

Community Infrastructure Levy Draft Charging Schedule - Draft Charging Schedule consultation

Instructions

- Write as **clearly** as you can— these forms might be scanned
- Write your answers in the same language as this form

What is your full name?

Roger File

Name of organisation if appropriate (leave blank if not relevant) (optional)

Blenheim

What is your email address? (optional)

rfile@blenheim.com

Postal address (optional)

If you are responding on behalf of client please add their name here (optional)

Blenheim Estate; Pye Homes; Blenheim Strategic Partners

Would you like to be heard by the examiner? (optional)

- Yes
- No

Would your client like to be heard by the examiner? (optional)

- Yes
- No

Would you like to be notified of the following matters? (optional)

- that the Draft Charging Schedule has been submitted for examination;
- the publication of the recommendations of the examiner and the reasons for those recommendations; and
- the approval of the charging schedule by the charging authority (West Oxfordshire District Council)

- Yes
- No

Would your client like to be notified of the following matters? (optional)

- that the Draft Charging Schedule has been submitted for examination;
- the publication of the recommendations of the examiner and the reasons for those recommendations; and
- the approval of the charging schedule by the charging authority (West Oxfordshire District Council)

- Yes
- No

If we need to notify your client directly of the matters please add their email address here (optional)

nmcgurk@blenheimstrategic.com
amaltman@pyehomes.com

If we need to notify your client directly of the matters please add their postal address here (optional)

Use this space to give us your feedback on the West Oxfordshire Draft Charging Schedule (optional)

Community Infrastructure Levy Draft Charging Schedule - Consultation 02/08/24 – 27/09/24

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1) Blenheim

Blenheim champions the creation of beautiful, sustainable and prosperous places and communities. As a pro-active long-term landowner and developer across West Oxfordshire, we welcome the opportunity to comment on the proposed CIL Charging Schedule.

Blenheim Strategic Partners promotes the creation of sustainable communities. Blenheim Strategic Partners and Pye Homes deliver sustainable communities. All fall within the Blenheim umbrella.

2) Background

CIL was originally conceived as a system to simplify and provide certainty to developers and Local Planning Authorities in respect of planning gain.

Blenheim is wholly supportive of a simplified planning gain system that provides certainty. The pot of money available for planning gain from any one development project is a fixed sum and a quick and simple way of identifying this tax on development would help speed up today's flawed and cumbersome system.

However, as proposed, WODC's CIL Levy is not supported. It will fail to support the delivery of sustainable development. It will result in more bureaucracy, more protracted negotiations, more delays and overall will increase the burden and costs of development resulting in less sites coming forward and for those that do they will come forward more slowly after viability challenges.

The reasons for this are summarised below:

3) Why the Proposed CIL Levy is Flawed

In addition to all of the points set out below, there is a single fundamental reason why West Oxfordshire District Council (WODC) should not be expending time and resources seeking to introduce a CIL Levy.

- WODC does not have a 5 Year Housing Land Supply and the introduction of CIL will not address this.
- WODC has consistently failed to bring forward its largest, strategic development sites, since the allocation of these sites in 2018.
- WODC, despite having failed to deliver its allocated housing land in line with housing delivery requirements, now needs to plan for future housing land at levels well above 50% of the previous rate required (which WODC failed and is continuing to fail, to achieve).
- WODC needs to focus its efforts on unlocking its current development allocations, identifying land for new allocations and delivering new allocations before seeking to bring forward a CIL Levy.
- WODC's attempt to impose a CIL Levy at this stage appears irresponsible as we do not believe a sensible figure can be arrived at until we know the liabilities it is needed to fund. We believe WODC must allocate its future pipeline, identify the needs of those sites (which will all be different and not suited to a homogenous levy) and fix them at that level. If this is not done, then at best, WODC would be having an educated guess. Consequently, the current approach will lead to viability challenges and will inevitably hamper the identification of development sites, land assembly and the efficient delivery of development.
- The current s106 ask is crippling development as clearly seen at West Eynsham and elsewhere at present, where everyone is putting their hands in the s106 "pot" and officers rarely appear to filter the resulting burden, regardless of viability. Rigor needs to be added to the process to ensure the s106 ask is controlled properly before a new tax is just layered on top. Our fear is that CIL will just add to the currently flawed situation.
- WODC does not currently possess all of the skills and resources needed to deliver existing development allocations in an efficient and effective manner. This has resulted in WODC's well-evidenced problems and has resulted in the authority's ongoing failure to deliver sustainable development effectively. This lack of skills and resources will make it difficult for WODC to administer the CIL Levy, to raise the CIL Levy, to deliver additional infrastructure secured through the CIL Levy, or to manage its provision effectively or efficiently. WODC should seek to fix the basics before seeking to impose CIL on a flawed system.

Further to all of the above:

1. The proposed CIL Levy would perpetuate and further complicate the existing case-by-case, discretionary and subjective approach to planning gain in West Oxfordshire;
2. The proposed CIL Levy would not apply to strategic sites (which have the biggest infrastructure needs) – consequently, it would fail to provide certainty or simplicity in respect of the planning gain associated with the largest sites delivering the most development and the most planning gain, across West Oxfordshire;
3. The proposed CIL Levy would still result in protracted case-by-case negotiations (and therefore is completely pointless) for non-strategic sites due to the high likelihood of the need for viability negotiations due to the inflexible and unreasonable nature of the proposed CIL Levy;
4. West Oxfordshire District Council's failure to deliver strategic sites has resulted in the District's failing to demonstrate a 5 Year Housing Land Supply. Rather than expend resources promoting a significantly flawed CIL system, WODC would be better focusing resources on the delivery of the many sites stuck in the system – many of which are stuck because of the inefficient way in which planning gain is addressed by WODC and OCC.
5. The approach appears doomed to failure in a two-tier local government system. WODC has its own interests

and Oxfordshire County Council has its own interests. This consistently results in delays, negotiations and viability problems resulting from double-counting and each authority pursuing its own interests. This will not change, but will be further complicated by the proposed CIL Levy;

6. The concept of the CIL Levy filling “*a large funding gap which CIL will contribute towards*” reflects the flawed thinking behind West Oxfordshire’s approach. The concept appears to mistakenly suggest that somehow, additional funds can be squeezed out of the development industry to fill gaps in government spending, which they cannot.

The pot of money available for planning gain is a set sum. Introducing additional and/or different ways of collecting and spending this money does not increase the size of the pot. Attempts to increase the size of the pot simply make development unviable, reducing land values to a point where land will not be released. Developers will not go ahead with unviable development and why would they ?

One of the biggest problems in England today is the lack of new homes. West Oxfordshire is a prime example of a District that is failing to deliver the quantity of new homes needed. Making more schemes unviable by requiring them to meet a government – public spending - funding gap is not a sensible way forward;

7. West Oxfordshire has failed to bring forward sufficient affordable housing in recent years. The CIL Levy, by placing further financial burdens on development, will inevitably result in delays and protracted negotiations, ultimately being resolved by the CIL Levy only being paid as a result of reducing affordable housing commitments. For clarity, in many cases, the Council will only receive its CIL payments by reducing the proportion of affordable homes delivered on any one site;
8. The approach provides for “*relief at the charging authority’s discretion.*” This conflicts directly with the idea of the approach providing for certainty and simplicity. It adds to the case-by-case and discretionary nature of a CIL Levy which, in given its whole purpose, is meant to be neither of these things. The approach needs to be crystal clear in respect of the grounds upon which relief is likely to be granted.
9. The phase-by-phase approach set out will add to the complex, case-by-case nature of the CIL Levy. It will result in further delays and a need for more resources, to an already excessively delayed and under-resourced local planning system.
10. The need for 5% of receipts to be spent on administering the CIL system adds to its deeply flawed nature. Effectively, planning gain monies that should be spent on betterment will be used to pay for a system that adds more delays and uncertainty to a delayed and uncertain system. This appears Kafka-esque. As noted above, there is a single pot of money for planning gain. Every pound from that pot spent on bureaucracy is a pound less spent on places and communities.
11. The CIL Levy would not be charged on strategic sites involving major infrastructure. Today, nearly all large or strategic sites involve the funding and delivery of new major infrastructure. It is inevitable therefore, that the approach will result in WODC charging CIL on sites with a major infrastructure burden. This will inevitably result in more delays and negotiations around viability. It will inevitably result in downwards pressure on the delivery of affordable housing.

In summary, Blenheim supports a clear and rational approach to planning gain. Any such approach must be transparent and must be based upon viable requirements that do not serve to delay or prevent the delivery of sustainable development.

As set out, for the reasons provided above, the proposed CIL Levy does not comprise an effective or appropriate approach. Moreover, there are fundamental problems in West Oxfordshire relating to the identification, allocation and delivery of development sites. It is essential that WODC addresses these problems first, before attempting to introduce a CIL Levy which can only be effective once the District has an appropriate supply of viable, deliverable development land.

The introduction of a CIL Levy should follow on from an up-to-date and effective Local Plan. The West Oxfordshire Local Plan is emerging. It is suggested that WODC focuses on adopting this new Local Plan and that the Council’s approach to planning gain evolves alongside and following this.