



The Planning Inspectorate

Report to the City of Bradford Metropolitan District Council

by Louise Nurser

an Examiner appointed by the Council

Date: 20 December 2016

PLANNING ACT 2008 (AS AMENDED)

SECTION 212(2)

REPORT ON THE EXAMINATION OF THE DRAFT BRADFORD DISTRICT COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

Charging Schedule submitted for examination on 11 May 2016

Examination hearing held on 4 October 2016

File Ref: PINS/W4705/429/8

Non Technical Summary

This report concludes that the Draft Bradford District Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area. The Council has sufficient evidence to support the schedule and can show that the levy is set at a level that will not put the overall development of the area at risk.

Two modifications are needed to meet the statutory requirements. These can be summarised as follows:

- That the CIL charge for 'Residential- Zone 4 (C3)' is reduced from £5 to £0 per square metre (psm).
- That the CIL charge for 'Residential- Zones 1- 3 (C3)' includes a footnote excluding specialist older persons' housing.

The specified modifications recommended in this report are based on matters discussed during the public hearing sessions and do not significantly alter the basis of the Council's overall approach or the appropriate balance achieved.

Introduction

1. This report contains my assessment of the Draft Bradford District Community Infrastructure Levy (CIL) Charging Schedule in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance (Community Infrastructure Levy Guidance – June 2014).
2. To comply with the relevant legislation the local charging authority has to submit a charging schedule which sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district. The basis for the examination, on which hearings sessions were held on 4 October 2016 is the submitted schedule of 11 May 2016, which is effectively the same as the document published for public consultation 14 December 2015¹.
3. The Council proposes CIL charges for residential development throughout the Metropolitan District.
4. The proposed CIL charges for 'residential' development relate to four market zones identified on a map in the Draft Charging Schedule. Zone 1 relates to the high value market areas that include the rural villages of Burley in Wharfedale, Menston, Ilkley and Addingham to the north of the Metropolitan District; a CIL charge of £100 psm is proposed in this zone. Zone 2 covers the areas such as Baildon, parts of Bingley and Silsden and the rural villages to

¹ CIL/001

the west of the District such as Laycock and Oldfield; a CIL charge of £50 psm is proposed in this zone. Zone 3 includes areas such as the northern part of Shipley, Haworth, Oxenhope and the southern part of Silsden and Wilsden; a CIL charge of £20 psm is proposed in this zone. Zone 4 relates to the urban areas of Bradford, Keighley and the surrounding villages; a CIL charge of £5 psm is proposed in this zone.

5. On the 11 May 2016, the Court of Appeal judgment (*Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441*) was issued. This related to the circumstances in which contributions for affordable housing and tariff-style planning obligations should not be sought. I queried whether the judgement would have any implications on the viability of development within the district and therefore whether any changes were proposed to the submitted Draft Charging Schedule.
6. The Council referred me to its response to questions raised by the Examining Inspector (EI) into the draft Core Strategy, relating to the implications of the judgement to the Council's draft affordable housing policy (H011). This included a modification, which was accepted by the EI to increase the size of the site threshold to 11 units or more in Burley-in-Wharfedale and the villages of Haworth, Oakworth, Oxenhope, Denholme, Cullingworth, Harden, Wilsden and Cottingley, leaving the threshold at 15 units elsewhere in the district. The impact of increasing the threshold at which affordable housing contributions would be required from 5 to 11 units, would increase the viability buffer of smaller developments.
7. A charge of £50 per square metre (psm) is proposed for supermarkets above 2000 sqm throughout the Metropolitan District, and a charge of £85 psm for retail warehousing within Central Bradford.
8. For completeness, the Draft Charging Schedule (DCS) lists zero rated CIL charges for 'all other uses not cited above'.

Is the charging schedule supported by background documents containing appropriate available evidence?

9. The draft Local Plan for the Bradford District Core Strategy Development Plan Document (draft CS) has been independently examined and found sound, subject to a number of Main Modifications. The prime focus of the settlement strategy is to concentrate development in the regional city of Bradford, with Shipley and Lower Baildon, followed by the main local focus for development within the Principal towns of Ilkley, Keighley and Bingley, and the Local Growth Centres of Burley-in-Wharfedale, Menston, Queensbury, Thornton, Steeton with Eastburn, and Silsden. Smaller scale development is proposed in the Local Service Centres of Addingham, Baildon, Cottingley, Cullingworth, Denholme, East Morton, Harden, Haworth, Oakworth, Oxenhope, and Wilsden.
10. On 10 October 2016, the Minister of State (Housing and Planning) issued a Holding Direction under powers contained in Section 21A of the Planning and Compulsory Purchase Act 2004 to prevent the formal adoption of the plan. This was to allow the Secretary of State to consider a number of issues including the proposed release of green belt land, particularly around

Wharfedale before the supply of brownfield land is exhausted; efforts made under the Duty to Co-operate to meet Bradford's housing needs; and the appropriate location for housing to alleviate housing need and contribute to the regeneration of Bradford City Centre. The implication of this is, until the Council is informed otherwise, the Council is unable to further progress the draft Core Strategy.

11. The letter was received the week after the hearings into the CIL were held. All parties were informed of the letter and comments were requested on its significance to the progress of the CIL². I note that an unavoidable impact is delay in the adoption of the draft Core Strategy, and depending on the Secretary of State's conclusions, potential intervention. This may, or may not, result in changes to the draft Core Strategy. Nonetheless, one of the central issues in my consideration of the Community Infrastructure Levy is the quality and robustness of the evidence which has been submitted to justify the rates set out in the Draft Charging Schedule and the assumptions underpinning the viability evidence. The Holding Direction letter does not refer to matters which would have a direct impact on policy costs, and therefore potentially alter the financial viability of future developments. Therefore, these costs are likely to remain constant. Moreover, the substantive submitted viability evidence is based on historic figures. Consequently, I am satisfied that the Holding Direction and the absence of an adopted Core Strategy do not present an obstacle to the progression of the CIL regime.
12. In addition, the Council has submitted two Area Action Plans for examination: the Bradford City Centre and the Shipley and Canal Road Corridor Action Area Plans. Joint hearings took place in mid-October. However, further hearings are provisionally scheduled early in 2017 to consider flood risk matters. The main objective of both plans is to provide a development plan framework in order to realise the regeneration objectives of the CS, including the provision of substantial numbers of housing on previously developed land. A Land Allocations development plan document is also in the early stages of preparation.
13. In terms of statutory provisions, there is nothing contained within either The Planning Act 2008 or The Localism Act 2011 that makes having an up to date and adopted Plan in place a prerequisite of the implementation of a CIL regime. Many of the Councils that have adopted CIL to date have the benefit of recently examined and adopted plans, whilst others have submitted their CIL proposals for examination alongside their development plans (as suggested in paragraph 175 of the Framework). These scenarios are at the ideal end of the spectrum and ensure, in theory at least, that the CIL proposals are conceived in terms of the most up to date strategic policy framework defining the 'development of an area'³ that CIL is intended to support. However, not all prospective charging authorities will be able to present a CIL schedule alongside freshly adopted local plans, due to either the inevitably long gestation period and/ or, in the case of Bradford, if they encounter complexities and delays in the process. Therefore, I consider that it would be appropriate for the Bradford CIL to be adopted in advance of the CS.

² CIL/EX019

³ S.205(2) of The Planning Act 2008

Infrastructure planning evidence

14. The emerging development plans are supported by the Local Infrastructure Plan⁴ (LIP). This has been produced in conjunction with the relevant infrastructure providers. However, it is envisaged to be a 'live' document and, of necessity, includes varying levels of detail. This is because of the length of the time span of the Local Plans, and the variety of funding sources. As such, amendments will be made to it, as and when greater detail is known about specific infrastructure requirements, costs, bidding programmes, and funding streams, or in response to inevitable changing circumstances over the plan period. The most recent version of the LIP was published in March 2016 and includes all the infrastructure and funding information referred to within the two AAPs.
15. I note that criticisms have been made of the lack of detail relating to infrastructure requirements, for example, in relation to flood risk mitigation measures in Silsden. However, there is no evidence before me to suggest that the projects within the document do not represent, as far as possible, an accurate, up to date assessment of the range of infrastructure required to support development across the Metropolitan District. Moreover, for the purposes of my examination of the DCS, my remit is restricted to consideration of whether there is a district wide funding gap which justifies the collection of Community Infrastructure Levy, and whether the proposed rates would undermine the development strategy as a whole, rather than considering in detail whether appropriate levels of infrastructure will be forthcoming in particular locations. Moreover, given the 'live' nature of the document it is open to the Council, to add to, and refine the list as necessary and appropriate.
16. The Council has produced a draft Regulation 123 List (CIL/006) which sets out the categories of development that are to be funded, or part funded through CIL receipts. Within the same document a list sets out where s106 obligations are to continue to be requested. The draft Regulation 123 list appears broad brush in nature with the potential for ambiguity. Whilst I am familiar with the list, consideration of the detail of its contents is not part of my examination of the DCS. However, the Council has committed to updating the list on an annual basis, and has suggested that it would be willing to provide a detailed document on the continued use of S106 obligations prior to the implementation of the DCS. I would strongly suggest that this be progressed and any consequential amendments to the Regulation 123 list be made, so that for example, it is clear how the funding of green space to mitigate the impacts of development on Natura 2000 sites is considered.
17. The Council forecasts that the expected costs of the required infrastructure to support the growth envisaged in the development plans will be around £762 million. The LIP identifies potential funding of around £73 million to be sourced from both the public and private sector, supported by site specific Section 106 contributions. However, this still leaves a funding gap of around £689 million or around a 90% shortfall between the cost of forecast infrastructure and anticipated income.

⁴ CIL/EX009 Local Infrastructure Plan March 2016 Update

18. At the CIL rates set within the Draft Charging Schedule, it is estimated by 2030 that CIL receipts would generate up to £43 million, or 6% towards the funding gap. In the light of the information provided, the proposed charge would therefore make only a modest contribution towards filling the likely funding gap. Nevertheless, the figures demonstrate the need to levy CIL.

Economic viability evidence

19. The Council commissioned a CIL Viability Assessment⁵, dated June 2015 to support the Council's Preliminary Draft Schedule.
20. The Council has used the standard residual valuation approach for both the housing and commercial developments. In other words, if after subtracting all the costs of development, including an adequate developer's profit from the gross development value of the land, the land is worth more than the benchmark site value, then there is overage or headroom for CIL to be collected.
21. Site value thresholds were discounted by 20% to take into account the impact of the introduction of CIL on land values. Due to limited transactions the evidence for site values is considered to be 'somewhat anecdotal'⁶ relying on a limited number of sites⁷, discussion with, and formal consultation with local developers and agents. However, for the purposes of high level CIL testing I consider this to be a reasonable approach.
22. However, the Council has for the most part taken a conservative approach in its assumptions. For example, an allowance for site abnormalities, of at least 10%, has been included within all viability calculations. Generally, such costs are considered to be, by definition, out of the ordinary and site specific, and therefore not included within calculations to set district wide CIL rates. Construction costs were based on BCIS data July 2014 weighted to Yorkshire and Humber region and included a 15% uplift for site externals. The original data was subject to sensitivity testing to reflect increases in construction costs.
23. An addendum to this evidence was published in December 2015⁸ in response to matters raised through the consultation on the Preliminary Draft Schedule and this subsequently informed the submitted DCS. The addendum included amongst others, amended assumptions relating to house size, and housing mix, site changes in sale prices, yields and build costs. During the examination a VA of older persons' specialist housing was provided.
24. Following my request, further alterations were made in September 2016 to provide measurements in metric values and to include an additional appendix setting out the average house price data which had been used to underpin the 5 value band areas⁹ for residential properties.

⁵ CIL/003

⁶ CIL/003 paragraph 4.1.9 page 26

⁷ CIL/EX011 Appendix 3 Benchmark Land Value Evidence

⁸ CIL/004

⁹ CIL/EX011

25. A number of hypothetical residential and commercial developments were tested using the assumptions set out in the viability evidence, including consideration of emerging policy costs. These were then compared against 'real world' sites as a sense check. Generally, industry standard costs have been used as a means of testing the viability of the proposed CIL rates.

Residential modelling

26. Housing density rates are set at 35 dwellings per net ha. Professional fees and contingency fees together are calculated as 11% of construction costs. Marketing, sales, agent and legal fees are set at 3.5% of revenue, and an allowance for purchasers' costs of 5.8% of the purchase price and finance at 6.5% were all factored into the calculation of the viability of the housing development. A mix of housing types was tested. The modelling assumed that residual S106 planning agreement costs would be limited to £1000 per unit on all sites. I find all of the assumptions and rates appear to be generally reasonable.
27. The proportion of affordable housing is consistent with the provisions of Policy H011 of the emerging CS, as proposed to be modified¹⁰. Transfer values are based at 50% of Open Market Area in the highest value areas and 65% elsewhere and have been subject to sensitivity testing. However, following the 2016 Housing and Planning Act, the impact of Starter Homes should be to increase the development value of affordable housing schemes.
28. Profit levels of 20% of Gross Development Value (GDV) for market dwellings and 6% of GDV for affordable housing are at industry standard.
29. Residential site value thresholds relate to 5 value bands, representative of typical net land costs in different parts of the district. The thresholds take into account an uplift to provide an incentive to sell. From the evidence before me these appear justified and based on appropriate evidence.
30. Likely sales values were based on second hand house prices between April 2011- March 2014 defined by post code areas¹¹, and limited new build schemes, net of sales incentives. New build evidence was sourced but this is of necessity limited. I consider this approach to be robust and based on the evidence available.
31. Alterations in sales values were factored into the October 2015 data and detailed data was supplied in relation to Crack Lane Wilsden. However, changes in inputs can have significant impacts on the viability of schemes. Therefore, I have taken these additional figures into account in my consideration of the robustness of the CIL rates, as illustrations of how changes in assumptions, can alter the headroom available within developments.
32. The two worst performing value bands were merged as the original CIL viability evidence demonstrated that there was no difference in the strength of the two zones in relation to the commercial viability of residential

¹⁰ CIL/EX003

¹¹ CIL/EX011 Appendix 5

developments¹².

33. A 350 room flatted scheme of student housing, and a 60 bed care home were tested. Older persons' specialist housing was modelled taking into account the particular sales and design considerations peculiar to this element of the housing market.
34. The approach for residential modelling appears on the whole to be reasonable and based on appropriate available evidence.

Commercial modelling assumptions

35. The Council tested assumed typologies for a wide range of commercial developments. These included industrial/warehouse, office, leisure, hotel, and restaurants. Assumptions relating to density, yields, build costs, rents and developers' profits were amended following consultation responses on the Preliminary DCS in relation to retail warehousing. Further evidence relating to increased rental values and build costs for large supermarkets has also been provided. However, the allowance for site abnormalities at 20% of build costs has been reduced to either 10% or none. I consider this approach to be generally appropriate.

Conclusion

36. The draft Charging Schedule is supported by detailed evidence of community infrastructure needs. I consider following my examination that the evidence provided and assumptions made within the modelling, together with the geographical distribution of the sites which have been tested and used as comparator evidence are generally proportionate, broadly reasonable and robust. Consequently, I conclude that the charging schedule is supported by background documents containing appropriate available evidence.

Are the charging rates informed by and consistent with the evidence?

CIL rates for residential development

Zone 1- £100 psm;

37. Zone 1, includes the high value market areas of the rural villages of Burley in Wharfedale, Menton, Ilkley and Addingham. The revised VA demonstrated that the difference between the residual site value and site threshold value, which is the maximum amount that a development can withstand in terms of a CIL payment, often known as 'headroom', reduced from around £532 to £324 psm. This indicates that the available headroom for CIL could reduce by 81% or, using the revised figures, by 69%, and the CIL charge at £100 psm would still remain viable. During the hearing representatives of a consortium of local housebuilders clarified that their main concern was the lack of consistency from Registered Social Providers in relation to the transfer values and tenure of affordable housing. The Council committed to provide further guidance on

¹² CIL/003 Bradford Community Infrastructure Levy Viability Evidence June 2015, page 62 Figure A6; Council's Response to the Examiner's Initial Observations On the Submitted Bradford Community Infrastructure Levy page 2 CIL/EX004; and Amended Version of Report September 2016 CIL/EX011 Appendix 5.

transfer values through the provision of a Supplementary Planning Document to support the draft Core Strategy affordable housing policy, and made reference to the ability to negotiate the form of tenure that is most appropriate to the viability of the scheme. As a result of which, the Consortium accepted the viability of the CIL figure as being appropriate. Moreover, even if transfer values reduce by 15% as set out in the Council's rebuttal proof, developments should still enjoy headroom of £256 psm¹³.

38. I note that there are concerns relating to infrastructure requirements within the area, and possible variations in costs related to site specific S106 contributions. However, I have not been provided with evidence to suggest that the viability of developments would be prejudiced to the extent that development would not come forward.
39. I have suggested elsewhere that once the Site Allocations development plan is further progressed that the Charging Schedule be reviewed. This would give the opportunity to reappraise assumptions in the context of more detailed development proposals and make any consequential increase or decrease in CIL rates based on viability evidence.

Zone 2- £50

40. Zone 2 includes Baildon, parts of Bingley and Silsden, and the rural villages to the west of the District such as Laycock and Oldfield. At the proposed CIL rate of £50, it provides for healthy headroom ranging from £228 psm to £129 psm (78% to 61%). This falls to £88 (43%), if transfer values reduce by 15%. Nonetheless, this remains a significant buffer.

Zone 3- £20

41. Zone 3 includes areas such as the northern part of Shipley, Haworth, Oxenhope and the southern part of Silsden and Wilsden; a CIL charge of £20 psm is proposed in this zone. At the proposed CIL rate of £20 the headroom varies between £61 and £50 (67% to around 60%). However, if the transfer values are reduced by 15% the headroom reduces to around £23 (13%). Whilst this level of headroom is lower than that generally considered as good practice in the context of CILs, given the conservative approach to site costs, including provision for site abnormalities, development would be unlikely to be put at risk.
42. The Parish Council were concerned that the levels at which CIL was to be set were considerably under that which development could stand and cited the Crack Lane site in Wilsden where sales values and the housing mix generated greater profits than previously modelled. However, by their very nature CIL rates must take a broad brush approach. Therefore, there will be anomalies where individual sites, or pockets of development, achieve considerably higher or lower values than expected. I have also been referred to the issue of whether the A6034 should provide a boundary between different charging zones. Where CIL charges are differentiated geographically boundaries are required. Therefore, whilst there may be sites where similar headroom is achieved on one side of the road as the other, a pragmatic approach is

¹³ CIL/EX016 page 2

required, and is reasonable. Moreover, as set out above, housing within Zone 3 is more sensitive to changes in inputs. Therefore, a conservative approach to setting a CIL rate appears reasonable and founded on evidence.

Zone 4 - £5

43. Zone 4 relates to the urban areas of Bradford, Keighley and the surrounding villages. It includes two value areas (4 and 5) in both of which the original VA indicates that development could not viably pay CIL.
44. It has been argued that a £5 psm charge is nominal and that as a percentage of development costs it is minimal. The original VA study demonstrated that in both value areas there was no headroom for CIL as residual site values were less than the benchmark site value¹⁴. The recent viability evidence demonstrates that viability within Zone 4 is dependent on an increase in sales values. Moreover, as an illustration of the sensitivity of such sites to changes in development costs, I am aware that were transfer values to be reduced, this positive return of £29 psm would alter to a negative value of -£7 psm¹⁵. Therefore, I consider there is a significant risk that in applying this charge, the development strategy of the Council to regenerate and build on brownfield land would be compromised. I cannot agree that the imposition of a charge of £5 psm would not 'realistically put delivery at risk'¹⁶ given that what viability there is, is dependent on increased sales values, and elsewhere within the wider zone the costs of development are consistently greater than the benchmark site value. Therefore, the proposed CIL charge would potentially result in marginally viable development becoming unviable.
45. I note that the Council has taken a very conservative approach to the buffers which are already built into its viability assessments. It may be that, in the future, sales values will continue to increase. However, I must consider the appropriateness of the CIL rates on the evidence before me. Consequently, I conclude that setting a rate of £5 psm within this zone would not be consistent with the viability evidence¹⁷.
46. I therefore recommend that the rate should be reduced to nil (**EM1**). According to the Council's estimates this would reduce forecast CIL income over the plan period by around £10.6 million¹⁸, or around a quarter. However, given the limited viability of the proposed sites, and that the imposition of a CIL charge is likely to impact significantly on the delivery of the sites, the level of forecast CIL revenues from the two value areas appears overly optimistic. Consequently, in reality, setting the charge at zero is unlikely to significantly reduce CIL income.

Care homes and student accommodation

47. The VA testing of care homes demonstrated that currently the residual site value would be less than the benchmark level for care homes and thus a CIL

¹⁴ CIL/003 Page 36 Paragraph 5.4

¹⁵ CIL/EX016 Page 2

¹⁶ CIL/EX012 Page 13

¹⁷ Planning Practice Guidance ID 25-021-20140612

¹⁸ CIL/EX016 Table 1

charge cannot be viably paid by such development.

48. The evidence suggests that there would be negative residual land values for student accommodation. There is little likelihood of further student housing being developed in the future unless directly promoted by the University¹⁹, which is located within Zone 4. Therefore, as I recommend that the levy for residential development be reduced to nil within Zone 4 there would be no requirement to make reference to student accommodation as a separate category within the Charging Schedule.

Specialist retirement housing

49. It had been argued that the Council had not adequately taken into account the increased costs associated with this form of housing. Following my request a meeting took place between the Representor and the Council's consultants. As a result of this, the viability evidence was reappraised using standard inputs for such accommodation. Following this, the evidence demonstrated that in value areas 2-5 developments would be unviable²⁰. Within the highest value area 1, headroom of £223 was demonstrated. However, given that such schemes often compete with higher value developments the Council's consultants concluded that it would be reasonable to justify an exemption against the imposition of CIL in the higher value areas²¹. This conclusion appears sensible.
50. It was agreed within a Statement of Common Ground²² that a footnote be applied to the CIL rate for residential developments exempting specialist older persons' accommodation from the charge. Since this modification is supported by the additional viability testing, I therefore recommend that the rate for specialist older persons' housing should be reduced to nil (**EM2**).

Commercial rate

Zero-Rated commercial development

51. The VA testing²³ of industrial/ warehouse, restaurants, office, leisure and hotel developments demonstrated that none of the development types would be able to support any form of CIL. Therefore, the zero rate is appropriate.

Retail development

52. The Council tested a number of scenarios ranging from a small store at 350 sq m to a large supermarket of up to 4000 sqm. Only, the large supermarket and open A1 retail warehousing exhibited any viability. Rental values and yields within Central Bradford show a positive return for retail warehousing with headroom of around 60%. This contrasts with other retail parks within the district, which using the assumptions provided, are unable to demonstrate a development profit, and therefore cannot sustain any CIL charge. Therefore, the imposition of a CIL rate at £85 psm within Central Bradford, with a nil

¹⁹ CIL/003 Page 126

²⁰ Appendix 2 ibid

²¹ CIL/EX012 Paragraphs 3.3 and 3.4 Appendix 2

²² CIL/EX017

²³ CIL/003

charge elsewhere, as delineated on the accompanying Map, is appropriate and consistent with the evidence.

53. Using the most recent viability evidence, the ability of the large supermarket to absorb CIL at £50 psm is constrained unless allowance for site abnormalities is excluded from the calculation. I concluded in paragraph 22 above, that abnormalities are meant to be just that. Therefore, for the purposes of high level testing the proposed CIL rate at £50 psm is consistent with the evidence.

All other uses

54. In order to achieve clarity and to avoid undue complexity the Council has not tested or considered further uses. Moreover, there is no evidence that such uses would make up a significant component of planned development. I conclude that this is the appropriate approach.

Conclusion

55. Therefore, I conclude from the evidence before me, that the charging rates are informed by, and broadly consistent with the evidence, except in relation to my conclusions relating to housing within Zone 4, and specialist older persons' housing throughout the District.

Does the evidence demonstrate that the proposed charge rate would not put the overall development of the area at serious risk?

56. The Council's decision to set the rates set out within the Draft Charging Schedule is broadly based on reasonable assumptions about development values and likely costs, subject to making the modifications set out in Appendix A.
57. The evidence suggests that residential and commercial development will remain viable across most of the area if the charge is applied subject to the proposed modifications.

Other Matters

58. A number of matters were raised in relation to the collection, and distribution of CIL receipts. For instance, how the CIL receipts are to be shared and spent within the community, for example with the Parish and Town Councils. Whilst, clearly very important matters, these are not matters over which I have any influence and are restricted by the provisions of the CIL regulations. Nonetheless, I would strongly suggest that the Council takes the opportunity to work closely with Parish and Town Council representatives to ensure that there is clarity of expectations. On a more general note, the Council should make every effort to provide information on the mechanics of the collection, and spending of CIL receipts. This would be of benefit to all those involved in the development industry in Bradford, including the general public, Parish and Town Councils, and infrastructure providers.

Conclusion

59. In setting the CIL charging rate the Council has had regard to detailed

evidence on infrastructure planning and the economic viability evidence of the development market in the City of Bradford Metropolitan District. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that a range of development remains viable across the authority area. However, in addition to the modifications set out below, I consider it appropriate, given the particular circumstances that have been highlighted through this examination, such as possible significant increases in viability of developments within the Residential Charging Zones, as well as the uncertainty around the emerging Local Plans, that an early review of the Charging Schedule should take place.

| LEGAL REQUIREMENTS | |
|---|--|
| National Policy/Guidance | The Charging Schedule complies with national policy/guidance. |
| 2008 Planning Act and 2010 Regulations (as amended) | The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the emerging Core Strategy and Local Infrastructure Plan and is supported by an adequate financial appraisal. |

60. I conclude that subject to the modifications set out in Appendix A the Draft Bradford District Community Infrastructure Levy Charging Schedule satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that the Charging Schedule be approved.

Louise Nurser

Examiner

This report is accompanied by:

Appendix A (attached) – Modifications that the examiner specifies so that the Charging Schedule may be approved.

Appendix A

Modification recommended by the examiner so that the charging schedule may be approved.

| Examiner Modification (EM) Number | Reference | Modification |
|-----------------------------------|---|--|
| EM1 | Draft Charging Schedule Proposed CIL Charging Zone 4 | Amend from £5 to £0 and make consequential changes to the key. |
| EM2 | Draft Charging Schedule Proposed CIL Charging Zones 1-3 | Insert footnote 'Excludes specialist older persons' housing (also known as Sheltered/Retirement/Extra Care) defined as residential units which are sold with an age restriction typically to the over 50s/55s with design features, communal facilities and support available to enable self-care and independent living.' |