

- 5.1 There is indeed a danger that the case for providing some community infrastructure through s.106 might be conceded in negotiations with the developers, as there is (of course) greater room for debate in the tests set out in paragraph 204 of the NPPF than there is over CIL.
- 5.2 I question whether SSDC have set out, with sufficient transparency, how their section 106 policies will be varied in accordance with the recommendations of paragraph 097 of the PPG (ID: 25-097-20140612); and how this is based on reliable and robust evidence.
- 5.2 The Localism Act introduced an important change to CIL, requiring charging authorities to pass on a proportion of the levy raised to local communities, in recognition of the impact that major new housing schemes (for example) can have on those communities. I suggest that the legal right of those communities should not be overridden by a decision to adopt a zero rate for CIL, without strong evidence to justify that decision. In my opinion, SSDC have not produced such evidence to date, and the proposal to adopt a zero rate for CIL on the Yeovil SUEs has not been justified.
- 5.3 Existing infrastructure in both Mudford and East Coker Parishes will be overstretched by the additional populations in the SUEs but it is equally important that the new households should be encouraged, and able, to integrate with the existing communities by providing appropriate new facilities. Both Parish Councils have ideas on how this might be achieved, but do not have the resources to achieve those aspirations. Whilst these might be achieved through s.106 obligations, there is no guarantee that they will be; and there is a significant possibility, given SSDC's approach to viability, that they will not.
- 5.4 To take just one example, every person living in a Parish has a common law right of burial in the churchyard or burial ground of that Parish, irrespective of the length of time that (s)he has lived there (please see Appendix H). Mudford Parish Council has already identified that the existing churchyard would need to be expanded to meet this requirement, and has established that land might be available for that purpose. This is referred to in the Interim Report from Clive Miller & Associates in March 2016, which is one of the Examination documents. That Report reaches no firm conclusions on a way forward, but the author suggests that the provision of additional land to meet the long term burial needs, not just of Mudford Parish, but of Yeovil as a whole, might be funded through CIL and included on the list of Regulation 123 projects. As far as I am aware, SSDC has not yet acted on that suggestion, although at face value this appears to be a sensible proposal – particularly if a positive CIL charge is applied to the two Yeovil SUE's.
- 5.5 In conclusion, for all the reasons set out in my combined statements for the Examination, and on behalf of both Mudford and East Coker Parish Councils, **I ask the Examiner to recommend that a charging rate of £40 per sqm be applied to the two Yeovil SUEs**, as being an appropriate modification to SSDC's Draft Charging Schedule, based on the evidence provided in and with my statements.

Andrew Burrows MA FRICS