there may need to be further work on waste water capacity with Thames Water once there is more certainty about housing figures, particularly looking at Maple Lodge Wastewater Treatment Works and need/capacity for expansion.

#### 5) Strategic Matters

Three Rivers anticipate that the only strategic matter for the District is likely to be secondary education, and there has been extensive cooperation with Hertfordshire County Council on this to date.

London Borough of Hillingdon have some concerns about waste planning and the Duty to Cooperate following the suspension of the examination of the North West London Waste Plan. The West London Waste Plan will first seek an in house legal opinion before talking to Counsel and DCLG about fulfilling the Duty to Cooperate before progressing the Plan.

The West London Alliance have discussed the possibility of meeting with similar bodies outside London to discuss strategic issues. Within Hertfordshire, there is the Herts Planning Group which may be an appropriate forum to take this forward.

Dacorum Borough Council produced a Duty to Cooperate statement for submission alongside their Core Strategy, and Hertsmere and Watford were asked for similar statements through the examination process to demonstrate how the Duty to Cooperate has been met. LB Harrow have a matrix showing who has been consulted and the level of engagement in the process.

As a result of the Duty to Cooperate, it was felt important that where authorities are consulted on a document, if there were no issues a response should be sent stating this.

#### 6) AOB

The GLA are to commission a new SHLAA which will be more in line with PPS3 guidance.

In response to a query from Watford on HMOs, LB Harrow advised that while there had been a perceived problem with HMOs, research showed that the problem was not as large or as concentrated as expected so they are not taking an Article 4 forward. LB Hillingdon have an Article 4 on HMOs around Brunel and will provide some background information.

West London authorities are considering whether and how to address 'beds in sheds' which has been identified as a problem.

The Chilterns AONB board are looking to review the boundaries of the AONB. There would be consultation with relevant authorities as part of this.

If a Local Nature Partnership is established, there is a duty to cooperate with them.

#### 7) Future Meetings

Yearly, or more often if required.

**LDD Update**

<b>Three Rivers</b>	<p><u>Core Strategy</u> Adopted October 2011.</p> <p><u>Site Allocations document</u> Consultation on 'additional sites' 13/7-24/8. Publication due late 2012.</p> <p><u>Development Management policies document</u> Publication 23/7-3/9. Submission due early 2012.</p> <p><u>CIL</u> Joint viability study being finalised. Further work may be required. Consultation October 2012 and January 2013 with examination September 2013 and adoption December 2013.</p>
<b>St Albans</b>	<p><u>Strategic Local Plan</u> Report to Members September with consultation November.</p> <p><u>Site Allocations/Development Management Policies</u> Joint document to be produced.</p> <p><u>CIL</u> Draft charging schedule consultation planned November.</p>
<b>Dacorum</b>	<p><u>Core Strategy</u> Submitted June 2012, examination expected October 2012.</p> <p><u>Site Allocations document</u> Examination expected April 2013.</p> <p><u>Development Management Policies document</u> Examination expected April 2013.</p>
<b>Watford</b>	<p><u>Core Strategy</u> Awaiting Inspector's report following examination.</p> <p><u>Site Allocations document</u> Consultation later in 2012.</p> <p><u>Development Management Policies document</u> Consultation later in 2012.</p>

	<p><u>CIL</u> Possible consultation later in 2012.</p>
<b>Hertsmere</b>	<p><u>Core Strategy</u> Agreeing modifications with Inspector. Inspector considers East of England Plan housing figures to be out of date so will be proposing an early review of targets based on updated population projections.</p>
<b>LB Harrow</b>	<p><u>Core Strategy</u> Adopted February 2012.</p> <p><u>Site Allocations document</u> Pre-submission consultation starts 23/07.</p> <p><u>Development Management policies document</u> Pre-submission consultation starts 23/07.</p> <p><u>Harrow and Wealdstone Area Action Plan</u> Pre-submission consultation starts 23/07.</p> <p><u>CIL</u> Consultation on draft charging schedule end of July.</p>
<b>LB Hillingdon</b>	<p><u>Core Strategy</u> Examinations took place in March, Inspectors report just received finding strategy sound.</p> <p><u>Local Plan Part Two (Site Allocations, Development Management Policies and Policies Map)</u> First stage of consultation due later in 2012.</p> <p><u>CIL</u> Consultation on first draft charging schedule ended 11 July 2012 and will report to Cabinet on 27 September prior to the next consultation stage in the Autumn.</p>
<b>Chiltern</b>	<p><u>Core Strategy</u> Adopted November 2011.</p> <p><u>Delivery DPD</u> Consultation due October 2012, but may change if joint working with South Bucks.</p>
<b>South Bucks</b>	<p><u>Core Strategy</u> Adopted February 2011.</p> <p><u>Development Management policies document</u></p>

## Appendix G – Individual Comments Received and the Council’s Response to Each

ID	Comments Received	Topic / Change	Council Response
1	Thank you for consulting Hertsmere Borough Council on Harrow's Preliminary Draft Charging Schedule. Hertsmere Borough Council notes the content of the Draft Charging Schedule for Harrow and I can confirm that we do not have any comments at this stage.	None	The Council noted that the Borough Council has no comment at this stage on Harrow's Preliminary Draft Charging Schedule.  <b>No change</b>
2	You say "The funding gap is £61.2m, which justifies Harrow introducing a CIL". That's one way of looking at it. But it would be equally valid to say that Harrow is overspending by £61.2m and needs to economise. Why do you assume that you should be allowed to, effectively, raise taxes? Do you really think you have a valid mandate to do this?	Infrastructure funding	Almost all development has some impact on the need for infrastructure, services and amenities - or benefits from it - so it is only fair that such development pays a share of the cost. The infrastructure identified represents that essential to ensure new development results in sustainable development for Harrow.
		Legal remit	In the past, financial contributions towards infrastructure provision, needed as a result of new development, has been secured through planning obligations via Section 106 of the Town and Country Planning Act. However, the Government's preference is for Councils to introduce CIL to remove the uncertainty associated with scheme by scheme negotiations and to assist with infrastructure planning. A charging authority needs to identify the total cost of infrastructure that it desires to fund from CIL. In order to do this, the charging authority will want to consider what additional infrastructure is needed in its area to support development and what other funding sources are available (for example, core Government funding for infrastructure, which will continue following the introduction of CIL). In the absence of the Council introducing a CIL, the need for such essential infrastructure would still remain but would fall solely to the public purse to fund, which is wholly unacceptable. It should be noted that Harrow's funding gap is modest in comparison to most other authorities, which reflects the borough's spatial strategy to direct new development to areas already well served by good levels of existing infrastructure.  <b>No change</b>

ID	Comments Received	Topic / Change	Council Response
3	Clarification is required on residential schemes, does this involve extensions, new build conversions.	CIL application	<p>New buildings, including extensions, are liable for CIL where the net increase in floorspace area exceeds 100sqm or where the development involves the creation of a new residential unit, even if the unit is below 100 square metres in area (see CIL Regulations 2010, Paragraph 42).</p> <p>For clarity, the levy will not be charge if there is no extension of floorspace as a result of the development.</p> <p><b>No change to draft charging schedule, however add to supporting text re application of CIL</b></p>
3	The figure of £110 per m2 is too high - in addition to this developers have to £35per m2. In my view this will make developments unviable in the borough. A figure of £35per m2 would be more reasonable.	Viability	<p>The figure of £110 per square metre is supported by evidence set out in the Development Viability Appraisal Study (June 2012) undertaken by BNP Paribas. The study concluded that ability of residential development to make CIL contributions varies across the borough but should be able to absorb a maximum CIL rate of between £180 and £400 per square metre. Government guidance requires that charging authorities do not set their CIL rate at the margins of viability, and therefore the Council has set a discounted rate well below the upper levels of viability. The Council is therefore satisfied that the rate applicable to residential development strikes an appropriate balance between raising funds for essential infrastructure, required to support new development and deliver sustainable communities, whilst ensuring overall residential development across the borough is not put at serious viability risk (see CIL Regulations 2010 Paragraph 14).</p> <p>It should be noted that CIL is not new money but will replace financial contributions secured towards strategic infrastructure via planning obligations negotiated on a scheme by scheme basis. The Council also expects developers to take potential CIL charges into account in their land deal negotiations.</p> <p><b>No change</b></p>
4	Thames Water provide essential infrastructure required to support growth and deliver environmental improvements. That infrastructure provision can incorporate the provision of	CIL application	<p>The Council agrees that buildings required for water and wastewater infrastructure provision should be exempt from paying the CIL. Such buildings are classified as sui generis</p>

ID	Comments Received	Topic / Change	Council Response
	<p>buildings such as a new sewage pumping station or new water treatment building for example. The nature of such infrastructure buildings means that there is no impact on other forms of infrastructure requirements such as schools, open space and libraries. We therefore consider that water and wastewater infrastructure buildings should be exempt from payment of the Community Infrastructure Levy.</p>		<p>and therefore fall under the category of 'all other uses' under the Harrow draft charging schedule, and attract a 'nil' levy. Further it should be noted that, in respect of CIL, the definition of a building or floorspace applicable to the CIL levy does not include buildings which people do not normally go into or that people only go into intermittently for the purpose of maintaining or inspecting machinery. Buildings required for water and wastewater infrastructure would therefore fall outside of the definition of a building or floorspace applicable to a CIL Levy.</p>
4	<p>The council may however wish to consider using CIL contributions for enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers, for example by providing greater levels of protection for surface water flooding schemes. Sewerage undertakers are currently only funded to a circa 1:30 flood event.</p>	Inclusion in the 123 List	<p><b>No change to draft charging schedule, however add to supporting text re application of CIL</b></p> <p>With regard to the use of CIL to enhance the sewerage network, the Council considers that this is appropriate only in respect of strategic mitigation of flood risk from surface water sewer flooding, as suggested. Harrow's IDP details proposed strategic flood mitigation works, which cover flooding from all sources. Such infrastructure requirements are therefore proposed for inclusion in the Regulation 123 List.</p>
5	<p>Network Housing group (NHG) writes to support the Harrow Draft Charging Schedule.</p> <p>The proposed levy of £110 per sqm of residential floorspace is considered an appropriate level, that balances the need to provide infrastructure, without prejudicing the viability if the majority of developments.</p> <p>Evidence, and representations to neighbouring boroughs who have sought a higher level, such as Barnet (£135 per sqm) and Brent (£200 per sq m) have illustrated significant concern about the effect of their levies on viability.</p> <p>Affordable Housing</p> <p>A CIL is non-negotiable once adopted, flexibility to negotiate is limited to on-site s106 contributions. Inevitably for those</p>	CIL rates	<p><b>See the proposed 123 List provided in the Draft Charging Schedule</b></p> <p>The Council welcomes Network Housing Group's support for the draft charging schedule and the acknowledgement that the proposed residential rate is considered appropriate, especially within the context of affordable housing delivery.</p> <p><b>No change</b></p> <p>Current CIL regulations do not make any allowance for 'enabling development' to be zero-rated or exempt from the charge. While the objectives of the Core Strategy in this respect is recognised, the aim of raising CIL funds is to invest in community infrastructure required to create sustainable communities. The Council's clear aim, as the charging authority, is make CIL as simple and transparent as possible.</p> <p><b>No change</b></p>

ID	Comments Received	Topic / Change	Council Response
	<p>marginal schemes where viability is precarious, this often leads to a reduction in affordable housing. Indeed, under the new regime, affordable housing is the only remaining area that a viability tool kit assessment can affect. Increasing the CIL level above the £110 rate would increase the number of the schemes whereby affordable housing would need to be significant reduced below policy levels.</p> <p>Mixed Use Schemes</p> <p>Although the recent council commissioned assessment demonstrates that residential development could possibly support a maximum CIL of £180 (in South Harrow) to £400 per sqm (in Harrow on the Hill), the report also notes that all other forms of development are not viable. In mixed use scheme involving non-retail uses, such as office, the residential often cross subsidises this element of the scheme. Such uses may be desirable in land-use planning terms, and in the provision of local employment. If too much financial burden is placed on the residential then the opportunity for cross-funding is reduced.</p>		
6	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is not a service provider, nor do we have detailed knowledge of infrastructure requirements of the area concerned. However, we note that the National Planning Policy Framework Para 114 states “Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.” We view CIL as playing an important role in delivering such a strategic approach.</p> <p>As such we advise that the council gives careful consideration to how it intends to meet this aspect of the NPPF, and the role of the CIL in this. In the absence of a CIL approach to</p>	Inclusion in the 123 List	<p>The green infrastructure suggested by Natural England for inclusion in the 123 list were the subject of the infrastructure assessment as part of the Harrow IDP, which covered open space (parks, natural and semi-natural green space, allotments, amenity space and green corridors and green grid), biodiversity (BAP identified infrastructure) and transport (including rights of way). Such infrastructure requirements are therefore proposed for inclusion in the Regulation 123 List.</p> <p><b>See the proposed 123 List provided in the Draft Charging Schedule</b></p>

ID	Comments Received	Topic / Change	Council Response
	<p>enhancing the natural environment, we would be concerned that the only enhancements to the natural environment would be ad hoc, and not deliver a strategic approach, and that as such the local plan may not be consistent with the NPPF.</p> <p>Potential infrastructure requirements may include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Access to natural greenspace.</li> <li><input type="checkbox"/> Allotment provision.</li> <li><input type="checkbox"/> Infrastructure identified in the local Rights of Way Improvement Plan.</li> <li><input type="checkbox"/> Infrastructure identified by any Local Nature Partnerships and or BAP projects.</li> <li><input type="checkbox"/> Infrastructure identified by any AONB management plans.</li> <li><input type="checkbox"/> Infrastructure identified by any Green infrastructure strategies.</li> <li><input type="checkbox"/> Other community aspirations or other green infrastructure projects (e.g. street tree planting).</li> <li><input type="checkbox"/> Infrastructure identified to deliver climate change mitigation and adaptation.</li> <li><input type="checkbox"/> Any infrastructure requirements needed to ensure that the Local Plan is Habitats Regulation Assessment compliant</li> </ul> <p>We hope that you find this information useful.</p>		
7	<p>I am writing on behalf of the Mayor in response to the London Borough of Harrow's Community Infrastructure Levy Preliminary Draft Charging Schedule.</p> <p>We are pleased to note that the Mayor's CIL was taken into account by BNP Paribas in their Viability Study and subsequently in the rates proposed in your preliminary draft schedule as required by regulation 14(3) of the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>I look forward to continuing to work with you in taking your proposals forward.</p>	Mayoral CIL	Noted. <b>No change</b>
8	I write on behalf of our client, the Mayor's Office for Policing and	CIL rates	The Council welcomes the support of the MOPAC/MPS for the



ID	Comments Received	Topic / Change	Council Response
	<p>Crime/Metropolitan Police Service (MOPAC/MPS), with regard to the Council's consultation on the Community Infrastructure Levy Preliminary Draft Charging Schedule. The MOPAC/MPS provide a vital community service to Harrow and it is essential that the required community infrastructure, such as policing, comes forward inline with development in order to maintain safety and security in the Borough.</p> <p>The provision of effective policing is of crucial importance across London to ensure safe places to live are created as part of a sustainable community, consistent with planning policy at all levels. The current planning policy framework that supports policing can be summarised as follows:</p> <p><i>National Guidance</i></p> <ul style="list-style-type: none"> <li>• National Planning Policy Framework (March 2012) – one of the objectives of the NPPF is to deliver the right community facilities to meet local needs (Para 70).</li> </ul> <p><i>London Plan</i></p> <ul style="list-style-type: none"> <li>• Policy 3.16 requires development proposals to support the provision of social infrastructure and resist the net loss of social facilities. Policing is included within the definition of social infrastructure</li> <li>• Paragraph 3.86 further notes that existing or new developments should, wherever possible, extend the use of facilities to serve the wider community, especially within regeneration and other major development schemes</li> <li>• Policy 7.13 states that Boroughs should work with stakeholders to ensure London remains resilient to emergency and the subtext states the Metropolitan Police should be consulted as part of major development proposals</li> <li>• Policy 8.2 requires development proposals to address</li> </ul>	Inclusion in the 123 List	<p>proposed CIL rates.</p> <p><b>No change</b></p> <p>The provision of emergency services, such as police, ambulance and fire services were all the subject of the infrastructure assessment. Such strategic infrastructure requirements are therefore proposed for inclusion in the Regulation 123 List.</p> <p><b>See the proposed 123 List provided in the Draft Charging Schedule</b></p>

ID	Comments Received	Topic / Change	Council Response
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strategic as well as local priorities in planning obligations. Boroughs should set out a clear framework for negotiations on planning obligations in their LDF to ensure that *'it will be a material consideration whether a development makes an appropriate contribution or other provision (or some combination thereof) towards meeting the requirements made necessary by, and relating to, the proposed development'*.

In light of the overarching policy basis we wish to make the following comments in relation to the Preliminary Draft Charging Schedule.

**Representations**

*Preliminary Draft Charging Schedule – Rates of CIL*

The MOPAC/MPS support the proposed CIL rates set out in the Charging Schedule, in particular the list of uses that will attract a zero charge. This will 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.

*Regulation 123*

In addition to the above it is recommend that, when formulated, the list of beneficiaries of CIL (Regulation 123) includes policing facilities and that this includes a contribution towards policing where development would have a material impact upon policing provision in the Borough. This is consistent with the DCLG guidance - Community Infrastructure Levy: An Overview published in May 2011 which states that the levy can *'be used to fund a very broad range of facilities such as [inter alia] police stations and other community safety facilities'* (Para 12).

I trust that this is acceptable and the objectives of the MOPAC/MPS will be reflected in the forthcoming document.

ID	Comments Received	Topic / Change	Council Response
9	<p>Thank you for consulting English Heritage on the London Borough of Harrow's Community Infrastructure Levy (CIL) Draft Charging Schedule. As the Government's Statutory Advisor on the Historic Environment, English Heritage is pleased to comment on this document. English Heritage recognises the importance of Community Infrastructure Levy as a source of funding to deliver the infrastructure necessary to support the Borough's development.</p> <p>However, we are concerned that the application of a local CIL charge on development which affects heritage assets or their settings might lead to harm being caused to their historic significance. For example, there could be circumstances where the viability of a scheme designed to respect the setting of a heritage asset in terms of its quantum of development, could be threatened by the application of CIL. It is noted that the CIL Regulations (2010), paragraphs 55 - 58, provide for charging authorities to offer discretionary relief from CIL for a chargeable development in exceptional circumstances.</p> <p>With the above in mind we encourage the local authority to recognise in the Draft Charging Schedule that any CIL payment on development which affects heritage assets may need to be considered exceptional circumstances.</p> <p>For such cases where development viability is threatened by CIL we request that the Borough operate a discretionary relief policy. This could be set out within a separate statement following the Draft Charging Schedule, which would set out the criteria to define exceptional circumstances and provide a clear rationale for their use, including the justification in terms of the public benefit. For clarity the document could also reiterate the necessary requirements and procedures which would be followed in such cases, including the need for appropriate notification and consultation.</p> <p>For the historic environment in particular we encourage the borough to ensure that the conservation of its heritage assets are taken into account when considering the level of the</p>	Heritage assets and discretionary relief	<p>The Council is not considering introducing a policy on exceptional circumstances relief based on the following reasons:</p> <ul style="list-style-type: none"> <li>• To keep things as simple as possible to begin with;</li> <li>• The circumstances where they would apply are very limited (e.g. most charities make use of existing premises with low rents and rarely construct new build floorspace which would be liable to CIL);</li> <li>• The majority of schemes, following the adoption of CIL, would be unlikely to require onerous Section 106 agreements, and the fact that such agreements can be appropriately negotiated;</li> <li>• The level of charge has been set at a considerably lower level than the maximum viable level; and</li> <li>• The Regulations allow the Council to prepare and publish such policies at short notice, if experience suggests they are needed.</li> </ul> <p>The Council considers that there is sufficient flexibility to overcome viability concerns such as that highlighted by English Heritage in respect of heritage assets. The Council therefore maintains that exceptional circumstances relief is not warranted but the Council will, once the Harrow CIL is implemented, keep this under review.</p> <p><b>No change</b></p>

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	<p>CIL to be imposed so as to safeguard and encourage appropriate and viable uses of the historic environment. We would therefore ask the Borough to confirm that, for cases where the requirement to pay CIL would have a harmful impact on significance of heritage assets due to impacts on economic viability of development, these will be treated as exceptional circumstances.</p> <p>This would be justified by the public benefits arising from the CIL relief to schemes affecting historic buildings, for example, where this would enable the restoration of heritage assets identified on English Heritage's Heritage at Risk Register.</p> <p><b>Conclusion</b></p> <p>We hope that these comments prove useful in finalising the Draft Charging Schedule and look forward to discussing any of the points raised prior to an EIP. In the meantime, English Heritage would strongly advise that the local authority's conservation staff are involved throughout the preparation and implementation of the Draft Charging Schedule as they are often best placed to advise on; local historic environment issues and priorities; sources of data; and, consideration of options relating to the historic environment.</p> <p>Finally, it must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not affect our obligation to advise you on, and potentially object to any specific development proposal which may subsequently arise from this or later versions of the Draft Charging Schedule, and which may have adverse effects on the historic environment.</p>		
10	<p>We write on behalf of our client, Signature Senior Lifestyle, to object to the Preliminary Draft CIL Charging Schedule for the London Borough of Harrow. It is considered that the proposed CIL change will threaten the viability of care home development in the Borough, which is required to meet an identified need for community infrastructure to meet the needs of the elderly and</p>		

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ageing population within the Borough.

For the reasons set out below, it is considered the Preliminary Draft CIL Charging Schedule for the London Borough of Harrow fails to be adequately supported by appropriate available evidence and that the operation of the proposed charge is not consistent with the evidence on economic viability across the charging authority's area – as required by paragraph 211(2)(b) of the Planning Act 2008 and Regulations 14(1)(b) and 14(3) of the Community Infrastructure Levy Regulations 2012 (as amended)

Care home development and local infrastructure

New care homes require a relatively large number of beds to be delivered in order to secure a viable development that benefits from economies of scale and provides residents with the range of facilities they need at a price they can afford. New care homes typically provide 60-100 bedspaces with provision of communal facilities, services and activities all on-site, necessitating the development of relatively large buildings, typically extending to 5,500 – 7,000 sqm.

Class C2 care homes, by their very nature, are designed to meet the needs of their occupants 'on-site' with healthcare, activities and amenity space provided for residents, which include those who are frail and mobility-impaired. Therefore, they do not place any requirements on education, social care, sports or leisure facilities. New Care homes are required to provide adequate car parking for staff and visitors on-site, whilst the provision of 24 hour care requires workers to work in shifts and to be present on-site the vast majority of the day (with work off-site very limited).

In considering the need for elderly care, London Borough of Harrow's Infrastructure Assessment and Delivery Plan identifies that the population of those over 65 in the borough is expected to increase by 7,550 between 2009 and 2026, equating to nearly 17% of Harrow's population (a rise of 3%). The assessment states that within this sector, the greatest increase

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	<p>will be in those aged 80+, up 4,670 since 2009 (equating to 48% growth).</p> <p>The assessment acknowledges that this significant growth in Harrow's elderly population is likely to place additional demands on infrastructure both locally and borough-wide, in particular, healthcare, supported accommodation and accessible transport. The provision of new care homes within the Borough will therefore be required to help meet the needs of the ageing population and so care homes must therefore be considered part of the Borough's community infrastructure.</p>		
	<p>Objection</p> <p>Objection is raised to the CIL Preliminary Draft Charging Schedule, as it is considered to fail to be adequately supported by appropriate available evidence and that the operation of the proposed charge is not consistent with the evidence on economic viability across the charging authority's area, as required by paragraph 211(2)(b) of the Planning Act 2008 and Regulations 14(1)(b) and 14(3) of the Community Infrastructure Levy Regulations 2012 (as amended).</p>		
	<p>It setting out the 'evidence of an assessment of development viability', the Preliminary Draft Charging Schedule, states that:</p> <p><b><u>"Viability demonstrates that residential development can absorb a maximum CIL of £180 (in South Harrow) to £400 per sqm (in Harrow on the Hill); retail development to a maximum of £200 per sqm; and hotel and student accommodation £100 per sqm. All other forms of development are not viable"</u></b> [Gerald Eve Emphasis]</p>		
	<p>At a cabinet meeting on 15 December 2011, officers expressed concerns that the combination of Harrow's CIL and the Mayoral CIL charges could serve to 'stifle employment development' in the Borough. The viability study prepared by BNP Paribas (dated July 2012) supports this view, and as a result no CIL charge is sought in respect of office development.</p>	<p>Viability of employment development</p>	<p>Correct, the viability evidence shows that to levy a CIL charge against office development would make it unviable.</p>

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	<p>The ability for residential development, retail development, student housing and hotels to absorb a CIL charge is also assessed in detail in the Viability Study, which identifies that these forms of development are capable of being viable with a CIL charge in force. The Preliminary Draft Charging Schedule reflects some of the conclusions of the report by setting a CIL rate of £110 per sqm for residential development, £55 per sqm for student accommodation and £100 per sqm for 'Class A' retail development.</p> <p>Of concern therefore, is that (Class C1) hotels are not identified on the Preliminary Draft Charging Schedule as being subject to CIL despite the recommendation of the viability report that a suggested rate of £55 per sq is appropriate, whilst (Class C2) residential institutions are identified as being subject to this charge, despite the fact that the viability report does not recommend for CIL be applied to Class C2 development.</p> <p>Given that the preliminary draft charging schedule's summary of 'evidence of an assessment of development viability' also does not include Class C2 residential institutions as one of the types of development identified as being able to absorb a CIL charge, it is reasonable to conclude that residential institutions fall within the term 'all other forms of development' which the Council identifies as not being viable for the imposition of CIL. It is wholly inconsistent therefore that the preliminary draft charging schedule identifies a £55 per sqm charge for 'residential institutions, except hospitals (Use Class C2)', alongside 'Student Accommodation, Hostels and HMOs (Sui Generis)'.</p> <p>The imposition of a £55 per sqm charge on care home development has already meant that a 6000 sqm care in the Borough will be subject to a CIL charge of "210,000. The addition of a local CIL rate in the LB of Harrow of £55 per sqm would see this rise to £540,000. This is clearly a very large contribution when compared with contributions for recently built Signature Care Homes secured under the Section 106 regime, which typically ranged from £30,000 - £60,000.</p>	<p>Class C1 Hotels omitted from the PDCS, yet viable and Class C2 included in the PDCS yet not viable</p> <p>It is formally requested that the charging schedule is amended to remove reference to (Class C2) residential</p>	<p>Agreed, this was an omission that requires correction.</p> <p><b>In accordance with the viability evidence base, C1 Hotel development is to be included in the Draft Charging Schedule as being subject to a CIL charge of £55 per sqm.</b></p> <p>With respect to Class C2 development, it is the nature of CIL that some assumptions and generalisations have to be made and CIL guidance recommends that overly complicated methods and rates are avoided. While the Council notes the comments made in respect of the size of care homes, there is no evidence to suggest that the CIL rate for residential institutions should be any different to other residential institution accommodation. Given that the rates for residential institutions have been set at a considerably lower level than</p>

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	<p>Care home developers must compete for sites on the open market and typically bid against residential developers. Any increase in the cost of developing new care homes is inevitably going to put pressure on Care Home providers to either raise fees to residents or reduce the standard of care provision to reduce costs, in order to secure new sites and build new care homes.</p> <p>In the current economic environment, it has proved difficult for a number of care home providers to secure bank loans they need. Additionally, measures to release sufficient capital to generate growth such as sale-and-leaseback, have also been beset with problems, most notably for Southern Cross – who operated 752 care homes prior to the collapse of the business last year.</p> <p>The Council's Infrastructure Assessment and Delivery Plan identifies huge growth in the population aged over 65; which is even more pronounced for those over 80; as being likely to place additional demands on infrastructure both locally and borough wide. Whilst there is a shift towards enabling elderly people to stay in their own homes for longer, the increase in frail elderly, particularly those over 80 will inevitably necessitate increased provision of care home places.</p> <p>As private care homes are a key element of the healthcare offer that facilitates choice and promotes quality in provision, it is clear that care home development (either public or private) will enhance the overall provision to the community and therefore should be supported as 'community infrastructure', in the same way class D1 and D2 uses are supported.</p> <p>The Council has provided no evidence to demonstrate that the introduction of a £55 CIL charge on residential institutions will be viable, and do not identify such development as being able to absorb CIL. In fact, as it stands, the introduction of a borough-wide CIL rate of £55 per sqm on top of the Mayoral CIL charge is likely to threaten the viability of care home development within the London Borough of Harrow and in turn threaten the delivery of community infrastructure to meet the needs of the Borough's</p>	<p>institutions as being subject to CIL and to specifically identify care homes as being community facilities that comprise 'excluded development' not liable to a CIL charge.</p> <p>Care homes as part of the Borough's infrastructure</p>	<p>the maximum viable level, it is considered that there is sufficient flexibility to accommodate issues specific to care homes.</p> <p><b>No change.</b></p> <p>With regard to flexibility within the Charging Schedule, advice provided by the Planning Advisory Service Front Runner 2 Programme has stated that CIL should be the fixed cost and that if there is to be any flexibility, this should be provided through negotiation on S106 and affordable housing. Further, the Council also expects developers to take potential CIL charges into account in their land deal negotiations.</p> <p>With regard to care homes being part of the Borough's infrastructure requirements, the Council considers privately built and operated care homes are run on a purely commercial basis with the costs of provision being met by sales /rents /fees charged to occupiers of the development. As such they are considered to fall outside the remit of social infrastructure provision.</p>



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	<p>elderly and ageing population.</p> <p>Even if care home providers are able to develop new sites, the substantial increase in the cost of doing this is likely to either increase fees for residents or reduce the standard of care provided, thus limiting the ability for care home developers to provide community infrastructure that supports provision for elderly made by the public sector and charities Local Authorities.</p>		
11	<p>I am sure we are not the only land owner in the borough that is concerned about the impact of the proposed Community Infrastructure Levy (CIL) on their building programme budget.</p> <p>The additional cost of development in the borough is a real concern and may hamper Harrow Council's desire to redevelop major areas of the borough. Obviously this must be at the forefront of your thinking.</p> <p>In terms of the Schools' development programme, as you know we are currently working on a Master Plan for our estate which is currently at final draft stage. The cost of the resultant construction programme will increase significantly as a result of the CIL at the proposed rates e.g. if we were to seek to construct another new boarding house, CIL could add 4% to our total project costs.</p> <p>I note that the Mayor of London does not propose allowing relief for development by charities where the whole or greater part of the development is held as an investment for charitable purposes, but am I right in assuming that development by charities of their own land for their charitable purposes remains exempt from the CIL under the 2008 Act and the Regulations? If so, then I assume the School, as a registered charity, will be exempt from the CIL. Are you able to confirm?</p>	Charitable status	<p>The Council does not propose to allow relief on exceptional circumstances. Therefore, to qualify for any charitable relief, the following criteria must be fulfilled:</p> <ul style="list-style-type: none"> <li>• the claimant must be a charitable institution</li> <li>• the claimant must own a material interest in the relevant land and</li> <li>• the claimant must not own this interest jointly with a person who is not a charitable institution</li> </ul> <p>To qualify for a mandatory charitable exemption under Regulation 43 the following criteria must be met:</p> <ul style="list-style-type: none"> <li>• the chargeable development will be used wholly or mainly for charitable purposes (whether of the claimant or of the claimant and other charitable institutions) and</li> <li>• that part of the chargeable development to be used for charitable purposes will be occupied by, or under the control of, a charitable institution and</li> <li>• the exemption must not constitute a state aid</li> </ul> <p>If the above requirements can be met by the School, then such development would be exempt from the CIL, noting also that education development falls within the category of 'all other land uses' which under the Harrow Draft Charging Schedule would attract a 'nil' charge.</p>
			<p><b>No change but include the above detail on charitable relief</b></p>

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12	<p>We wish fundamentally to object to the approach taken to assessing the Charging Schedule, and to the disproportionate loading of the Community Infrastructure Levy upon two classes of development: Class A uses and, additionally, residential development (Use Class C3).</p> <p>In setting the level of CIL charges, the Council has a duty to strike an appropriate balance between the desirability of funding the cost of infrastructure required to support development from CIL and its potential effects on the economic viability of development.</p> <p>The approach taken to assessing the Charging Schedule does not achieve an appropriate balance between these two objectives.</p> <p><b>Impact on policy's promoting economic growth and employment opportunities</b></p> <p>The Council's Submission Draft Core Strategy is underpinned by the need to bolster and support the Borough's economic prosperity and to ensure that it remains competitive by encouraging the renewal or regeneration of a number of key neighbourhoods, including the Harrow &amp; Wealdstone Intensification Area, Rayners lane and Mill Farm estates. The Council's core objectives include promoting major retail, leisure, hotel development and office renewal in Harrow town centre, and contributing to a reduction in deprivation.</p> <p>The retail sector is one of the most dynamic and innovative sectors within the UK economy. It is also one of the largest employers and the largest creator of new jobs at the present time. Asda Stores Limited has a proven track record of investing in communities of need, and of creating jobs within these areas. Its stores regularly rejuvenate and regenerate existing centres and the surrounding area, and draw new shoppers to them, which benefits the existing retailers, and those who open stores</p>	<p>Impact on policies promoting economic growth and job creation</p>	<p><b>in the supporting text of the Draft Charging Schedule</b></p> <p>CIL cannot be used as a tool to deliver policy as it must be predicated on economic viability. Harrow's Viability Assessment 2012 is available to view on the Council's website as part of the CIL evidence base.</p> <p><b>No change</b></p>

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	<p>in Asda-anchored centres in their wake.</p> <p>Nowhere in the supporting papers is there any acknowledgement of this phenomenon, nor indeed any meaningful assessment of the role of retail development within the national economy, beyond an assessment that as retail continues to be one of the best performing sectors in the UK, operators within it have the capacity to pay potentially very large sums of CIL.</p> <p>If the charges set out in the Preliminary Draft Charging Schedule are adopted, these will inevitably be two consequences across the district: firstly, all other forms of development will receive a massive subsidy at the expense of commercial house building and retail development; and secondly, there will be a corresponding disincentive (and market distortion accordingly) to investment in those two sectors of the economy.</p> <p>It is trite economics that ideally taxes should distort the market as little as possible, and allow consumers and market preferences to be expressed in the most natural way possible to achieve optimum market solutions. This is every bit as true in the market for land and the use of land as in all other aspects of the economy. The proposed Charging Schedule being promoted flies in the face of this fundamental principle of taxation.</p> <p>If these charges are implemented, they will distort the local market across the district and provide a huge disincentive to investment in retailing, a significant job creator, at a time when the Government is trying to encourage the creation of additional employment across the economy; and in house building, at a time when the government is trying to encourage this. This will put the Council's ability to deliver the growth promised in its Core Strategy at risk.</p>		
12	<p><b>Concerns relating to underlying viability evidence</b></p> <p>In addition to the concerns set out in the remainder of this letter, we are particularly concerned by two key omissions from the</p>	Viability evidence	The viability methodology includes standard development costs. These were the subject of a workshop where BNP Paribas went through each development variable line by line with representatives of the development community, to confirm

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	<p>viability evidence put forward by BNP Paribas:</p> <ul style="list-style-type: none"> <li>• <u>Change of use and conversion projects</u></li> </ul> <p>Although BNP Paribas report acknowledges that many of the sites that are likely to come forward for redevelopment are likely to be previously developed or involve the re-use of existing floorspace, there does not appear to have been any analysis of the cost of such change of use or conversion schemes carried out as part of the Council's viability study.</p> <p>Regulation 40 of the Community Infrastructure Regulations 2010 (as amended) only permits developers to deduct pre-existing floorspace from the CIL calculation if it is 'in lawful use'. 'Lawful use' is defined in Regulation 40 (10) as follows:</p> <p><i>“For the purposes of this regulation a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.”</i></p> <p>Many building projects on brownfield land involve demolishing, converting or redeveloping buildings that have lain vacant for some time. This is particularly true of schemes which involve changes of use from Employment Land, where the fact that a unit has been vacant for a considerable time is often a key factor in the Council's decision to grant planning permission for the scheme.</p> <p>In this light, the viability report provided by BNP Paribas should have considered the impact of CIL on the viability of conversion/regeneration schemes involving vacant units. The economics of conversion schemes are very different to new build or greenfield schemes and it is difficult to see how the Council can assess whether the imposition of CIL will put the majority of these schemes at risk, without any evidence as to its impact on their viability.</p> <ul style="list-style-type: none"> <li>• <u>Omission of Planning Costs from the financial appraisals</u></li> </ul>		<p>these prior to running the viability scenario models. The Council is therefore satisfied that the methodology and the findings of the viability report are robust.</p> <p><b>No change.</b></p> <p>With respect to s106, the majority of schemes, following the adoption of CIL, would be unlikely to require onerous Section 106 agreements, and the fact that such agreements can be negotiated, and given that the level of charge has been set at a considerably lower level than the maximum viable level, the Council considers that there is sufficient flexibility to overcome viability concerns regarding s106 costs. Further, the Council also expects developers to take potential CIL charges and s106 obligations into account in their land deal negotiations.</p> <p><b>No change</b></p>

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for commercial schemes

The costs assumptions adopted by BNP Paribas in their financial appraisals for commercial schemes are not complete; they do not appear to make any allowances for the cost of obtaining planning permission from the Council for the relevant development scheme. These costs are not limited to the Council's own fees for submitting an application and obtaining pre-application advice (which can be significant), but also include:

- The professional costs involved in appointing consultants to prepare the application;
- Legal costs involved in negotiating the underlying legal agreements;
- Costs of negotiating appropriate planning conditions and obligations with the Council;
- Consultation costs, particularly for larger schemes which will need to show evidence of early community engagement; and
- If permission is refused, or challenged by an aggrieved third party, the costs of an appeal to the planning inspector or a judicial review challenge in the High Court.

Planning costs can be significant, particularly for larger schemes, and by omitting them BNP Paribas has underestimated the costs of each of the developments modelled, and artificially inflated the relevant benchmark land values used for each of its financial viability models.

This will, in turn, have inflated the amount of the CIL levy proposed for each type of commercial development.

- Omission of S.106 Costs from the financial appraisals for commercial schemes

BNP Paribas also appear not to have made any allowances for

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residual s.106 contributions for commercial schemes. As you are aware, s.106 contributions will not cease when the charging schedule is adopted and developers will still be required to fund any site specific infrastructure needs that arise as a direct result of a scheme.

The types of contribution that could still feasibly be sought from a commercial developer once the charging schedule has been adopted include:

- Cost of site-specific highways works; including junction improvements, road widening schemes, new access roads; diversion orders and other highways works;
- Cost of extending the Council's CCTV Network or Public Transport Network to include the scheme (including the costs of creating new bus stops, real time information and providing new bus services to serve the site);
- Monitoring costs of compliance with employment/ apprenticeship schemes and travel plans;
- Environmental off-set contributions, to mitigate the loss of habitat or greenery caused by the scheme;
- The cost of any remediation and decontamination works to be carried out by the Council on the Developer's behalf;
- Payments for town centre improvements intended to mitigate the impact of the development on the town centre or neighbouring areas; and
- The costs incurred by the Council of maintaining any site specific infrastructure required by the development.

The site specific s.106 costs for commercial developments can be significant, particularly for larger schemes. The impact of such s.106 contributions on a development scheme's viability was recognised by Eric Pickles and the Prime Minister, earlier this month, when the latest reforms to the planning system were

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	<p>announced.</p> <p>By underestimating these costs the Council has underestimated the true costs of commercial developments, and artificially inflated the relevant benchmark land values used for its financial viability models. This will also have had the effect of inflating the amount of the CIL levy proposed.</p>		
12	<p><b>Concerns about Council's approach to setting Community Infrastructure Levy charges generally</b></p> <p>The stated purpose of CIL is to raise revenue for infrastructure necessary to serve development. The rationale for the imposition of CIL was that insufficient monies were being raised through the planning process to fund the infrastructure necessary to provide for the needs of development authorised by planning permissions. While revenue has historically been raised by Section 106 agreements (and Section 52 agreements before those) the revenue collected, it was argued, had been raised disproportionately from a limited number and class of developments, and the majority of (minor) developments that escaped the requirements to enter into a Section 106 Agreement were either effectively subsidised by larger developments, or were allowed to proceed, and individually and cumulatively contributed to infrastructure requirements, without being required to pay for them. The CIL was intended to remedy that imbalance.</p> <p>Against that background, we do not think it an unreasonable approach to seek a Community Infrastructure Schedule calculated on the basis of a district-wide assessment of infrastructure needs, with the estimated total cost of those needs being calculated, and then the estimated total cost being divided between the total estimated or planned development anticipated for a district. That would at least have been a fair and potentially proportionate approach to the issue of raising the CIL and fixing the Charging Schedule. It is noteworthy that this is the approach that has already been adopted by some of the</p>	<p>Approach to setting CIL changes</p>	<p>The Regulations are clear – in order to set a CIL charging schedule, the Council must have an appropriate evidence base to support the proposed levy. This includes evidence of an infrastructure funding gap to justify the introduction of a CIL and evidence of an assessment of development viability to ensure the vast majority of development can afford the CIL rate proposed and remain viable. However, as set out at paragraph 34 of the Government's Charge Setting Guidance:</p> <p>Differences in rates need to be justified by reference to the economic viability of development. Charging authorities should not set differential rates by reference to the costs of infrastructure, either in different zones or for different classes of development.</p> <p>Development that is currently unviable in the absence of CIL, will remain so even when a 'nil' CIL rate is applied, and therefore is unlikely to be delivered by the market. Conversely development that is currently viable, and will remain so when subject to CIL (see the Harrow Viability Assessment 2012), can be delivered and will give rise to the identified infrastructure requirements to which CIL funding will help pay for.</p> <p><b>No change</b></p>

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authorities who have already had their Charging Schedules approved.

Instead, the Charging Schedule proposed exhibits a fundamental disconnect between the Community Infrastructure Levy charges proposed and the infrastructure requirements of the developments upon which they are levied.

The Council has produced a number of supporting documents to seek to justify the Community Infrastructure Levy Charging Schedules proposed; prepared by BNP Paribas. However the principal work undertaken appears to be simply to assess each segment of the development economy as a potential source of revenue, without carrying out an exercise to assess the infrastructure likely to arise from any particular class of development.

Across the UK, while some superstores individually necessitate the provision of specific local infrastructure, the proliferation of modern supermarkets can be argued to have reduced infrastructure requirements by lessening the travel distances necessary for people to undertake their bulk food shopping. Put shortly, it is frequently the case that journey times fall as new supermarkets are opened. The inevitable consequence of this is that most existing infrastructure is used less, not more, as a result of such developments.

At the CIL figure proposed in the Charging Schedules of £100.00 per square metre (or £135.00 per square metre once mayoral CIL is taken into account), the proposed Charging Schedules would add £540,000.00 to the cost of a generic 4,000 square metre supermarket development. Nowhere in the papers is there any suggestion that this is necessarily the appropriate figure in terms of the related infrastructure costs that a retail development should be expected to carry. BNP Paribas have concerned themselves only with their high level (as they themselves acknowledge) calculations of assumed ability to pay.



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12	<p>Given that there is a risk that, at least for an interim period, local authorities will still seek site-specific commitments also under the Section 106 regime, this represents an unreasonable double- loading of costs onto a very limited category of development.</p> <p><b>Proposed Staged Payments Policy and Phased Developments</b></p> <p>The Council has not published proposals for a CIL instalments policy as yet. It is our view that payment by instalments is an important tool for managing the impact of CIL on developer's cash flow and we should be grateful if the Council would take into account the fact that many major development projects are implemented in phases.</p> <p>As the Council will be aware, many large scale developments are phased for a number of reasons, most commonly because the revenue generated by the early phases of the development needs to be realised in order to fund the remainder of the scheme.</p> <p>As planning authorities have often expressed a preference for determining full planning applications where all of the relevant information is available to them, large scale developments are often submitted to the Council as full planning applications, rather than applications for outline permission. If this trend is to continue, allowances will need to be made for the phasing of large scale developments which have been granted full, rather than outline, planning permission.</p> <p>At present the CIL Regulations allow for staged payments to be linked to the period of time that has passed since commencement, rather than the phase of development achieved. This means that any one staged payment could fall due before the earlier phases of the scheme have started to generate the revenue required to fund it, rendering the project economically unviable. This puts developers who have applied</p>	Instalments policy	<p>The Council agrees that the Draft Charging Schedule should include the Council's proposals for stage payments, however this is likely to conform to the requirements set out in the CIL Regulations. However, the Council understands the concerns raised and the implications for phased development and therefore will explore payments by development phasing, or some compromise between time and phasing.</p>

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	<p>for full planning permission at a disadvantage, compared to those who have an outline permission, as the charging regime for outline planning permissions makes specific allowances for phased development.</p> <p>We note that under the CIL Regulations, developers are required to serve a notice of commencement of development on the Charging Authority, but are not required to notify them of the commencement of individual phases of development. This could, however, be easily addressed through the use of planning conditions or, alternatively, planning obligations requested through a Section 106 agreement.</p> <p>We should be grateful if the Council would formulate its staged payments policy, to ensure that developers are not disadvantaged by submitting an application for full, rather than outline, planning permission.</p>		
12	<p><b>Exceptional circumstances relief</b></p> <p>Whilst the Council has not stated whether it intends to adopt exceptional circumstances relief, we would strongly encourage it to do so. The Council's viability study makes it clear that the viability of any particular development scheme is finely balanced, and will fluctuate dramatically depending on the costs involved in the development and the state of the economy when the development comes forward.</p> <p>BNP Paribas conclude that there will be a number of housing or retail schemes, which are on the borders of viability, which will not come forward as a result of CIL being imposed on them. Given the shortage of affordable housing within the Borough, this will be particularly acute for commercial housing developments which would also be expected to provide affordable housing.</p> <p>If the Council were intending to adopt 'exceptional circumstances' relief then it could, if it so wished, allow strategic</p>	<p>Exceptional circumstances relief</p>	<p>The Council is not considering introducing a policy on exceptional circumstances relief based on the following reasons:</p> <ul style="list-style-type: none"> <li>• To keep things as simple as possible to begin with;</li> <li>• The circumstances where they would apply are very limited (e.g. most charities make use of existing premises with low rents and rarely construct new build floorspace which would be liable to CIL);</li> <li>• The majority of schemes, following the adoption of CIL, would be unlikely to require onerous Section 106 agreements, and the fact that such agreements can be appropriately negotiated;</li> <li>• The level of charge has been set at a considerably lower level than the maximum viable level; and</li> <li>• The Regulations allow the Council to prepare and publish such policies at short notice, if experience suggests they</li> </ul>

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	<p>or desirable but unprofitable development schemes to come forward by exempting them from the CIL charge or reducing it in certain circumstances. Simply exempting schemes from certain Section 106 obligations is unlikely to be sufficient to counteract the negative impact of the CIL charge, particularly as not all schemes (in particular retail developments) would attract an affordable housing requirement which could be waived. Further, the types of strategic development which are most likely to be of concern to the Council, such as large regeneration or housing schemes, are precisely the types of development which are likely to carry heavy site specific infrastructure costs, which will be funded under s.106, and are most likely to qualify for “exceptional circumstances” relief.</p>		<p>are needed.</p> <p><b>No change</b></p> <p>With regard to the last paragraph, development that is currently unviable in the absence of CIL, will remain so even when a ‘nil’ CIL rate is applied, and therefore is unlikely to be delivered by the market. Conversely development that is currently viable, and will remain so when subject to CIL, can be delivered and will give rise to the identified infrastructure requirements to which such development should contribute towards the cost of provision.</p> <p><b>No change</b></p>
12	<p><b>Proposed changes to the Council's approach</b></p> <p>A much fairer solution, accepting for the purpose of this argument the premise that the Community Infrastructure Levy is necessary for the purpose of funding district-wide infrastructure, would be to divide the council's estimate of total infrastructure costs over the charging period (and in this connection, it is important to remember that the Government's guidance as recorded in the National Planning Policy Framework is that only deliverable infrastructure should be included) by the total expected development floor space, and apply a flat rate levy across the district and across all forms of development. That will have the least possible adverse effect upon the market for land and for development, and yet the greatest possible opportunity for the economy to prosper and thrive, and for jobs to be created.</p> <p>It should be noted that within the district over the planned period there is likely to be a limited number of supermarkets built. Consequently, reducing the levy proposed per square metre on this floor space would not result in a proportionate increase in the levy required on other forms of commercial or other development. However, applying this levy would run the risk of diminishing substantially the number of such stores built, with a</p>	<p>Approach to calculating CIL</p>	<p>The Regulations are clear – in order to set a CIL charging schedule, the Council must have an appropriate evidence base to support the proposed levy. This includes evidence of an infrastructure funding gap to justify the introduction of a CIL and evidence of an assessment of development viability to ensure the vast majority of development can afford the CIL rate proposed and remain viable. However, as set out at paragraph 34 of the Government's Charge Setting Guidance:</p> <p>Differences in rates need to be justified by reference to the economic viability of development. Charging authorities should not set differential rates by reference to the costs of infrastructure, either in different zones or for different classes of development.</p> <p>Development that is currently unviable in the absence of CIL, will remain so even when a ‘nil’ CIL rate is applied, and therefore is unlikely to be delivered by the market. Conversely development that is currently viable, and will remain so when subject to CIL (see the Harrow Viability Assessment 1012), can be delivered and will give rise to the identified infrastructure requirements to which such development should contribute towards the cost of provision.</p>

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	<p>consequential loss of employment opportunities and investment in town and district centres.</p> <p>For these reasons, we would ask that the Council undertakes a fundamental rethink of its position, and substantially alters its Charging Schedule in so far as it relates to retail development in general, and convenience retailing in particular.</p> <p>Accordingly, we would request that the Council:</p> <ul style="list-style-type: none"> <li>• Re-visits its viability evidence to address omissions identified above;</li> <li>• Introduces exceptional circumstances relief for those types of development which would otherwise be unviable;</li> <li>• Adopts a single flat rate levy across all development within its boundaries;</li> <li>• Produces a draft staged payments policy that ensures that developers are not disadvantaged by submitting an application for full, rather than outline planning permission.</li> </ul>		<b>No change</b>