

Community Infrastructure Levy (CIL)

Partial Charging Schedule Review November-January 2023-2024

Comment Form

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Your name ...Henry Venners.....

Organisation (if applicable).....

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Please give us your comments on Oxford's CIL Charging Schedule Partial Review. We would be interested to hear your views on:

1. The proposed rates of CIL charges;
2. The background evidence supporting them; and
3. Any other comments relating to this consultation.

The CIL rates are being reviewed. I act for a number of farmers, I write largely with them in mind.

The BNP Paribas viability assessment does not test any agricultural or equestrian development. That is not unexpected given the infrequent number of sales and the total absence of any speculative agricultural planning applications leading to a sale of land.

Much if not all of the evidence relates to housing evidence including that from housing bodies such as the local housing delivery group. There is no obvious evidence about farm or equestrian development.

As such there is zero evidence on offer to show that viability impact upon this type of development has been considered. It is my view that CIL charging would make such development uneconomic.

There is no evidence at all to show that providing a building makes farm or equestrian land more valuable, or that sales ensue. As such there is nothing from which these important uses can do to capture land value uplift. There is no such value uplift. Or if there is it has not been quantified. Local food production remains an essential industry- a base of 'essential infrastructure' if you like.

My objection to the inclusion of these forms of development (which do not incur any obvious need for infrastructure in any event), can be overcome by them being zero rated. It is not enough to say that there were previously charged; if that decision was erroneously made there is now an opportunity to correct that error.

The CIL regulations state that in setting a charge, local authorities must strike “*an appropriate balance*” between revenue maximisation on the one hand and the potentially adverse impact upon the viability of development on the other.

This test is failed in the example development types I refer to above.

Farmers have lost other funding sources (government support payments) and this risks jeopardising otherwise beneficial or harmless (in a CIL sense) developments. Farm or equestrian developments do not create a need for roads, hospitals, schools or community centres. Paragraph 11 of the main consultation document confirms only that ‘most’ development has some impact on development. The CIL regulations and Cil tests more generally require that only mitigating the actual impacts of development would generate a need for a planning obligation.

There is reference to development on farmland for other purposes but not development for agriculture itself. A blind spot. There may be limited development of such in the city but in the tests of fairness such development should not be made unviable through ignorance or wilful oversight. There will remain farmland in the charging area on which developments can occur, and the City boundary may change when new developments come forward in the neighbouring districts as already planned. The boundaries changed previously and it is reasonable to think they may again when those housing developments are to meet Oxford’s housing needs.

Hitherto Class D1 and D2 uses were nil rated. These can really be considered infrastructure developments. These are now more often found in use Class F. In the city there is no fear of vast numbers of shops falling in Use Class F given the proximity to other shops in the city environment. There is no allowance for such well meant and desirable uses coming forward sans CIL charge, but there should be.

Hospitals, swimming pools, meeting and schools are not sold. If there is no sale then there is nothing to generate the cash to pay the CIL that the development will need to pay. The charging of Cil on infrastructure development like hospitals only makes the costs of delivery higher, and enters a vicious circle. Charging Cil risks making those desirable uses less likely to happen given that they have to find more money to make them happen. Not all such ventures will necessarily be given charitable exemption.

Development that actually is infrastructure should not be charged CIL.

It is simply guess work or assumption that Class F uses can viably afford any CIL at all. Until that is proven they, and Classes E(d), E(e) and E(f), should remain zero rated.

The conclusion at 6.55 of the BNP report is a false statement; it states:

‘we have tested the capacity of development typologies in the City to absorb alternative CIL rates to those in the adopted Charging Schedule’

what it really should say is:

we have tested the capacity of selected (profitable) development typologies in the City to absorb alternative CIL rates to those in the adopted Charging Schedule, and omitted to consider a number of uses, nor have we reasoned why we have not considered or tested them.

that the conclusion section totally omits to mention impacts on Class F, equestrian or farming, or Class E(d), E(e), or E(f) development is telling. In short there is no evidence to justify any CIL charges on those forms of development. Failing to consider such forms of development is a failing. Accordingly the Charging Authority can show or explain how their proposed rates will support development in the area. Nor have they used reasonable evidence, thus fail to meet PPG guidance: Paragraph: 016 Reference ID: 25-016-20190901. If such developments are considered insignificant in terms of Cil receipts, then there is then no reason to charge Cil upon them.

insert 'not'

There is no evidence that not charging CIL (as we suggest is most appropriate) would reduce the prospects of delivery policy objectives. These less frequent forms/types of development are not a 'lowest common denominator' in the language of BNP Paribas. The forms of development we mention are not the developers/development that Cil was ever designed to catch. The Charging Authority has previously noted the need for differential rates and zero rating. It remains appropriate to do that now, in accord with Paragraph: 022 Reference ID: 25-022-20230104.

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Please use additional sheets if necessary.

Yes x	Please tick this box to request your representation is heard by the examiner – please detail in your comment any relevant details or evidence to support the request
Yes x	Please tick this box to be notified when the charging schedule is submitted to the examiner

You can submit your response online at: www.oxford.gov.uk/consultation or send us the completed form via email or post to the address below.

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