

**Statement made by Cllr Nigel Gage at the Community Infrastructure Levy Charging  
Schedule Examination: Sent Thu 11/08/2016 10:30**

In order to judge the current Community Infrastructure Levy proposals I have reverted back to the original documentation we received outlining the MAIN principles on which any introduction of CIL would rely on.

- 1) To raise significant monies for identified infrastructure improvements.
- 2) All agreed monies to be paid upfront ie before development begins.
- 3) The standard charge that is 'levied' will be across ALL eligible developments.
- 4) NOT for negotiation, factored into overall cost of development.
- 5) To bring certainty to ALL, Developer, Local Authority and Community.

The current proposals fail in it's primary objective to raise significant monies for identified infrastructure improvements.

The estimated £13 million to be raised by 2028 does not relate in any shape or form to a significant amount when judged against a requirement of £124 million.

This must also be set against the fact that the last two 106 viability tests resulted in £13 and £7 million pounds being discounted from agreed 106 contracts.

Another intention of the original aspiration for CIL requirements was that ALL monies should be paid upfront and that by doing this it would put a little more pressure on the developer to build out the houses a little quicker. We are continually being told that the reason for NOT having a 5 year land supply is that you can pass all the necessary planning consent etc and take the developer to the building site, but you can't make him build, this would be a small push in the right direction.

The fact, that for the larger developments, monies can be paid in instalments over the life of the build, only leads to greater UNCERTAINTY as to whether a viability test could result in monies NOT being paid.

It seems that CIL payments have followed the 106 model which has resulted in the unedifying picture of people buying a house with the expectancy of a school and community facilities being close by only, to be told at a later date that it was not to be.

The CIL consultation should bring CLARITY, UNDERSTANDING, CERTAINTY for ALL the Developer, Local Authority and most of all the COMMUNITY but these proposals do none of this.

#### VIABILITY TESTS

The sentence that sums up my view surrounding viability tests is one that I have already quoted ;

" The introduction of CIL must result in certainty for all, does the current

proposals achieve this requirement, my view is NO, it brings a certain amount of certainty for the developer but only uncertainty for everyone else". The current proposals seem to have used the current 106 rules as a template for the larger developments.

The greatest impact on demand is uncertainty and viability tests breed uncertainty as they can only be a snapshot in time when many of the larger developments are active for many years.

Indeed, in quite a short period of time, the building trade has moved from record completions to the ONS view the it has now moved into recession.

To date our experience of viability tests have not proved to be a positive one and resulted in a complaint being made to the District Auditor in which he made the following statement;

"Given that in taking the decision, members did not, in our view, have all the necessary information provided to them, the decision may be unlawful".

In my view there is no justification whatsoever for viability testing playing any part in any Community Infrastructure Levy agreement.

#### ADDENDUM

First of all can i thank you for a very informative and well organised meeting.

I found it very disappointing, that the following day, the SSDC planning department found it necessary to send an email to a number of developers stating that "Despite Cllr Gage's misjudged criticism yesterday".

The comments i made were quoted verbatim from a statement made by the District Auditor when replying to complaints made by a number of District Councillors.

Regards  
Cllr Nigel Gage