

## **Rugby Borough Council Community Infrastructure Levy – Statement of representations made in respect of the draft charging schedule**

Three regulation 16 consultations were held in respect of the draft CIL charging schedule.

### **The first consultation 7<sup>th</sup> October to 18<sup>th</sup> November 2022**

The first regulation 16 consultation took place for six weeks between 7<sup>th</sup> October 2022 and 18<sup>th</sup> November 2022. A notice of the consultation was placed in The Rugby Observer on Thursday 6<sup>th</sup> October 2022. The first consultation included a simultaneous consultation on a draft Planning Obligations Supplementary Planning Document. Therefore, some of the responses received related to that SPD, rather than the draft charging schedule. At the time of writing the draft Planning Obligations SPD is under review and has not yet proceeded to adoption.

Notice of the consultation was sent to all those on the council's planning consultation database by email or letter.

During the consultation period a copy of the draft charging schedule and supporting evidence were made available on the council's website and at the following locations:

Rugby Borough Council's offices, Town Hall, Evreux Way, Rugby, CV12 2RR,  
Rugby Library and Information Centre, Little Elborow Street, Rugby, CV21  
3BZ  
Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 6PA  
Wolston Library and Information Centre, Warwick Road, Wolston, Coventry,  
CV8 3GX.

Eleven responses were received in response to the first consultation. A summary of the main issues raised in those responses, and how those representations were taken into account is set out in **Appendix 1** below.

Following the first regulation 16 consultation and taking into account representations received, the council produced additional viability testing evidence and made the following changes to the charging schedule:

- zero rating developments of apartments within the urban area of Rugby town due to additional viability evidence showing such developments cannot support the CIL; and
- zero rating residential development within the Rugby Radio Station/Houlton strategic site allocation, bringing Houlton into line with the charging approach for the Coton Park East and South West Rugby strategic sites.

Additional viability modelling was also undertaken for smaller supermarkets, which had not previously been tested.

The modelling showed smaller supermarkets can support the proposed retail CIL charging rate, so no change was made to the draft schedule in relation to retail.

## **The second consultation 8<sup>th</sup> May to 16<sup>th</sup> June 2023**

Considering the changes to the draft charging schedule, a second regulation 16 consultation took place for six weeks between Monday 8<sup>th</sup> May 2023 and Friday 16<sup>th</sup> June 2023. A notice of the consultation was placed in The Rugby Observer on Thursday 4 May 2023. A copy of the consultation notice is attached at **Appendix 2**.

Notice of the consultation and the statement of representations procedure were sent to all those on the council's planning consultation database by email or letter.

During the consultation period a copy of the draft charging schedule and supporting evidence were made available on the council's website and at the following locations:

Rugby Borough Council's offices, Town Hall, Evreux Way, Rugby, CV12 2RR,  
Rugby Library and Information Centre, Little Elborow Street, Rugby, CV21  
3BZ  
Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 6PA  
Wolston Library and Information Centre, Warwick Road, Wolston, Coventry,  
CV8 3GX.

Fourteen responses were received to the second consultation. A summary of the main issues raised in those responses, and how those representations were taken into account is set out in **Appendix 3** below.

## **The third consultation 7<sup>th</sup> August to 4<sup>th</sup> September 2023**

Considering comments received in response to the second consultation, the council elected to update its viability evidence to use the most up to date available costs and values.

The viability evidence, as with previous versions, showed that industrial, light industrial and storage and distribution uses could viably support a CIL charge of up to £11 per square metre.

The viability report, as with previous versions, advised that the council could consider setting a nominal rate of circa £5 per square metre for these uses given the quantum of floor space that may come forward in future.

In July 2023 the council elected to amend the draft charging schedule to incorporate a charge for industrial, light industrial and storage and distribution uses of £5 per square metre. Such a charge had not been included in the draft charging schedules consulted on in the first and the second consultations.

The third consultation took place for four weeks between 7<sup>th</sup> August and 4<sup>th</sup> September 2023.

A notice of the consultation was, as with the previous consultations, placed in the Rugby Observer on Thursday 3<sup>rd</sup> August 2023 (**Appendix 5**).

Notice of the consultation and the statement of representations procedure were sent to all those on the council's planning consultation database by email or letter.

During the consultation period a copy of the draft charging schedule and supporting evidence were made available on the council's website and at the following locations:

Rugby Borough Council's offices, Town Hall, Evreux Way, Rugby, CV12 2RR,  
Rugby Library and Information Centre, Little Elborow Street, Rugby, CV21  
3BZ

Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 6PA  
Wolston Library and Information Centre, Warwick Road, Wolston, Coventry,  
CV8 3GX.

Seventeen responses were received to the third consultation. A summary of the main issues raised in those responses, and how those representations were taken into account is set out in **Appendix 6** below.

The full consultation document that was used for the third consultation is included at **Appendix 7** below.

# Appendix 1

## Press notice of the first public consultation

The Rugby Observer, Thursday October 6, 2022

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# Classified

TELEPHONE: 01788 220445 FACSIMILE: 01788 220446

WWW.DIRECTORY247.CO.UK

### Warwickshire County Council

#### ROAD TRAFFIC REGULATION ACT 1984

Warwickshire County Council has made the following Temporary Traffic Orders:

**D2190 ORCHARD WAY, STRETTON-ON-DUNSMORE**  
Order Effect: Road closed to vehicular traffic from its junction with Platt Lane to the end of the cul-de-sac.  
Reason for Order: Footway reconstruction and associated works, 08.00hrs - 17.00hrs.  
Order Commences: 10 October 2022 for up to 18 months.  
Anticipated Completion: 27 October 2022.  
Contractor: Balfour Beatty, Tel: 03432 415 302.

**D3139 GLAISTONE STREET, RUGBY**  
Order Effect: Road closed to vehicular traffic between the junctions of Avenue Road and Folliard Road. The 7.5t weight limit for Victoria Street and Avenue Road (between the junctions of Gladstone Road and Victoria Street) will be temporarily suspended while works are in progress.  
Reason for Order: Carriageway patching and associated works, 08.00hrs - 16.00hrs.  
Order Commenced: 9 May 2022 for up to 18 months. However the works were delayed and rescheduled to 6 September 2022. Unfortunately, the works were again delayed by circumstances beyond our control but have been rescheduled to 19 October 2022.  
Access & Diversion: Edward Street, Oliver Street, Lawford Road, Victoria Street, Avenue Street and vic versa.  
Contractor: Balfour Beatty, Tel: 03432 415 302.

**D3260 HART CLOSE, RUGBY**  
Order Effect: Road closed to vehicular traffic from its junction with Lower Hillmorton Road to end of cul-de-sac.  
Reason for Order: Footway reconstruction and associated works, 08.00hrs - 17.00hrs weekdays only.  
Order Commences: 10 October 2022 for up to 18 months.  
Anticipated Completion: 21 October 2022.  
Access & Diversion: There is no available diversion.  
Contractor: Balfour Beatty, Tel: 03432 415 302.

**HILLMORTON LANE & THE KEAT, CLIFTON ON DUNSMORE**  
Order Effect: Roads closed to vehicular traffic as follows: Hillmorton Lane closed between the junctions with Libourne Road and Houlton Way. The Keat closed between its junctions with Lower Hillmorton Road and Houlton Way while works are in progress.  
Reason for Order: To enable works for traffic calming measures and street lighting, 08.30hrs - 15.30hrs weekdays only.  
Order Commenced: 25 July 2022 for up to 18 months. Unfortunately, these works were delayed but have now been rescheduled as follows: 17 October 2022 - 3 November 2022.  
Access & Diversion: Lower Hill Morton Road, Clifton Road, Vicarage Hill, Rugby Road, Main Street, Libourne Road and vic versa. Access to frontages will be maintained where safety on site permits.  
Contractor: Balfour Beatty, Tel: 03432 415 302.

Warwickshire County Council proposes to make the following Temporary Traffic Orders:

**PUBLIC FOOTPATH R144 RYTON ON DUNSMORE**  
Order Effect: Footpath closed to ALL traffic between Grid References E44046Z, N73559 and E42949Z, N747496.  
Reason for Order: Because works are being carried out on or near to the footpath.  
Order Commences: 21 October 2022 for up to 6 months.  
Access & Diversion: please use an alternative public route.  
Contractor: Smiths Concrete Ltd, Tel: 07929 362 801.

**WHEATFIELD ROAD, RUGBY**  
Order Effect: Road closed to vehicular traffic.  
Reason for Order: To enable works for the replacement of a defective manhole frame and cover.  
Order Commences: 26 October 2022 for up to 18 months.  
Anticipated Completion: 26 October 2022.  
Access & Diversion: Wheatfield Road, Addison Road, Bilton Road, Plexfield Road, Hillfield Road and vic versa.  
Contractor: For Seven Trent Water Customer Solutions Plus, tel: 07918 289 263.

For all of the above temporary orders, pedestrian access to and egress from properties and land situated adjacent to the length of road to be closed will be maintained at all times. Vehicular access will be maintained where possible.

To report any problems with these works or for further details of our current & planned roadworks visit our website [warwickshire.gov.uk/roadworksmap](http://warwickshire.gov.uk/roadworksmap) or call us 01926 412915.

**NOTICE OF PUBLIC PATH DIVERSION ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 AND PARAGRAPH 1 OF SCHEDULE 14**

**WARWICKSHIRE COUNTY COUNCIL (PART OF PUBLIC FOOTPATH NO. R85 RUGBY) PUBLIC PATH DIVERSION ORDER 2022 (ORDER)**

On 4 October 2022 WARWICKSHIRE COUNTY COUNCIL (Council) confirmed the above Order made under section 257 of the Town and Country Planning Act 1990 (TCPA 1990) because it is satisfied that it is necessary to divert part of footpath R85 to which the Order relates to enable the development described below to be carried out in accordance with the outline planning permission granted by the Council under reference RBC/18CM017 on 18th March 2021.

The effect of the Order as confirmed will DIVERT Part of Public Footpath R85 shown by a continuous black line over the land on the Order Plan and measuring 58 metres long to the position as shown by a broken black line on the Order Plan and measuring 92 metres long.

A copy of the Order as confirmed and the Order Plan can be viewed on the Council's website at <https://planning.warwickshire.gov.uk/> and may be seen free of charge at the offices of Warwickshire County Council, Shire Hall, Market Square, Warwick CV34 4SA from 9am - 5.30pm on weekdays, (5pm Fridays) and 9am - 4pm Saturdays. A copy of the Confirmed Order and Order Plan may be bought there at the price of £5.77. Copies may also be inspected at the offices of the Rugby Borough Council, Town Hall, Evreux Way, Rugby, CV21 2RR between 9.00am and 5.00pm Monday - Friday and online at [www.warwickshire.gov.uk/pathorders](http://www.warwickshire.gov.uk/pathorders).

The Order as confirmed comes into force on 11 October 2022 but if a person approved by the order wants to question its validity or that of any provision contained in it, on the ground that any requirement of the Act, as amended, or of any regulation made under the Act has not been complied with in relation to the order he or she may within 6 weeks from 4 October 2022 make an application to the High Court.

S Danbury, Assistant Director of Governance & Policy, Shire Hall, Warwick CV34 4RL Date 06 Oct 2022

### PUBLIC NOTICES

#### RUGBY BOROUGH COUNCIL

##### THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012, AS AMENDED.

Notice of publication of Climate Change and Sustainable Construction SPD 2022. Public Consultation: 7th October to 18th November 2022.

Comments are being sought on the draft Climate Change SPD 2022. The document is available at: [www.rugby.gov.uk/consultations](http://www.rugby.gov.uk/consultations)

Representations by letter should be sent to: Development Strategy, Rugby Borough Council, Town Hall, Evreux Way, Rugby, CV21 2RR or by email: [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk)

Rugby Borough Council should receive all representations by 5pm on Friday 18th November 2022.

#### RUGBY BOROUGH COUNCIL

##### THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012, AS AMENDED AND THE COMMUNITY INFRASTRUCTURE LEVY REGULATION 2010 (AS AMENDED).

Notice of publication of Draft Community Infrastructure Charging Schedule and Planning Obligations Supplementary Planning Document 2022: 7th October to 18th November 2022.

Comments are being sought on the Draft Community Infrastructure Charging Schedule and Planning Obligations Supplementary Planning Document 2022. The documents are available at: [www.rugby.gov.uk/consultations](http://www.rugby.gov.uk/consultations)

Representations by letter should be sent to: Development Strategy, Rugby Borough Council, Evreux Way, Town Hall, Rugby, CV21 2RR or by email: [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk)

Rugby Borough Council should receive all representations by 5pm on Friday 18th November 2022.

#### Rugby Borough Council

##### The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.

Notice of publication of Gypsy and Traveller Issues and Options Paper 2022 and associated Sustainability Appraisal Public Consultation: 7th October to 18th November 2022.

Comments are being sought on the Gypsy and Traveller Issues & Options Development Plan Document (DPD) 2022 and associated Sustainability Appraisal. The documents are available at: [www.rugby.gov.uk/consultations](http://www.rugby.gov.uk/consultations)

Representations by letter should be sent to: Development Strategy, Rugby Borough Council, Town Hall, Evreux Way, Rugby, CV21 2RR or by email: [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk)

Rugby Borough Council should receive all representations by 5pm on Friday 18th November 2022.

### LICENSING ACT 2003

#### NOTICE OF APPLICATION FOR GRANT/PROVISIONAL STATEMENT OF A PREMISES LICENCE/CLUB PREMISES CERTIFICATE UNDER THE LICENSING ACT 2003

Satchne's Corner, 17 Church Street, Rugby CV21 3PH

Notice is given that on October 5th, 2022 Gillian Louise Larner applied to Rugby Borough Council for the grant of a Premises Licence under the Licensing Act 2003.

Satchne's Corner Cafe, Bar and Bistro, at the corner of Church Street and Albert Street, Rugby. The licensable activities and hours are: 07.00 - 23.00, with alcohol being sold from 12.00 (mid-day), seven days a week.

Anyone who wishes to make representations regarding this application must give notice in writing to: Head of Environmental Services, Rugby Borough Council, Town Hall, Rugby, CV21 2RR. Representations must be received no later than: November 3, 2022.

The Licensing Authority's Register may be viewed during normal office hours at the above address. It is an offence under Section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (unlimited).

### PUBLIC NOTICES

#### Rugby Borough Council

##### Town and Country Planning Act 1990 (as amended)

Application Number R22/0851  
CAR PARK, LIBOURNE ROAD, CLIFTON UPON DUNSMORE

Demolition and reinstatement of boundary wall to car park.

This development may affect a Conservation Area.

Members of the public may inspect copies of the application, the plans and documents submitted with it online at: [www.planningportal.rugby.gov.uk](http://www.planningportal.rugby.gov.uk) or in an electronic form at: Town Hall, Evreux Way, Rugby, CV21 2RR between the hours of 9.00 am and 5.00 pm Monday to Friday until 27th October 2022. Please note a planning officer will not be present. If you wish to make an appointment to discuss the application, please contact the case officer.

Any person who wishes to make representation to the above mentioned Council about the applications should make them online - [www.planningportal.rugby.gov.uk](http://www.planningportal.rugby.gov.uk) (search for application number and select comment) - or in writing by that date to Chief Officer - Growth and Investment, Town Hall, Rugby, CV21 2RR.

If an application is determined by the Planning Committee, members of the public may have the opportunity to speak at the meeting. More details about public speaking are available from the Council or on-line at: [www.rugby.gov.uk/speakingplanning](http://www.rugby.gov.uk/speakingplanning)

For household or minor commercial applications, in the event of an appeal against a refusal of planning permission, deal with on the basis of representations in writing, any representations made will be sent to the Secretary of State, and there will be no further opportunity to comment at the appeal stage.

Nicola Smith  
Chief Officer - Growth and Investment

#### RAYMOND GEORGE ROSE

(Overseas)  
Pursuant to the Trustee Act 1925 my sons, having a claim against or an interest in the Estate of the above named, late of St Marys Nursing Home, Warwick, have agreed that the undersigned on or after the date hereof shall be distributed being agreed by the executors and trustees of which they have been named.

Pennine Solicitors LLP,  
Solicitors for the above named,  
CV1 3DR (Ref: RG2002/00001)

### SALES & WANTS

#### MISCELLANEOUS

**BEDS** NEW Dossies 405 Singles £59 King size £159, Second hand dossies 449 Singles £29 Fridges 649 Freezers 659 Can deliver 07703 925662

**RECLINER CHAIR** electric rise & recline £169 Manual recline chair £60 High seated chair £40 Can deliver 07703 925662

**TRAILER** 5' x 3' galvansit, hinged tailgate, spare wheel, height extensions, lid, garage stores 250.00, telephone number 07821625175

**TABLE** tennis full size, old but good condition, inspection welcome, free for collection, telephone number 01905 421715

**WEIGHTED** blanket 150cm x 200cm, new, good condition 25.00, telephone number 07883715821

**FLOOR** sweeper upright rechargeable with charger, light weight for all floors, hardly used 25.00, telephone number 0774205123

**STEP** stool wooden on pallet step seat at top, light wooden colour, handy for reaching cupboards 25.00, telephone number 0774205123

**OFFICE** chair fully adjustable with arms high backed blue material on castors, thick padded 30.00, telephone number 0774205123

**ROYAL** Worcester Queen Elizabeth111 office cups & saucers x 7 slight seconds from 1990's 15.00 each, telephone number 0774205123

**ROYAL** Worcester Queen Elizabeth111 office cups and saucers x 6 blue/white gold rim 40.00, telephone number 0774205123

**LADIES** exercise bike Marcy pour femme, available free - must be collected (Southam), telephone number 01926 811592

### SALES & WANTS

#### MISCELLANEOUS

**10 LADIES'** bras never worn Size 36E pink brown black M&S, 38D Autograph Grey, 38C Black/pink/Grey M&S, 30E Autograph Red Triumph, 38E Black M&S, 30DD Pink/Beige TLI Original cost 15-20, For sale 8.00 each

**WOODEN** FOOTBALL TABLE never used & still boxed 95 x 51 x 72 cm. Ideal Christmas present, only 25.00, telephone number 07960 450 874

**PARKER** Knoll rocking chair in excellent condition, model number PK988 series 125.00 O.N.O., telephone number 0121 288 2745

**3 DRAW** bedside cabinet W25 x H23 x D16.5 inches, brown teak colour, good condition 8.00, telephone number 07795240533

**WHITE** square line guirning, length 2300mm, new surplus on order 5.00, telephone number 07795240533

**Brand new** winter warmer Sansar luxury blanket 200 x 240cm 12.00, telephone number 07795240533

**NEW** large suitcase with wheels 25.00, telephone number 0749685928

**3.00** Telephone number 0749685928

**ROCKING** foot stool 3.00, Telephone number 07721197331

**NEW PARASOL** with base 30.00, Telephone number 0121 745 3226

**TRAVEL** cot, good condition 10.00, Telephone number 0121 745 3226

**CHILD** booster seat 5.00, Telephone number 0121 745 3226

**PARKER** lotter ball pen/Biro, black plastic stainless steel. Blue or black refill 3.00, Telephone number 01905769944

**HEADBOARD** double size light brown suede effect 20" depth slots onto bed base 35.00, Telephone number 0774205123

**ROCKING** foot stool 3.00, Telephone number 07721197331

### WANTED

#### Motorcycles and Scooters

Any cc, condition or age, good prices paid

07944 781 933 | 01926 257 643

### PROBLEM?

Better call an Expert!

Our classified pages are full of Local Experts waiting to help

GIVE THEM A CALL!



## Appendix 2

### Main issues raised in responses to the first R16 consultation (7<sup>th</sup> October 2022 to 18<sup>th</sup> November 2022) and how those responses were taken into account

Respondent	Main issues raised	How the representations were taken into account
Hinckley & Bosworth BC	Support CIL	Support welcomed
Integrated Care Systems (Coventry & Warwickshire)	Welcome CIL and S106 SPD as they are mechanisms to increase funding for health expenditure	Support welcomed
Homes England	Welcome decision to exempt SW Rugby site from CIL due to infrastructure costs, ask that any CIL generated is used to help deliver the SW Rugby allocation	Support welcomed. Allocation of CIL revenue will be a matter for the council to decide. Spending priorities will be updated annually through the Annual Infrastructure Funding Statement.
Coal Authority	No specific comments	Noted
Historic England	<ol style="list-style-type: none"> <li>1) Make exceptional circumstances relief from CIL available when the development in question is on the heritage assets at risk register.</li> <li>2) In S106 SPD add following wording <i>'Opportunities for conservation and enhancement of the historic environment will be sought through development proposals which have an impact on a heritage asset and/or its setting.'</i></li> </ol>	<ol style="list-style-type: none"> <li>1. One of the key advantages of the CIL system is the simplicity of the system. Making exceptional circumstances relief available would make the system more complicated increasing administrative costs. Amending S106 contributions to reflect viability concerns is a long established and well understood mechanism and as such is the Council's preferred approach. Exceptional circumstances relief can be 'switched on' after CIL is introduced. The council will keep the need to do this under review.</li> <li>2. The Council is content to amend the wording of the s106 SPD to reflect this suggested change.</li> </ol>
RPS obo Taylor Wimpey	<ol style="list-style-type: none"> <li>1) S106 SPD should allow for improvements to be delivered by developers.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Council is content to amend wording to reflect this.</li> </ol>

Respondent	Main issues raised	How the representations were taken into account
	2) Unclear how contributions to voluntary sector will meet tests for s106 obligations	2. Contributions may comply with regulations depending on the nature of the application. The council doesn't want to preclude supporting the voluntary sector from the outset.
Tetlow King obo Retirement Villages Ltd	Language on page 7 of draft CIL charging schedule needs amending to be more precise at footnote 2 definition should be expanded as follows <i>'Retirement living or sheltered housing; Extra care housing or housing-with-care and Residential care homes and nursing homes as defined by Paragraph: 010 Reference ID: 63-010-20190626 of the Planning Practice Guidance'</i>	The CIL viability study shows most forms of older person's housing are unable to viability support CIL. This change was reflected in the amended draft charging schedule consulted on in the second consultation.
Quod obo SDI PropCo (100) Ltd	1) Paragraph 18 of the CIL Draft Charging Schedule makes reference to "convenience retail" being exempt and "comparison retail supermarkets" being CIL chargeable. We consider this to be a drafting error as Table 1 and the accompanying (Community Infrastructure Levy Viability Assessment Review (October 2022)) make reference to "convenience retail" not comparison retail as being chargeable. Please amend Paragraph 18 accordingly. 2) Would like footnote 2 amending to exclude accommodation for trainees as follows <i>"Residential excludes onsite worker and trainee accommodation, student"</i>	1. This was corrected in the amended draft charging schedule for the second consultation.  2. No change made. Depending upon its scale, the type of worker/trainee accommodation proposed may be a C4 or sui generis house in multiple occupation, which is expressly excluded from the definition of 'residential' in the charging schedule. However, if the proposed accommodation is not a HMO, but is in fact a residential dwellinghouse use, that happens to be occupied by employees of a particular company, then there is no clear reason why it should be excluded from the residential rate.

Respondent	Main issues raised	How the representations were taken into account
	<i>accommodation, HMO's, sheltered housing."</i>	
David Locke Associates obo Urban & Civic	For the avoidance of doubt and to ensure consistency between the plans and paragraph 16, it is recommended that the plans are amended so that the Houlton site is shown as exempt.	The amended draft charging schedule consulted on in the second consultation made this change.
Q&A Planning obo Karenor Partners Ltd	<p>1. flatted developments in the town centre have not been assessed so should be zero rated for CIL.</p> <p>2. should have a threshold for retail schemes applying a CIL to retail schemes above 2,500 sq.m.</p>	<p>1. Additional viability testing was undertaken on flatted developments in the urban areas following the first consultation. This shows that such developments cannot viably support CIL. On this basis the amended draft charging schedule for the second consultation zero rated flatted developments.</p> <p>2. Additional retail viability testing was undertaken following the first consultation and this showed that smaller convenience retail schemes can support CIL. Accordingly, no change was made to the draft charging schedule.</p>
Pegasus obo Persimmon Homes Central	<p>1. make exceptional circumstances relief available</p> <p>2. In S106 SPD be clear that a developer won't be expected to pay for the same piece of infrastructure twice via a CIL and a S106 agreement</p>	<p>1. One of the key advantages of the CIL system is the simplicity of the system. Making exception circumstances relief available would make the system more complicated increasing administrative costs. Amending S106 contributions to reflect viability concerns is a long established and well understood mechanism and as such is the Council's preferred approach. Exceptional circumstances relief can be 'switched on' after CIL is introduced. The council will keep the need to do this under review.</p> <p>2. It is not the intention to double charge for the same infrastructure through s106 and CIL.</p>

Respondent	Main issues raised	How the representations were taken into account
<p>Terence O Rourke obo William Davis Homes</p>	<p>1. Does not believe authority need to implement a CIL as S106 mechanism is successful.</p> <p>2. CIL funding gap inaccurate as does not show latest infrastructure funding statement.</p> <p>3. Exempting strategic sites places unfair burden on other sites impeding delivery of much needed housing.</p> <p>4. BNP Viability assessment has been overtaken by events and as such it out of date and an inaccurate base to work from.</p> <p>5. S106 SPD needs to contain more guidance on how RBC expects viability assessments to be undertaken</p>	<p>1. The updated infrastructure funding evidence shows a significant funding gap to which CIL can make a meaningful contribution.</p> <p>2 The infrastructure funding evidence was updated in July 2023 and published as part of the third consultation.</p> <p>3 Strategic sites will not be paying a CIL due to the high level of S106 requirements needed to deliver infrastructure on these sites. They will be contributing, just not via CIL.</p> <p>4 The costs and values in the viability assessment were updated in July 2023 and the updated viability assessment was published as part of the third consultation.</p> <p>5 There is a Planning Practice Guidance section dedicated to viability and its assessment. The council is unclear what further local guidance William David Homes would require.</p>



## Appendix 3

### Press notice of the second public consultation

#### PUBLIC NOTICES



**Rugby Borough Council  
Planning Act 2008  
Community Infrastructure Levy  
Regulations 2010  
(As Amended)**

Notice is hereby given of the publication of the Rugby Borough Council Community Infrastructure Levy Draft Charging Schedule for public consultation between Monday 8th May 2023 and 5pm on Friday 16th June 2023.

The draft charging schedule and supporting evidence will be available for inspection on the council's website

<https://www.rugby.gov.uk/consultations> and at:

- Rugby Borough Council's offices, Town Hall, Evreux Way, Rugby, CV12 2RR
- Rugby Library and Information Centre, Little Elborow Street, Rugby, CV21 3BZ
- Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 6PA
- Wolston Library and Information Centre, Warwick Road, Wolston, Coventry, CV8 3GX.

Consultation responses can either be sent via email to [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk) with 'Draft CIL Charging Schedule' in the subject line or by post to: CIL Consultation, Development Strategy Team, Town Hall, Evreux Way Rugby CV21 2RR.

If you wish to be kept informed about when:

- the draft charging schedule is submitted for examination in accordance with Section 212 of the Planning Act 2008
- when the examiner's recommendations are published and (subject to a favourable examiner's report),
- approval of the charging schedule

Please state this in your consultation response. In addition, in your response you can request the right to be heard by the examiner.

# Classified

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WWW.DIRECTORY247.CO.UK

**Warwickshire County Council**

**ROAD TRAFFIC REGULATION ACT 1984**  
Warwickshire County Council has made the following Temporary Traffic Orders:

**BRINDLEY ROAD, RUGBY**  
Order Effect: Road closed to vehicular traffic.  
Reason for Order: To safely enable structural examination of the railway bridge. Road closed 09.30hrs-15.30hrs.  
Order Commences: 8 May 2023 for up to 18 months.  
Anticipated Completion: 8 May 2023.  
Access & Diversion: No diversion possible.  
Contractor: Contraction Traffic Management, Tel: 0112 775 360.

**CLARE COURT, PARNELL CLOSE, PLOWMAN STREET, NEWBOLD, RUGBY**  
Order Effect: Road closed to vehicular traffic.  
Reason for Order: To enable essential utility works.  
Order Commences: 11 May 2023 for up to 18 months.  
Anticipated Completion: 31 May 2023.  
Access & Diversion: Plowman Street, Lawford Road, Over Street, Bridge Street and vice versa.  
Contractor: For Seven Trent Water, Ostia, Tel: 07767 166 430.

**COLLINGTON LANE, LONG ITCHINGTON**  
Order Effect: Road closed to vehicular traffic.  
Reason for Order: To safely enable decayed BT cable replacement.  
Order Commences: 9 May 2023 for up to 18 months.  
Anticipated Completion: 9 May 2023.  
Access & Diversion: Collington Lane, Stockton Road, Rugby Road, Southern Road and vice versa.  
Contractor: Talent Technology Services Ltd, Tel: 07977 192 869.

**ORDER EFFECT: ROADS CLOSED TO VEHICULAR TRAFFIC AS FOLLOWS:**

**HINCKLEY ROAD** – The Southdown Lane from the jct with Lutterworth Road, northward for 130m.  
**LUTTERWORTH ROAD** – The Eastdown Lane from its jct with Hinckley Road eastward for 75 m.  
Reason for Order: To enable phase 3 works for the construction of a roundabout.  
Order Commences: 8 May 2023 for up to 18 months.  
Anticipated Completion: 29 May 2023.  
Access & Diversion: Hinckley Road, Opsy Lane, Lutterworth Road.  
Contractor: Warwickshire County Council Design Services, Tel: 01926 376 814.

**LANCASTER ROAD, RUGBY**  
Order Effect: Road closed between junctions of A426 Newbold Road and Park Road.  
Reason for Order: To enable mains laying, installation of services & connections, backfill, reinstatement and clearance of site.  
Order Commences: 8 May 2023 for up to 18 months.  
Anticipated Completion: 1 June 2023.  
Access & Diversion: Park Road, Evreux Way, Newbold Road and vice versa. No works on 6 May 2023 and 21 May 2023 due to local events.  
Contractor: Sapphire Utility Solutions, Tel: 01455 232 822.

**MAIN STREET, FRANKTON, RUGBY**  
Order Effect: Road closed to vehicular traffic between its junction with Birdingbury Lane.  
Reason for Order: To safely enable works on urgent water quality mains renewal scheme.  
Order Commences: 8 May 2023 for up to 18 months.  
Anticipated Completion: 16 May 2023.  
Access & Diversion: Birdingbury Road, Bourton Lane, Main Street, Frankton Road, Bourton Road and vice versa.  
Contractor: Onsite Central Ltd, Tel: 07805 800 029.

**Warwickshire County Council proposes to make the following Temporary Traffic Orders:**

**SMEATON LANE, RUGBY**  
Order Effect: Road closed to vehicular traffic.  
Reason for Order: To enable examinations on structures, closed 22.00hrs-05.00hrs.  
Order Commences: 21 May 2023 for up to 18 months.  
Anticipated Completion: 22 May 2023.  
Access & Diversion: Lutterworth Road, The Crescent, Broad Street, Coventry Road, Shilton Road, Ansty Road, Ansty Lane, Smeaton Lane and vice versa.  
Contractor: Network Rail, Tel: 07701 059 693.

For all of the above temporary orders, pedestrian access to and egress from properties and land situated adjacent to the length of road to be closed will be maintained at all times. Vehicular access will be maintained where possible.

To report any problems with these works or for further details of our current & planned roadworks visit our website [warwickshire.gov.uk/roadworks](http://warwickshire.gov.uk/roadworks) or call us 01926 412615.

S Duxbury, Assistant Director of Governance & Policy, Shire Hall, Warwick CV34 4EL. Date 04 May 2023

**PUBLIC NOTICES**

**Rugby Borough Council**  
**Town and Country Planning Act 1990 (as amended)**

**Application Number R23/04/10**  
**LAND ON THE SOUTHWEST SIDE OF WATLING STREET, EURO PARK, RUGBY, CV23 0AL**  
Construction of industrial unit with ancillary offices and associated parking and loading.  
This is a major development.

**Application Number R23/04/22**  
**GWENARTH, MAIN STREET, EASENHALL, RUGBY, CV23 0JA**  
Proposed roofing works including reusing existing tiles from the rear to replace broken tiles to the front and new replacement tiles to the rear of the property.  
This development may affect a Listed Building. This development may affect a Conservation Area.

Members of the public may inspect copies of the application, the plans and documents submitted with it online at: [www.planningportal.rugby.gov.uk](http://www.planningportal.rugby.gov.uk) or in an electronic form at: Town Hall, Evreux Way, Rugby, CV21 2RR between the hours of 9.00 am and 5.00 pm Monday to Friday until 25 May 2023. Please note a planning officer would not be present. If you wish to make an appointment to discuss the application, please contact the case officer.

Any person who wishes to make representation to the above mentioned Council about the applications should make them online – [www.planningportal.rugby.gov.uk](http://www.planningportal.rugby.gov.uk) (search for application number and select comment) – or in writing by that date to Chief Officer – Growth and Investment, Town Hall, Rugby, CV21 2RR.

If an application is determined by the Planning Committee, members of the public may have the opportunity to speak at the meeting. More details about public speaking are available from the Council or on-line at: [www.rugby.gov.uk/speakingplanning](http://www.rugby.gov.uk/speakingplanning)

For household or minor commercial applications, in the event of an appeal against a refusal of planning permission, dealt with on the basis of representations in writing, any representations made will be sent to the Secretary of State, and there will be no further opportunity to comment at the appeal stage.

Nicola Smith  
Chief Officer – Growth and Investment

**PUBLIC NOTICES**

**Rugby Borough Council**  
**Planning Act 2008**  
**Community Infrastructure Levy**  
**Regulations 2010**  
**(As Amended)**

Notice is hereby given of the publication of the Rugby Borough Council Community Infrastructure Levy Draft Charging Schedule for public consultation between Monday 8th May 2023 and 5pm on Friday 16th June 2023.

The draft charging schedule and supporting evidence will be available for inspection on the council's website <https://www.rugby.gov.uk/consultations> and at:

- Rugby Borough Council's offices, Town Hall, Evreux Way, Rugby, CV21 2RR
- Rugby Library and Information Centre, Little Elbow Street, Rugby, CV21 3BZ
- Dunchurch Community Library, The Green, Dunchurch, Rugby, CV22 6PA
- Wolston Library and Information Centre, Warwick Road, Wolston, Coventry, CV8 3GX.

Consultation responses can either be sent via email to [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk) with 'Draft CIL Charging Schedule' in the subject line or by post to: CIL Consultation, Development Strategy Team, Town Hall, Evreux Way Rugby CV21 2RR.

If you wish to be kept informed about when:

- the draft charging schedule is submitted for examination in accordance with Section 212 of the Planning Act 2008
- when the examiner's recommendations are published and (subject to a favourable examiner's report),
- approval of the charging schedule

Please state this in your consultation response. In addition, in your response you can request the right to be heard by the examiner.

**PUBLIC NOTICES**

**PATRICIA DIANA PEACOCK (Deceased)**  
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named late of 28, Marys, Hastings House, Rugby, CV21 9SB, who died on 01/01/2022, are required to send written particulars thereof to the executor or before 05/07/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they had notice.

**JOHN GILBERT & FRANKTON LTD**  
2 Hagen Pt, Warwickshire, GB, CV41 1JY

**PUBLIC NOTICES**

**ALAN STEVEN QUIRKE (Deceased)**  
Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named late of 28, Marys, Hastings House, Marlton Lane, Holbrooke Works, Rugby, CV21 9JF, who died on 01/01/2022, are required to send written particulars thereof to the executor or before 05/07/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they had notice.

**MARGARET HADLEY SOLICITORS**  
141 Warwick Road, Kenilworth, CV31 1RN

**PUBLIC NOTICES**

**Goods Vehicle Operator's Licence**  
Access UK Ltd of Thurrock Park Way, Thurrock Park Industrial Estate, Tilbury, Essex RM18 7H2 is applying for a licence to use Swift 170 Warehouse, The Colford Centre, Colford Lane, Swift Valley Ind. Estate, Rugby CV21 1QN as an operating centre for 20 goods vehicles and 10 trailers.

Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Of. of General Licensing Office, PO Box 180, Leeds, LS9 1BU stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the website: [infrastructure.gov.uk](http://infrastructure.gov.uk).

**PUBLIC NOTICES**

**Department for Transport**  
**TOWN AND COUNTRY PLANNING ACT 1990**

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of a length and part width of the B4429 Coventry Road at Thurfaston in the Borough of Rugby.

If made, the Order would authorise the stopping up only to enable development as permitted by Rugby Borough Council under reference R16/2569.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Rugby Borough Council, Evreux Way, Rugby, CV21 2RR in the 28 days commencing on 4 May 2023, and may be obtained free of charge from the address stated below quoting NATTRAN/WMS247/5347.

Any person may object to the making of the proposal order by stating their reasons in writing to the Secretary of State at [nationalcasework@dtf.gov.uk](mailto:nationalcasework@dtf.gov.uk) or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on 1 June 2023. You are advised that your personal data and correspondence will be passed to the applicant/agent to enable your objection to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your objection.

C Newton, Casework Manager

## SALES & WANTS

**MISCELLANEOUS**

**BEDS** NEW Double 495 Singles £159. £59 King Size £159. Second hand Double 449 Singles £29. Fridges 499 Freezers £59 (Can deliver 07703 925662)

**RECLINER CHAIR** electric rise & recline £169 Manual recline chair £60 High seated chair £40 Can deliver 07703 925662

**MOTHER CARE** Pushchair £30 01788 544151

**CAR BOOT** items - large amount of baby clothes, adult clothes, ornaments, books, records etc. £45.00. Telephone number 0755320972

**PINE** desk/dressing table and glass top, four drawers and upholstered stool, good condition £55.00. Telephone number 0121 704 9245

**MOTHER CARE** Pushchair £30 01788 544151

**MISCELLANEOUS**

**QUALITY** round oak table with tilting facility, four spindle back chairs with cushions £115.00. Telephone number 0121 704 9245

**MAHOGANY** veneer leaded glass standing corner cupboard with initial flower panel lower cupboard door £75.00. Telephone number 0121 704 9245

**LARGE** wall mirror with bevelled edge glass, excellent condition 97 x 120 cm £20.00. Telephone number 07795240533

**BRAND** new royal fine porcelain 12 pcs cups & saucers still in packaging £10.00. Telephone number 07795240533

**BRAND** new PSE executive safety shoes (steel toe cap) Size 8 £20.00. Telephone number 07795240533

**HYDRAULIC** tool kit jack £30.00. Telephone number 0121 704 9245

**MISCELLANEOUS**

**SOFA** 2-seater in fabric, well made by Furnox, 3 years old, as new £50.00, O.N.O. Telephone number 01227 546334

**VINTAGE** white leather ice skates, £8.00. Telephone number 0121 705 4948

**WASH** hand basin, modern, with taps, plug and pedestal £40.00. Telephone number 01789 267089

**FISH** pond new kidney shaped L4'6" x W34" x D17' £25.00. Telephone number 01905 423542

**WANTED**

**Caravan/Motorhome**

Any Make, Model, Age or Condition (Even Damp or Damaged)

Cash on Collection  
Private Buyer

Please Call James on: **07392180003**

## RECRUITMENT

**Bullivantmedia**  
GROUP LIMITED

We are a local newspaper publishing company with Newspapers, Websites and Social Media Platforms spanning Warwickshire, Worcestershire and the West Midlands and we are seeking a

**DIGITAL MARKETING/ COPYWRITER/ DEVELOPER**

to join our Multi Media Organisation.

The successful candidate will share responsibility for connecting with our online audience - building our brand through creation of digital content with engagements across our range of platforms.

**Key Skills**

- Relevant Work Experience in Web Design, Graphic Design and Internet Technology
- Digital Development and Marketing experience
- Programming from scratch, or by adapting existing website and graphics to meet current requirements
- Develop and execute digital campaigns across multiple platforms
- Knowledge of Adobe Creative Suite (Photoshop, InDesign, Illustrator)
- Digital ad design - creativity and imagination
- Experience in social media platforms
- Be adaptable to pick up new techniques
- Trouble Shooting and problem solving
- Qualifications and good grounding in web design, interactive design, graphic and internet technology e.g. BTEC, BTECSQA, NVQs/SVDS, Degree

If you are interested in this role, please send CV to: [Pat.bullivant@bullivantmedia.com](mailto:Pat.bullivant@bullivantmedia.com)

**Bullivantmedia**  
GROUP LIMITED

## Appendix 4

### Main issues raised in responses to the second R16 consultation (8th May 2023 and Friday 16th June 2023) and how those responses were taken into account

Respondent	Main issues raised	How the representations were taken into account
Thurlaston Parish Council	<p>Suggest that strategic developments should not be zero rated for CIL. Suggests that s106/s278 agreements may be inadequate to fund infrastructure costs at South West Rugby and so CIL is required in addition.</p> <p>Suggest that the zero rating of commercial and business development (excepting retail) is revisited.</p>	<p>No change was made in relation to strategic developments for the following reasons. The evidence in the BNP Paribas viability report shows the two urban extension typologies (typology 1 and 2) as only able to support a low maximum CIL rate while delivering 30% affordable housing. On that basis, the consultant recommends nil rating. It should be noted that the infrastructure costs at South West Rugby, which are in the process of being updated, are likely to be significantly higher than modelled in the BNP Paribas report.</p> <p>In relation to commercial development, the BNP report states (at para 6.24) in relation to industrial and warehousing “Given the low maximum CIL rate, the Council may wish to apply a nil rate, but could require a nominal rate of, say, £5 per square metre given the quantum of space that may come forward in the future.”. The council elected to apply a rate of £5 per square metre and re-consulted on the amended draft charging schedule in the third consultation in August 2023.</p> <p>In relation to office space, the BNP Paribas report concludes “Market rents for offices in Rugby are relatively low and office developments would generate GDVs that are significantly lower than the costs of construction. Speculative office developments are therefore unlikely to</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>come forward until rents increase sufficiently to cover the costs of development and generate a residual land value. We therefore recommend a nil rate is applied to office development”.</p> <p>The report also recommends nil rating hotels and comparison retail.</p>
Wolvey Parish Council	Support the proposed CIL	Support welcomed.
Newton and Biggin Parish Council	<p>Concern that CIL would increase the price of smaller housing developments in the rural areas of the borough as cost is passed on to the purchaser.</p> <p>Questions raised about how the neighbourhood share operates</p>	<p>CIL should ultimately be funded from land values. It would not have an impact on residential sales values, which are largely determined by the local second hand market.</p> <p>The questions on the neighbourhood share didn’t call for changes to the charging schedule.</p>
Warwickshire County Council	No specific comments. Request to be notified when the draft charging schedule is submitted for examination when the examiner’s recommendations are published and on approval of the charging schedule.	Noted.
The Coal Authority	No specific comments.	Noted.
Natural England	No specific comments.	Noted.
Network Rail	Request that all development undertaken by Network Rail in relation to operational business is specific in the charging schedule as ‘zero/nil rated’.	No change is made. The only categories of development that would be charged under the proposed charging schedule are new dwellings, industrial and light industrial, storage and distribution uses, and convenience retail. It is considered unlikely that these uses will be built on operational railway land. However, if they were to be built, there is no clear reason why they should be zero rated.

Respondent	Main issues raised	How the representations were taken into account
Historic England	<p>The Charging Schedule should include reference to ways in which CIL, and S106 agreements, could be used to implement Local Plan policy and proposals relating to the conservation of the historic environment, heritage assets and their setting.</p> <p>The Charging Schedule should refer to potential discretionary payment relief in respect of heritage assets</p>	<p>No change proposed. The charging schedule under regulation 12 of The Community Infrastructure Levy Regulations 2010 (as amended) is not required to include details of what CIL will be spent on. This is a matter to be set out in the Annual Infrastructure Funding Statement. The Approach to Spending the Infrastructure Levy (July 2023) sets out a draft infrastructure list which identifies the categories of infrastructure that CIL receipts would be spent on.</p> <p>It is understood that the proposal is for exceptional circumstances relief (ECR). One of the key advantages of CIL is its simplicity. Making ECR available would add complexity and increase administrative costs. Amending S106 contributions to reflect viability concerns is a long established and well understood mechanism and as such is the Council's preferred approach.</p> <p>Exceptional circumstances relief can be 'switched on' after CIL is introduced. The council will keep the need to do this under review.</p>
Homes England	<p>Supports the nil rating of the South West Rugby urban extension for residential CIL.</p> <p>Object to CIL charging for convenience retail within the South West Rugby urban extension. Argue this is contrary to the South West Rugby SPD, argues there is no need for CIL for further mitigation at South West Rugby, argues</p>	<p>No changes proposed.</p> <p>Noted in relation to residential CIL.</p> <p>In relation to convenience retail:</p> <ul style="list-style-type: none"> <li>- The South West Rugby Masterplan Supplementary Planning Document (adopted 17 June 2021) sets out environmental, social, design and economic objectives relevant to the attainment of development and use of land that the local authority wishes to</li> </ul>

Respondent	Main issues raised	How the representations were taken into account
	<p>that the development cannot viably support retail CIL.</p>	<p>encourage. It is not a development plan document. In the case of South West Rugby and CIL it merely states what was envisaged. The South West Rugby SPD text is not a binding policy or commitment on the part of the council not to charge CIL for any uses that may be built on the South West Rugby site. Additionally, the SPD is in the process of being updated and so this part will be amended if CIL is adopted.</p> <ul style="list-style-type: none"> <li>- The purpose of CIL is “to ensure that the costs incurred in supporting the development of the area can be funded (wholly or partly) by owners or developers of land in a way that does not make development of the area economically unviable” (s205(2) Planning Act 2008). The area in question is the local planning authority. This is confirmed in r14(1) of The Community Infrastructure Levy Regulations 2010 that in setting rates the balance is to be struck between “the desirability of funding from CIL (in whole or in part) the actual and expected total cost of infrastructure required to support the development of its area” and the effects of CIL on the viability of development across its area. Therefore, it is immaterial whether there is a need for further site-specific mitigation at South West Rugby or whether that site-specific infrastructure would be funded through CIL. The relevant infrastructure that CIL is funding is the total infrastructure required to support development of the borough.</li> </ul>

Respondent	Main issues raised	How the representations were taken into account
		<ul style="list-style-type: none"> <li>- Finally, the viability testing of South West Rugby undertaken by BNP Paribas is based on the viability of residential development. This is because the burden of s106 obligations to fund site-specific infrastructure falls on residential development and is tied to triggers relating to dwelling completions. Retail is likely to be brought forward separately from residential developments, so the viability of a retail development on a strategic site will not differ from a retail development brought forward elsewhere in the borough.</li> </ul>
Stoford	Support the exemption of employment floorspace from CIL.	The Council reconsulted on an amended charging schedule in the third consultation August 2023. The amended charging schedule introduced a charge of £5 per square metre for industrial, light industrial and storage and distribution floor space.
Marrons	Generally supportive. Seek clarification within the annual infrastructure funding statement in respect of how strategic infrastructure, which is anticipated to be funded via CIL, will interact with funding provided at strategic sites through s106/s278 agreements.	Support welcomed. Comment noted, the infrastructure funding evidence was updated in July 2023 following the second consultation to provide greater clarity on what is expected to be funded through s106 and what may be funded through CIL.
Richborough Estates	Concern about the impact of CIL charging rate coupled with s106 and s278 planning obligations on future strategic sites of larger than 250 dwellings. Suggest that nil rating should be for strategic scale growth rather than specific strategic sites.	<p>In relation to the impact of CIL on large, speculative housing sites, no change is proposed for the following reasons:</p> <p>The Planning Practice Guidance (Paragraph: 011 Reference ID: 25-011-20190901) states that charging schedules should be consistent with, and support the implementation of, up-to-date relevant plans.</p>

Respondent	Main issues raised	How the representations were taken into account
	<p>Suggest that large speculative, unplanned residential development proposals could come forward and CIL rates would unduly impact their viability.</p> <p>Argue more detailed sales value evidence is needed.</p> <p>Argue cost growth assumptions should be increased.</p>	<p>Rugby Borough Council has an up-to-date plan and a healthy five-year housing land supply and in light of this, and the role of CIL in supporting implementation of the plan, it is not considered that it would not be appropriate to set CIL rates in anticipation of departure development that conflicts with the plan.</p> <p>Further support for this approach can be found in the PPG guidance of viability assessments for CIL.</p> <p>The PPG section on CIL advises that “viability assessments should be proportionate, simple, transparent and publicly available in accordance with the viability guidance.” (019 Reference ID: 25-019-20190901) and “charging authority should directly sample an appropriate range of types of sites across its area, in line with planning practice guidance on viability”. The viability section of the PPG, including the section on the approach to viability in plan making which by implication also applies to the preparation of CIL charging schedules (Paragraph: 003 Reference ID: 10-003-20180724 and Paragraph: 004 Reference ID: 10-004-20190509), states “Assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable. Plan makers can use site typologies to determine viability at the plan making stage.” And “The characteristics used to group sites should reflect the nature of typical sites that may be developed within the plan area and the type of development proposed for allocation in the plan.”.</p>



Respondent	Main issues raised	How the representations were taken into account
		<p>Considering this guidance, the typologies used in the viability assessment are considered to be appropriate. Unplanned, very large, speculative residential sites are not considered likely to come forward and are not 'typical sites'. It is therefore not considered necessary to test a typology for such a site.</p> <p>When the Rugby Borough Local Plan is updated, the CIL Charging Schedule will also be reviewed. If an update to the local plan were to allocate a further large strategic site, this would be subject to site-specific viability testing as part of the plan-making process which would inform the need to review the CIL charging rates.</p> <p>Turning to the need for more data on sales values, the PPG (Paragraph: 020 Reference ID: 25-020-20190901) states "A charging authority must use 'appropriate available evidence' (as defined in the section 211(7A) of the Planning Act 2008) to inform the preparation of their draft charging schedule. It is recognised that the available data is unlikely to be fully comprehensive.". Appendix 1 to the BNP Paribas report provides sales values evidence based on records of 801 sales transactions. In addition, para 4.2 of the report explains "We have considered comparable evidence of new build schemes and second hand sales in the borough to establish an appropriate range of values for testing purposes. The evidence we have relied upon includes all new build and second hand sales transacted between January 2020 and October 2021 (the latter being the most recently available transactions). The total number of transactions of new build properties over this period was</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>436 and there were 1,736 transactions of second hand units in order to establish values per square metre, we have identified the floor areas for each unit by reference to the area on each property's Energy Performance Certificate. We have adjusted these values by reference to the change in new build values since the date the sales were originally collected (as noted in paragraph 1.3, new build values have increase by 20.8% over this period)". This is considered to be appropriate available evidence.</p> <p>In relation to the cost and value growth assumptions in Table 4.3.1 of the report, it is noted in the report that "While these growth scenarios are based on a number of forecasts, they cannot be guaranteed and the results which these scenarios produce must be viewed as indicative only.". Any projection of future changes to costs and values is by its nature speculative.</p> <p>It is also important to note that, as pointed out in the report, rates are set based on current costs and values, rather than anticipatory future changes. For the avoidance of doubt, the council did not rely upon this sensitivity analysis for the purposes of setting its proposed CIL rates.</p> <p>Finally, rates are set at a conservative level, taking account of rising costs (although cost increases are expected to tail off, see e.g. <a href="https://bcis.co.uk/news/bcis-five-year-forecast-building-december-2022/">https://bcis.co.uk/news/bcis-five-year-forecast-building-december-2022/</a>) and flat house prices. This provides a buffer to incorporate falls in house prices. For example, table 6.8.1 shows that at the lowest sales values (£3,708 per square metre) and applying policy-compliant</p>

Respondent	Main issues raised	How the representations were taken into account																				
		<p>rates of affordable housing. The lowest maximum CIL rate for developments of different size, and the actual proposed rate are shown in the table below.</p> <table border="1" data-bbox="1182 379 1962 868"> <thead> <tr> <th data-bbox="1193 387 1464 564">Type</th> <th data-bbox="1464 387 1641 564">Lowest maximum rate table 6.8.1</th> <th data-bbox="1641 387 1794 564">Actual rate</th> <th data-bbox="1794 387 1951 564">Actual rate as % of maximum rate</th> </tr> </thead> <tbody> <tr> <td data-bbox="1193 564 1464 639">Up to 10 units urban area</td> <td data-bbox="1464 564 1641 639">£982</td> <td data-bbox="1641 564 1794 639">£100</td> <td data-bbox="1794 564 1951 639">10%</td> </tr> <tr> <td data-bbox="1193 639 1464 715">Up to 10 units rural area</td> <td data-bbox="1464 639 1641 715">£1,404</td> <td data-bbox="1641 639 1794 715">£200</td> <td data-bbox="1794 639 1951 715">14%</td> </tr> <tr> <td data-bbox="1193 715 1464 790">11+ units urban area</td> <td data-bbox="1464 715 1641 790">£430</td> <td data-bbox="1641 715 1794 790">£60</td> <td data-bbox="1794 715 1951 790">14%</td> </tr> <tr> <td data-bbox="1193 790 1464 865">11+ units rural area</td> <td data-bbox="1464 790 1641 865">£611</td> <td data-bbox="1641 790 1794 865">£160</td> <td data-bbox="1794 790 1951 865">26%</td> </tr> </tbody> </table> <p>The viability study has been updated in July 2023 to use the most up to date available costs and values information.</p> <p>Current forecasts for build cost inflation are that it will slow to just 2% this year and 2% in 2024.</p>	Type	Lowest maximum rate table 6.8.1	Actual rate	Actual rate as % of maximum rate	Up to 10 units urban area	£982	£100	10%	Up to 10 units rural area	£1,404	£200	14%	11+ units urban area	£430	£60	14%	11+ units rural area	£611	£160	26%
Type	Lowest maximum rate table 6.8.1	Actual rate	Actual rate as % of maximum rate																			
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11+ units urban area	£430	£60	14%																			
11+ units rural area	£611	£160	26%																			
SDI Propco (100) Ltd	The charging schedule should be amended to exclude from the definition of residential development “on-site worker and trainee accommodation not for permanent occupation”	No change proposed. Depending upon its scale, the type of worker/trainee accommodation proposed may be a C4 or sui generis house in multiple occupation, which is expressly excluded from the definition of ‘residential’ in the charging schedule. However, if the proposed accommodation is not a HMO, but is in fact a residential dwellinghouse use, that happens to be occupied by employees of a particular																				

Respondent	Main issues raised	How the representations were taken into account
William Davis Homes	<p>The Funding Gap statement has not fully addressed the potential funds that arise from s106.</p> <p>Introducing CIL, which would only have a negligible impact on the existing aggregate funding gap, is disproportionate to the potential harm it would have towards the deliverability of new development within the Borough.</p> <p>The assessment has not made sufficient consideration of the Rugby Local Plan review and its new spatial strategy.</p> <p>The viability assessment fails to consider rising prices and macro-economic conditions that will harm the housing market.</p>	<p>company, then there is no clear reason why it should be excluded from the residential rate.</p> <p>An updated Infrastructure Funding Gap Statement was prepared in July 2023, was published alongside the third consultation, and is submitted as part of the supporting evidence for the examination of the charging schedule.</p> <p>The second main issue raised by this respondent is that the limited funds that would be raised through CIL would be disproportionate to the potential harm to the deliverability of new development within the Borough.</p> <p>No change is made in response to this comment. For the reasons outlined in other responses above, the BNP Paribas viability evidence shows that the charging schedule would not cause harm to the deliverability of development. CIL would amount no more than 4% of development costs and for many uses, a much lower percentage. Indeed, the proposed charging rates are set at a conservative level to avoid any such negative effect. By contrast, the CIL would raise valuable – although admittedly comparatively modest – funds to support local infrastructure to support the borough’s development. The balance therefore tells decisively in favour of introducing CIL.</p> <p>Turning to the comment about the local plan review, no change is made in response to this. The preparation of an updated plan is just beginning. The spatial strategy or the need to allocate sites under that plan is not known and therefore the comments made in the William Davis response are pure speculation. When it reaches the</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>relevant stage of preparation, a viability assessment of proposed allocations will be undertaken to support the new local plan, and this will consider the need to amend the CIL charging schedule (if it has by then been introduced into effect).</p> <p>As is detailed above, the CIL rates are set at a conservative level and can absorb decreases in house prices.</p>

# Appendix 5

## Press notice of the third consultation

The Coventry Observer, Thursday August 3, 2023

www.osmnotices247.co.uk

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# Classified

TELEPHONE 01527 588688 FACSIMILE 01527 584371

### PUBLIC NOTICES

#### PUBLIC NOTICES

**PAUL DAVID JOHNSON**  
(Deceased)  
Pursuant to the Trustee Act 1925 any person having a claim against or an interest in the Estate of the above named late Paul David Johnson, who died on 12/11/2022, are required to send written particulars of their claim or interest to the undersigned on or before 04/09/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

#### PUBLIC NOTICES

**ALLAN MILLS**  
(Deceased)  
Pursuant to the Trustee Act 1925 any person having a claim against or an interest in the Estate of the above named late Allan Mills, who died on 12/06/2023, are required to send written particulars of their claim or interest to the undersigned on or before 04/09/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

### PUBLIC NOTICES

#### Department for Transport TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up of a southern and western part of Palmer Lane at Hillfields in the City of Coventry.

If made, the Order would authorise the stopping up only to enable development as permitted by Coventry City Council, under reference FU12/0211/194.

Copies of the draft Order and relevant plan will be available for inspection during normal opening hours at Coventry City Council, Transport & Infrastructure, Place Director, Friargate, Station Square, Coventry, CV1 2FL, in the 28 days commencing on 10 August 2023, and may be obtained, free of charge, from the addresses stated below quoting NATTRAN/WMS247/4891.

Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at national.casework@ddfi.gov.uk or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on 7 September 2023. You are advised that your personal data and correspondence will be passed to the applicant/agent to enable your objection to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your objection.

S Zamezadeh, Casework Manager

### PUBLIC NOTICES

#### RUGBY BOROUGH COUNCIL PLANNING ACT 2008 COMMUNAL INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)

Notice is hereby given of the publication of the Rugby Borough Council Community Infrastructure Levy Draft Charging Schedule for public consultation between Monday 7th August 2023 and 5pm on Monday 4th September 2023. The draft charging schedule and supporting evidence will be available for inspection on the council's website: <https://www.rugby.gov.uk/consultations> and at: Rugby Borough Council's offices, Town Hall, Evesux Way, Rugby, CV21 2RR.

Wolston Library and Information Centre, Little Ebbow Street, Rugby, CV21 3BZ, Dunchurch Community Library, The Green, Dunchurch, Rugby, CV21 6PA.

Consultation responses can either be sent via i) email to [localplan@rugby.gov.uk](mailto:localplan@rugby.gov.uk) with 'Draft CIL Charging Schedule' in the subject line or ii) by post to: CIL Consultation, Development Strategy Team, Town Hall, Evesux Way, Rugby CV21 2RR. If you wish to be kept informed about when the draft charging schedule is submitted for examination in accordance with Section 217 of the Planning Act 2008.

Where the examiner's recommendations are published and (subject to a favourable examiner's report), approval of the charging schedule. Please state this in your consultation response. In addition, in your response you can request the right to be heard by the examiner.

### PUBLIC NOTICES

#### LICENSING ACT 2003 NOTICE OF APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34

Notice is hereby given that on the 27th July 2023 **Anda Stores Limited** applied to Rugby Borough Council for a variation of the Premises Licence in respect of premises **Anda Services Station**, Corporation Street, Rugby CV21 2DN. The proposed variation is: To vary the hours for the sale by retail of alcohol to 00:00 to 24:00 Monday to Sunday. Any representations by a responsible authority or any other person regarding this application must be received in writing by: Licensing Authority, Rugby Borough Council, Head of Environmental Services, Town Hall, Rugby CV21 2RR no later than 24th August 2023 stating the grounds for representations. The register of Rugby Borough Council the record of the application may be inspected at the above address during normal office hours. It is an offence knowingly or recklessly to make a false statement in connection with an application. The fine for which a person is liable on summary conviction for the offence is unlimited.

### PUBLIC NOTICES

#### ALICE LILIAN COOK

Deceased  
Pursuant to the Trustee Act 1925 anyone having a claim against or an interest in the Estate of the above named late Alice Lilian Cook, who died on 20/07/2021, must send written particulars of their claim or interest to the undersigned on or before 04/09/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

**JOICE EDNA WITHELICKS**  
(Deceased)  
Pursuant to the Trustee Act 1925 any person having a claim against or an interest in the Estate of the above named late Joice Edna Witelicks, who died on 20/05/2023, are required to send written particulars of their claim or interest to the undersigned on or before 04/09/2023, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

**GOODS VEHICLE OPERATOR'S LICENCE**  
WAGSTON GROUP LTD of METHEREN PARK CHESTERMAN WILDSIDE, SH4 0WJ, is applying to vary its existing licence to allow it to add an operating centre for goods vehicles and 100 trailers at CENTRAL PARK, CASTLE MOUND WAY, RUGBY CV21 2AA.

Owners or occupiers of land (including buildings) near the operating centre who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's Office.

#### Goods Vehicle Operator's Licence

**ERWIN CSEKE** trading as ECS TRANSPORT SERVICES LTD of 190 GREENDALE ROAD, COVENTRY, CV5 8AY is applying for a licence to use **MITCHELL POTATOES LTD, BOOTS FARM, BOURTON ON DUNSMORE, RUGBY, CV3 9QG** as an operating centre for 1 goods vehicles and 2 trailers.

Owners or occupiers of land (including buildings) near the operating centre who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's Office.

#### Goods Vehicle Operator's Licence

**MJ Orange Ltd** of 48 Rupert Brooke Road, Rugby CV21 6HQ is applying for a licence to use **Mitchell Potatoes Ltd, Boots Farm, Bourton on Dunsmore CV3 9QG** as an operating centre for 5 goods vehicles and 5 trailers.

Owners or occupiers of land (including buildings) near the operating centre who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's Office.

#### Warwickshire County Council

##### PROPOSED TOUCAN CROSSING A425 RADFORD ROAD NEAR SYDENHAM DRIVE, LEAMINGTON SPA

Warwickshire County Council hereby gives notice of its intention to install a Toucan Crossing on Radford Road near Sydenham Drive as part of improvements to the National Cycle Route 41 (Leamington Spa to Radford Semele).

A copy of this notice and a plan showing the location of the proposals can be inspected at Warwick District Council, Riverside House, Millerton Hill, Leamington Spa, CV32 5HZ and Warwickshire Direct in Shire Hall, Market Place, Warwick CV34 4RL during opening hours.

The plan is also available to view on our website: <https://www.warwickshire.gov.uk/road-works-maintenance/proposed-traffic-signal-pedestrian-crossings> or please use the contact details below to request a copy.

Any enquiries relating to the proposals may be made to Mr Harshad Solanki, Engineering Design Services, Warwickshire County Council (telephone number 01926 412190).

Any objections or representations to the proposals, which must be in writing and specify the grounds on which they are made, should be addressed to Harshad Solanki, Engineering Design Services, Environment, Planning and Transport, Communities Directorate, Shire Hall Post Room, Northgate Street, Warwick, CV34 4RL, or sent by email to [harshadsolanki@warwickshire.gov.uk](mailto:harshadsolanki@warwickshire.gov.uk) (Objections, representations, and the name of the objector or person making a representation, will normally be treated as public information and may be published. For further information on how Warwickshire County Council processes personal data please refer to the Customer Privacy Notice which is available at <https://www.warwickshire.gov.uk/privacy>).

#### Warwickshire County Council

##### ROAD TRAFFIC REGULATION ACT 1984

Warwickshire County Council has made the following Temporary Traffic Orders:

**02356 SPRINGS CRESCENT, SOUTH**  
Order Effect: Road closed from its junction with Welsh Road to its No. 46.

Reason for Order: Cartage way resurfacing and associated works, closed 09.00hrs-15.30hrs.  
Order Commences: 7 August 2023 for up to 18 months.

Anticipated Completion: 8 August 2023.  
Access & Diversion: Welsh Road, Springs Crescent serving property numbers 2-4, 1-23 and vice versa.  
Contractor: Balfour Beatty, Tel: 02452 415 302

Warwickshire County Council proposes to make the following Temporary Traffic Orders:

**WULFSTAN DRIVE, LONG ITCHINGTON**  
Order Effect: Road closed to vehicular traffic.

Reason for Order: To safely enable 25mm box and meter installation.  
Order Commences: 22 August 2023 for up to 18 months.

Anticipated Completion: 24 August 2023.  
Access & Diversion: Wulftan Drive and vice versa.  
Contractor: Go Traffic Management, Tel: 08455 040 123

For all of the above temporary orders, pedestrian access to and egress from properties and land situated adjacent to the length of road to be closed will be maintained at all times. Vehicular access will be maintained where possible.

To report any problems with these works or for further details of our current & planned roadworks visit our website [warwickshire.gov.uk/roadworksmaps](http://warwickshire.gov.uk/roadworksmaps) or call us 01926 412515.

S Duxbury, Assistant Director of Governance & Policy, Shire Hall, Warwick CV34 4RL Date 03 Aug 2023

#### Restricted Goods Vehicle Operators Licence

Richard Smith & Graham Smith Agricultural Contractors of Burton Green Farm, Hob Lane, Burton Green, Nr Kenilworth, Warwickshire CV8 1QB, is applying for a restricted licence to use Burton Green Farm, Hob Lane, Burton Green, Nr Kenilworth, Warwickshire CV8 1QB at an operating centre for one goods vehicle and two trailers.

Owners or occupiers of land (including buildings) near the operating centre who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner, West Midlands Traffic Commissioner, 38 George Road, Edgbaston, Birmingham B15 1PL, stating their reasons within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the top of this notice. The Guide to making representations is available from the Traffic Commissioner's Office.

#### Rugby Borough Council Town and Country Planning Act 1990 (as amended)

Application Number R23/0718  
**4 STOCKING MEADOW, MONKS KIRBY, RUGBY, CV21 3BF**  
Front porch, two storey side extension, detached annexe and installation of works associated with an outbuilding.

This development may affect a Conservation Area.

Members of the public may inspect copies of the application, the plans and documents submitted with it online at: [www.planningportal.rugby.gov.uk](http://www.planningportal.rugby.gov.uk) or in an electronic form at: Town Hall, Evesux Way, Rugby, CV21 2RR between the hours of 9.00 am and 5.00 pm Monday to Friday until 24 August 2023. Please note a planning officer would not be present. If you wish to make an appointment to discuss the application, please contact the case officer.

Any person who wishes to make representation to the above mentioned Council about the applications should make them online - [www.planningportal.rugby.gov.uk](http://www.planningportal.rugby.gov.uk) (search for application number and select comment) - or in writing by that date to Chief Officer - Growth and Investment, Town Hall, Rugby, CV21 2RR.

If an application is determined by the Planning Committee, members of the public may have the opportunity to speak at the meeting. More details about public speaking are available from the Council or on-line at: [www.rugby.gov.uk/speakingplanning](http://www.rugby.gov.uk/speakingplanning)

For household or minor commercial applications, in the event of an appeal against a refusal of planning permission, dealt with on the basis of representations in writing, any representations made will be sent to the Secretary of State, and there will be no further opportunity to comment at the appeal stage.

Nicola Smith  
Chief Officer - Growth and Investment

#### Warwickshire County Council

##### ROAD TRAFFIC REGULATION ACT 1984

Warwickshire County Council has made the following Temporary Traffic Orders:

**B40560, MAIN ROAD, ANSTY**  
Order Effect: Road closed to vehicular traffic between the junctions of Brinklow Road and Main Road Service Road.

Reason for Order: Jetting, gully emptying and associated works, 08.30hrs-15.30hrs.  
Order Commences: 7 August 2023 for up to 18 months.

Anticipated Completion: 11 August 2023.  
Access & Diversion: Brinklow Road, Ansty Lane, Ansty Road, Shilton Road, Coventry Road, Brinklow Road, Cliford Bridge Road, B4092, A46 and vice versa. Hinckley Road will be for access only.

Contractor: Balfour Beatty, Tel: 03452 415 302

For all of the above temporary orders, pedestrian access to and egress from properties and land situated adjacent to the length of road to be closed will be maintained at all times. Vehicular access will be maintained where possible.

To report any problems with these works or for further details of our current & planned roadworks visit our website [warwickshire.gov.uk/roadworksmaps](http://warwickshire.gov.uk/roadworksmaps) or call us 01926 412515.

S Duxbury, Assistant Director of Governance & Policy, Shire Hall, Warwick CV34 4RL Date 03 Aug 2023

# PUBLIC NOTICES

# Keeping you up to date with all the latest information on Planning Proposals, Traffic Notices, Goods Vehicle Operator Licences, Licences To Sell Alcohol, Probate Notices.....

## Appendix 6

### Main issues raised in responses to the third R16 consultation (7th August 2023 and 4th September 2023) and how those responses were taken into account

<b>Respondent</b>	<b>Main issues raised</b>	<b>How the representations were taken into account</b>
Warwickshire County Council	No specific comments.	Noted
Historic England	Make no comments on the amendments to the charging schedule for the third consultation. Historic England reiterate their comments made in response to the first and second consultations.	Details of how the Historic England comments to the first and second consultations were taken into account are set out in Appendices 2 and 4 above.
Coal Authority	No specific comments.	Noted.
Environment Agency	No additional comments.	Noted.
Natural England	No specific comments.	Noted.
National Highways	We welcome Draft Charging Schedule, however have limited further comments to provide other than to encourage communications in relation to any proposed changes or developments on the SRN.	Noted.
Newton & Biggin Parish Council	Following the council's response to their previous comments the Parish Council expresses concern that if CIL is funded from land values rather than house prices this may lead landowners to decide not to release land for development.	No change made. The viability evidence is that, after paying CIL, residual land values would remain comfortably more than benchmark land values. Therefore, CIL would not disincentivise the release of land for development. There is no evidence from other authorities that have adopted CIL of any change in appetite amongst landowners to sell their land following the introduction of CIL. Even after CIL has been reflected in residual land values, the uplift from existing use value remains very significant.

Respondent	Main issues raised	How the representations were taken into account
Michael Judge	Requests that the proposed CIL rates are significantly increased and proceeds used for the benefit of communities, such as Dunchurch, which are badly affected by development.	<p>No change proposed.</p> <p>The CIL rates have been set based on the viability evidence prepared. While that evidence would support higher rates than are proposed, it is considered that it would be imprudent to set rates at the margins of viability in view of current market conditions. The Council intends to review its CIL rates in due course and may consider increasing them to support development when market conditions have stabilised.</p> <p>Spending priorities for CIL will be set by the Council annually through the Annual Infrastructure Funding Statement. The Approach to Spending the Infrastructure Levy (July 2023) sets out a draft infrastructure list which identifies the categories of infrastructure that CIL receipts would be spent on.</p>
SUE GP LLP obo Urban & Civic PLC (developers of Houlton)	<ol style="list-style-type: none"> <li>1. Request that the draft charging schedule is revised to clarify that reserved matters submitted pursuant to pre-CIL outline planning permissions will not be subject to a CIL charge.</li> <li>2. Request that figure 1 be updated to refer to "CIL Charging Zones" rather than residential charging zones.</li> </ol>	<ol style="list-style-type: none"> <li>1. No change made. It is not necessary to set this out in the charging schedule because Regulation 128 (Transitional provision: general) of the Community Infrastructure Levy Regulations 2010 (as amended) makes clear that "ability to charge CIL does not arise in respect of development if, on the day planning permission is granted for that development, it is situated in an area in which no charging schedule is in effect.". A reserved matters approval is not a planning permission but is made under the earlier outline planning permission.</li> <li>2. No change made Figure 1 is correctly labelled as "Residential CIL Charging Zones" because as is clear</li> </ol>



Respondent	Main issues raised	How the representations were taken into account
		from the charging rates, different charging zones only apply to residential development.
Prologis	<ol style="list-style-type: none"> <li>1. The amount that employment uses can sustain is stated to be £7 per square metre in the executive summary on page 4 of the BNP Paribas study (July 2023) but £11 per square metre at paragraph 6.21 on page 43. This has changed from a figure of £7 per square metre in the February 2023 version of the BNP Paribas report which supported the May to June 2023 consultation.</li> <li>2. The charging schedule sets the same CIL rate irrespective of the scale of employment development or whether it is greenfield/brownfield. This means the evidence base is not robust enough. Strategic scale sites have higher infrastructure costs.</li> <li>3. Not all the uses in the category carry the same value, with quite large differentials occurring across the market between light industrial and warehousing.</li> </ol>	<ol style="list-style-type: none"> <li>1. The maximum CIL rates that the different employment typologies can support is shown in the table at Appendix 6 (Appraisal Results) on page 81 of the BNP Paribas report (page 122) of the PDF. This shows the lowest maximum CIL rate among employment typologies is £11/sqm. The reference to £7 per square metre in the executive summary to the BNP Paribas report is a typo and should read as £11 per square metre. The change in the maximum sustainable CIL rate between the February 2023 and July 2023 versions of the BNP Paribas report is because the July 2023 report updated costs and values to the most recent available figures. By contrast, the February 2023 version of the report, which was a minor update to the original January 2022 report, used November 2021 build costs and rents. Changes in costs and rents between autumn 2021 and spring 2023 account for the change in the maximum supportable CIL rate. The assumptions used for costs and values can be seen in Appendix 5 to the BNP Paribas study.</li> <li>2. Typologies 21 and 22 tested by BNP Paribas are employment parcels. Additionally, typologies 1 and 2, both urban extensions, include employment parcels. Typologies 21 and 22 both have 1ha site areas and a mix of B2 and B8 floorspace. Typology 21 is a brownfield site with 3,000sqm of B8 and 3,000sqm of B2. Typology 23 is a greenfield site with 2,500sqm of B8 and 2,500sqm of B2.</li> </ol>

Respondent	Main issues raised	How the representations were taken into account
		<p>Typology 1 employment parcels are 3.5ha in area and comprise a mix of 10,500sqm of B2 and 10,500sqm of B8.</p> <p>Typology 2 employment parcels are 7.5ha in area and comprise a mix of 22,500sqm of B2 and 22,500sqm of B8.</p> <p>The benchmark land value for typology 21 (the urban site) is set at £800,000 per hectare whereas for typology 22 (the greenfield site) and the two urban extension employment site typologies the BLV is £247,000 per hectare.</p> <p>As detailed in paragraph 4.12 and 4.14 of the BNP Paribas report, base costs are increase by 10% to account for external works and by 2% to account for the costs of achieving BREEAM excellent standard. S106 costs of £20/sqm on all sites are assumed.</p> <p>All assumptions are detailed in Appendix 5 and Appendix 6 of the study.</p> <p>Therefore, both greenfield and brownfield employment sites have been tested.</p> <p>The urban extension employment site typologies are strategic in scale. The Coventry and Warwickshire Housing and Economic Development Needs Assessment 2022 defines a strategic scale site as</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>capable of accommodating more than 9,000m<sup>2</sup> of floorspace.</p> <p>The strategic scale sites tested show that these sites could support a B2 and B8 CIL rate of £103 per square metre.</p> <p>It is acknowledged that the strategic sites are not tested with additional infrastructure costs, for e.g. offsite highway improvements, beyond the above. This is because it is not envisaged that further strategic scale sites with large site-specific infrastructure costs will come forward during the current Local Plan period. The strategic employment sites allocated under the current Local Plan and its predecessor at Rugby Gateway, Prologis Park Ryton, Ansty Park, South West Rugby and Houlton are all either built out or have pre-CIL outline planning permissions. There is also no clear basis for estimating what such infrastructure costs would be.</p> <p>It may be that strategic scale employment sites with additional infrastructure costs will come forward through the new Rugby Borough Local Plan. CIL will be reviewed alongside the new Local Plan and that will provide an opportunity to test specific strategic sites using realistic assumptions for costs.</p> <p>3. B2 and B8 uses operate in the same market. Many consents are flexible between the operator of these uses and operators compete for the same sites. Therefore,</p>

Respondent	Main issues raised	How the representations were taken into account
Stoford	<ol style="list-style-type: none"> <li>1. The charging schedule does not clarify whether ancillary offices within the category of light industrial, industrial, storage and distribution are exempt from the charge.</li> <li>2. The triggers for payment in the instalments policy are too onerous and more flexibility should be introduced. Payment within 60 days of development commencing on infrastructure and enabling works could impact viability because at this stage occupiers may not have been secured.</li> <li>3. Triggers for payment of CIL should be linked to occupation of each reserved matters phase.</li> <li>4. Strategic employment sites should contribute to infrastructure through s106/s278 rather than CIL like the strategic allocations. S106 and s278 deliver clearer benefits tied to the development. Also, strategic sites are likely to require significant off-site highways improvements.</li> </ol>	<p>rents and yields are set at the same value in the viability evidence. This is considered an appropriate approach.</p> <ol style="list-style-type: none"> <li>1. If the office areas are genuinely ancillary and not a separate planning unit, then they would be chargeable at the £5/sqm rate.</li> <li>2. The instalment policy allowing payments to be staged over up to a year, is considered appropriate.</li> <li>3. It should be noted that the triggers for payment of CIL are not set in the charging schedule but in The Community Infrastructure Levy Regulations 2010 (as amended) and Planning Act 2008. In a phased development, each phase is a separate chargeable development so that works in relation to one phase will only trigger the CIL liability for that phase and not others. It is acknowledged that infrastructure works can sometimes need to be carried out across the site. Christopher Cant's guide to the Community Infrastructure Levy 7<sup>th</sup> Edn suggests two possible solutions to this. One would be to make the infrastructure works a separate phase. The other would be to submit a hybrid planning application which results in a separate planning permission for the infrastructure work.</li> <li>4. It is acknowledged that strategic employment sites may come forward for allocation through the new plan. CIL will be reviewed alongside preparation of the new plan and specific strategic sites will be able to be viability</li> </ol>

Respondent	Main issues raised	How the representations were taken into account
		<p>tested. If those sites have significant infrastructure costs, then it may be they will be nil rated.</p>
Harworth	<ol style="list-style-type: none"> <li>1. Strategic scale employment sites have more significant infrastructure requirements. The allowance of £20/sqm underestimates the typical s106 requirements for strategic scale employment sites, particularly for employment sites.</li> <li>2. The range of employment typologies is too narrow.</li> <li>3. The charging schedule could render speculative development proposals not envisaged in the local plan becoming unviable.</li> <li>4. There would be limited benefits of introducing CIL because it would not make much of a dent into the funding gap.</li> <li>5. The council should carefully consider the merits of introducing CIL given the proposed introduction of the Infrastructure Levy under the Levelling Up and Regeneration Bill.</li> <li>6. A £0 CIL rate should be set for industrial, light industrial, storage and distribution uses above a combined 6,000sqm GIA because the Viability Assessment does not test typologies larger than this.</li> </ol>	<ol style="list-style-type: none"> <li>1. It is acknowledged that strategic employment sites may have additional infrastructure requirements, most likely highways enhancements. It is not envisaged that further strategic scale sites with large site-specific infrastructure costs will come forward during the current Local Plan period. The strategic employment sites allocated under the current Local Plan and its predecessor at Rugby Gateway, Prologis Park Ryton, Ansty Park, South West Rugby and Houlton are all either built out or have pre-CIL outline planning permissions. There is also no clear basis for estimating what such infrastructure costs would be. <p>It may be that strategic scale employment sites with additional infrastructure costs will come forward through the new Rugby Borough Local Plan. CIL will be reviewed alongside the new Local Plan and that will provide an opportunity to test specific strategic sites using realistic assumptions for costs.</p> </li> <li>2. The range of typologies is considered to be appropriate. <p>The PPG section on CIL advises that “viability assessments should be proportionate, simple, transparent and publicly available in accordance with the viability guidance.” (019 Reference ID: 25-019-20190901) and “charging authority should directly sample an appropriate range of types of sites across its area, in line with planning practice guidance on viability”.</p> </li> </ol>

Respondent	Main issues raised	How the representations were taken into account
		<p>The viability section of the PPG, including the section on the approach to viability in plan making which by implication also applies to the preparation of CIL charging schedules (Paragraph: 003 Reference ID: 10-003-20180724 and Paragraph: 004 Reference ID: 10-004-20190509), states “Assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable. Plan makers can use site typologies to determine viability at the plan making stage.” And “The characteristics used to group sites should reflect the nature of typical sites that may be developed within the plan area and the type of development proposed for allocation in the plan.”.</p> <p>Considering this guidance, the typologies used in the viability assessment are considered to be appropriate. Unplanned, strategic employment sites are not considered likely to come forward and are not ‘typical sites’. It is therefore not considered necessary to test a typology for such a site.</p> <p>3. No evidence is provided to support this assertion. The council’s current position on employment land supply is strong, see the most recent authority monitoring report. Therefore, as noted above, it is not envisaged that large departure applications will come forward. BNP Paribas have also provided some additional analysis showing the specific impact of the proposed CIL rate on the four industrial/logistics typologies. This indicates that the proposed CIL will amount to circa 0.36% of Net Development Value and 0.52% of developments costs.</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>After the proposed CIL has been applied, residual land values will equate to 96.5% of their pre-CIL levels. Given that CIL will only reduce residual land values by 3.5%, it is unrealistic to assert that the proposed CIL will render speculative developments unviable.</p> <p>4. The BNP Paribas viability evidence shows that the charging schedule would not cause harm to the deliverability of development. As noted above, the impact on residual land values of industrial development is only 3.5%. Indeed, the proposed charging rates are set at a conservative level to avoid any such negative effect. By contrast, the CIL would raise valuable – although admittedly comparatively modest – funds to support local infrastructure to support the borough’s development. The balance therefore tells decisively in favour of introducing CIL.</p> <p>5. The current timetable for introduction of the Infrastructure Levy is unclear. The DLHUC ‘Technical Consultation’ issued earlier this year indicates that there will be a further consultation on draft regulations, followed by a ‘test and learn’ pilot programme with a small number of authorities, following which a further set of regulations would be issued for consultation. This is expected to take a period in excess of 5 years. It is also noteworthy that a General Election must be held by the end of 2024 and the Labour Party has indicated that it would not take the proposed IL forward, if it is elected. In the meantime, the council wishes to proceed to approve a CIL charging schedule.</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>6. It is not correct that the Viability Assessment does not test typologies with a greater floor area than 6,000sqm. The employment parcels on typologies 1 and 2 have floor areas of 21,000sqm and 45,000sqm respectively.</p>
A.C. Lloyd	<p>1. Note that the amount that employment uses can sustain is stated to be £7 per square metre in the executive summary on page 4 of the BNP Paribas study (July 2023) but £11 per square metre at paragraph 6.21 on page 43. This has changed from a figure of £7 per square metre in the February 2023 version of the BNP Paribas report which supported the May to June 2023 consultation.</p> <p>2. The charging schedule sets the same CIL rate irrespective of the scale of employment development or whether it is greenfield/brownfield. This means the evidence base is not robust enough. Strategic scale sites have higher infrastructure costs.</p> <p>3. Not all the uses in the category carry the same value, with quite large differentials occurring across the market between light industrial and warehousing.</p> <p>4. The viability evidence should clearly set out the level of CIL charge considered to be</p>	<p>For 1-3. See responses for Prologis above.</p> <p>2. Charging authorities are not required to set different CIL rates by scale of development or existing use value. As noted in the additional note provided by BNP Paribas, if industrial schemes are brought forward on greenfield sites, the surplus residual land value above greenfield land value is significantly higher (£108 per square metre) in comparison to industrial schemes brought forward on brownfield sites (£16 per square metre). There is significant surplus value generated by developments on greenfield sites to fund on-site infrastructure.</p> <p>4. Appendix 6 of the BNP Paribas report sets out clearly the indicative maximum CIL rates for typologies 21 and 22.</p>



Respondent	Main issues raised	How the representations were taken into account
	viable for employment uses and be clearer in its conclusions and recommendations.	
Richborough Estates	<ol style="list-style-type: none"> <li>1. Strategic scale employment sites have more significant infrastructure requirements. The allowance of £20/sqm underestimates the typical s106 requirements for strategic scale employment sites, particularly for employment sites.</li> <li>2. The range of employment typologies is too narrow.</li> <li>3. The charging schedule could render speculative development proposals not envisaged in the local plan becoming unviable.</li> <li>4. There would be limited benefits of introducing CIL because it would not make much of a dent into the funding gap.</li> <li>5. The council should carefully consider the merits of introducing CIL given the proposed introduction of the Infrastructure Levy under the Levelling Up and Regeneration Bill.</li> <li>6. A £0 CIL rate should be set for industrial, light industrial, storage and distribution uses above a combined 6,000sqm GIA because the Viability Assessment does not test typologies larger than this.</li> </ol>	<p>See responses for Harworth (above).</p> <p>See also the additional note provided by BNP Paribas on maximum potential CIL rates and the impact of the Council's proposed rate.</p>

Respondent	Main issues raised	How the representations were taken into account
GLP	<ol style="list-style-type: none"> <li>1. The introduction section in the BNP CIL Viability Assessment report only relates to residential development and doesn't analyse recent trends within the industrial and logistics market.</li> <li>2. The typologies tested do not include industrial and logistics developments in rural parts of the borough in proximity to the strategic road network.</li> <li>3. The range of typologies tested is not wide enough. It does not include developments providing over 25,000sqm. Regional and national distribution centres typically exceed 25,000sqm in floorspace.</li> <li>4. Site coverage assumptions of 74% net for typology 1 and 90% for typologies 21 and 22 are unrealistically high. Particularly for large scale greenfield sites and taking into account biodiversity net gain.</li> <li>5. Rent free periods would be higher than 12 months for speculatively completed units which are vacant ahead of lease commencement.</li> <li>6. Yields of 5% are assumed for industrial and warehousing units. We would anticipate</li> </ol>	<ol style="list-style-type: none"> <li>1. This has no bearing on the evidence base. As GLP will be aware, the industrial and logistics market has seen a period of increasing rents and yield compression, which have increased capital values and land values generated by industrial development. For example, Knight Frank's most recent research report on Industrial and Logistics (June 2023) forecasts increasing rents in the sector (3.1% per annum). They also forecast increasing investment activity in the industrial and logistics sector in 2023 and 2024.</li> <li>2. The typologies tested include three greenfield typologies. It is not clear what difference a rural location would be expected to make to the assumptions applied.</li> <li>3. The urban extension typology 2 employment land includes 22,500sqm of B2 and 22,500 sqm of B8, a combined 45,000sqm. The Coventry and Warwickshire Housing and Economic Development Needs Assessment defines a strategic employment site as capable of accommodating more than 9,000sqm. As explained in the response to the representations from Harworth (above), the range of typologies tested is considered appropriate.</li> <li>4. This statement is incorrect, and the representation has misunderstood the appraisal. Typology 1, parcel 1 has a site area of 3.5 hectares (or 35,000 square metres) and the industrial unit is assumed to have a GIA of 21,000 square metres. The plot ratio is therefore 60%,</li> </ol>

Respondent	Main issues raised	How the representations were taken into account
	<p>Grade A/A+ units would achieve 5.5% yield and second hand 6% yield.</p> <p>7. Build costs of £651psqm are too low because they omit abnormals, earthworks and sustainability costs.</p> <p>8. Marketing costs and sales legal fees should total between 15% and 18% on industrial and warehouse developments, not 3% (marketing) and 0.5% (sales legal) used in the report.</p> <p>9. Sales periods are unclear.</p> <p>10. Developer profit assumption of 20% is too high.</p> <p>11. Exceptional costs shouldn't be excluded, an allowance for abnormals should be made.</p> <p>12. The benchmark land value of £800,000 per square metre is out of date.</p> <p>13. There is a discrepancy in the report between para 6.21 which says that the maximum CIL rate would be £11/sqm and para 1.8 which says it would be £7/sqm</p>	<p>which is considered typical for modern industrial development.</p> <p>Typology 21 has a site area of 1 hectare (10,000 square metres) and a GIA of 6,000 square metres, a plot ratio of 60%. Typology 22 has the same site area and a GIA of 5,000, a plot ratio of 50%.</p> <p>5. Most logistics developments are now built to order to meet operational requirements of national or international operators (e.g. Amazon or the supermarket chains). A 12 month period covering voids and rent free periods is adequate in this context. Nevertheless, BNP Paribas have tested the impact of an 18 month rent free and void period in their supplementary note.</p> <p>6. It is unclear why the representation refers to second hand stock when CIL will only apply to developments of new space.</p> <p>7. This assertion is incorrect - BCIS costs are based on tenders for construction of all costs of developments including earthworks and foundations. The representation also does not note that significant higher costs (£839 per square metre) are applied to industrial development. With regards to sustainability costs, paragraph 4.14 of the BNP Paribas report notes that an additional 2% of costs is incorporated into the appraisals to account for the costs of achieving BREEAM 'excellent' standards.</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>8. The representation appears to be confusing sales agents' fees with letting agents and letting legal fees. Letting agents' fees are applied at 10% of first year's rent, with letting legal fees at 5% of first year's rent. Sales agent's fees are applied at 1% of GDV and sales legal fees at 0.75%. These are entirely standard and should be uncontested.</p> <p>9. Units are sold upon practical completion.</p> <p>10. Paragraph 4.25 of the BNP Paribas Report notes that the appraisals incorporate a profit of 15% of GDV, which is equivalent to 20% on cost. BNP Paribas does not disagree that this is high, but was adopting a conservative position. They have tested the impact of a lower profit margin and the results of this analysis are incorporated within their supplementary note.</p> <p>11. The position with regards to exceptional costs is clearly set out at paragraphs 012 and 014 of the Planning Practice Guidance, namely that if abnormal costs are incurred or there are site infrastructure costs, these should be reflected in the benchmark land value. The impact of such costs is therefore neutral on the appraisal. Notwithstanding the policy position, the supplementary note produced by BNP Paribas notes that there is significant scope for the industrial typologies which are likely to incur strategic</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>infrastructure can readily absorb these costs from the surplus residual value identified by the appraisals.</p> <p>12. We do not agree, subsequent DLHUC publications on land value for policy testing show values of £775,000 for Rugby.</p> <p>13. The maximum CIL rates that the different employment typologies can support is shown in the table at Appendix 6 (Appraisal Results) on page 81 of the BNP Paribas report (page 122) of the PDF. This shows the lowest maximum CIL rate among employment typologies is £11/sqm. The reference to £7 per square metre in the executive summary to the BNP Paribas report is a typo and should read as £11 per square metre. See also the supplementary note produced by BNP Paribas which expands on the issue of maximum rates.</p>
SEGRO	<p>1. Introducing CIL for industrial, light industrial and storage and distribution uses will create a barrier for employment uses seeking to expand in or relocate to the borough. This will undermine economic growth, particularly as Rugby would be the only authorities in Coventry and Warwickshire charging for these uses.</p> <p>2. The timing of bringing forward CIL is questionable given the government's intention to introduce a new Infrastructure</p>	<p>1. Based on the viability evidence in the BNP Paribas report it is not considered that the proposed charge would create a barrier to employment development. The fact that other Warwickshire authorities are not charging CIL is not evidence that the charging schedule does not meet the drafting requirements. As noted previously, it cannot be credibly argued that a CIL charge which equates to 0.36% of development costs, or that reduces residual land values by 3.5% would act as a barrier for employment uses.</p>

Respondent	Main issues raised	How the representations were taken into account
	<p>Levy under the Levelling Up and Regeneration Bill.</p>	<p>2. The current timetable for introduction of the Infrastructure Levy is unclear and as noted above is likely to not be any earlier than 2028. In the meantime, the council wishes to proceed to approve a CIL charging schedule.</p>
Barberry	<p>1. Build cost inflation, energy standards for new buildings and biodiversity net gain affect commercial development and when CIL is added to this it could delay or prevent development going ahead deterring developers from locating in the borough.</p> <p>2. Other authorities nearby are not charging CIL so CIL would deter developers from building in the borough.</p>	<p>1. The build costs used for industrial and warehousing buildings use the most recent figures available. Build cost inflation has stabilised and is expected to remain lower. The study uplifts build costs to reflect the additional cost of meeting the BREEAM excellent standard.</p> <p>2. In view of its 'golden triangle' location for logistics and clusters of high value manufacturing uses, Rugby Borough will continue to be an in demand and desirable location for employment development post the introduction of CIL. As noted previously, the proposed CIL equates to 0.52% of development costs and it is not considered that the proposed charge would deter development.</p>
Newlands Developments	<p>1. Tables 1 and 2 in the consultation document should include the 2022/23 monitoring year.</p> <p>2. There should be additional guidance on what constitutes gross internal floor space. RBC should confirm that buildings without full and complete walls like bikesheds and buildings into which people do not ordinarily go will not be chargeable developments</p> <p>3. The charging schedule should define commencement</p>	<p>1. At the time of publishing the consultation document (Appendix 7 below), monitoring information for the 2022-23 monitoring year was not yet available.</p> <p>2. As there is no definition of a 'building' in the CIL Regulations, RBC will consider publishing CIL guidance at a later date on this issue. This does not, however, need to be included in the charging schedule.</p> <p>3. Commencement of development is defined in Regulation 7 of the Community Infrastructure Levy</p>

Respondent	Main issues raised	How the representations were taken into account
	<ol style="list-style-type: none"> <li>4. The charging schedule should not refer to a relief/exemption form being submitted with a planning application as this detail may not be known at that stage.</li> <li>5. There is no commentary in the viability section introduction on the industrial market, this should be included after para 2.20</li> <li>6. Section 3 review should be updated to include industrial development</li> <li>7. It should be clear what the rent, yield and rent free period are based on.</li> <li>8. The evidence behind the development finance rate of 6% should be provided as rates 4-5% above base rate are usual</li> <li>9. 3% marketing costs and 0.5% legal fees relate to residential development, the evidence behind this should be set out. It should be confirmed what this is 3% of.</li> <li>10. Allowance for s106 of £20 per square metre should make clear whether this is GEA or GIA. The evidence behind this assumption should be set out.</li> <li>11. It should be clear what sales period is assumed for industrial development.</li> <li>12. At para 4.25 it should be clear what 15%/20% profit would be a percentage of</li> <li>13. Rationale for benchmark land values for industrial schemes in paras 4.28-4.35 should be explained.</li> <li>14. It should be clear whether for the employment parcels infrastructure</li> </ol>	<p>Regulations 2010 (as amended). It is considered that it could lead to confusion for the council to create its own definition.</p> <ol style="list-style-type: none"> <li>4. It is agreed that exemption/relief forms may not be ready to be submitted with a planning application, but must be submitted before commencement. If CIL is introduced, the council will prepare guidance/text for its website to make this clear.</li> <li>5. This has no bearing on the evidence base. As Newlands will be aware, the industrial and logistics market has seen a period of increasing rents and yield compression, which have increased capital values and land values generated by industrial development. For example, Knight Frank's most recent research report on Industrial and Logistics (June 2023) forecasts increasing rents in the sector (3.1% per annum). They also forecast increasing investment activity in the industrial and logistics sector in 2023 and 2024.</li> <li>6. Section 3 of the viability study (VS) addresses appraisal methodology and how benchmark land values are established in accordance with guidance. The approaches set out in this section relate to all types of development, not solely residential. Paragraph 3.2 notes that "for a commercial scheme, scheme value equates to the capital value of the rental income after allowing for rent free periods and purchaser's costs". The other principles set out in the description of the residual valuation approach apply equally to industrial</li> </ol>

Respondent	Main issues raised	How the representations were taken into account
	<p>requirements have been included in the same way as residential</p> <p>15. CIL infrastructure funding position statement should make clear whether CIL receipts are expected to be received from industrial development.</p>	<p>development as they do to residential schemes, or any other type of development.</p> <p>7. As noted in para 4.10 of the VS, the rents assumed in the appraisals are informed by lettings of similar floorspace in the previous two years. The rent of £95 per square metre (£8.87 per square foot) reflects the upper quartile rent. It should be noted that the 32 lettings were of predominantly second hand space. The upper quartile rent of £95 per square metre is a reasonable reflection of the rents achievable on new space.</p> <p>8. Finance rates applied in a range of viability assessments are typically at 6%. There is not a linear relationship between Bank of England base rate and development finance rates, as the representation implies. Before the period of ultra-low interest rates between 2009 and 2022, the BOE base rate typically fluctuated in a range between 4% and 5% and development finance rates were at around 6%.</p> <p>9. For the non-residential appraisals, sales agents' fees are applied at 1% of GDV and legal fees are applied at 0.75% of GDV. Lettings agents' and lettings legal fees are applied at 10% and 5% of first year's rent in line with standard valuation assumptions.</p> <p>10. The £20 per square metre S106 allowance is applied to the Gross Internal Area. The Council's comments in</p>



Respondent	Main issues raised	How the representations were taken into account
		<p>response to other representations addresses the adequacy of this figure.</p> <p>11. In all cases, the units are assumed to be sold to an investor at practical completion in line with normal market practice.</p> <p>12. Profit is applied at 15% of GDV in line with normal market practice. As noted above, GLP considers that this profit is too high – it if were lowered, the residual land values would increase.</p> <p>13. The representation appears to misunderstand the concept of benchmark land values in planning viability. Benchmark land values are entirely distinct from the residual land value of the use that might be built on the land. As noted in the VS, benchmark land values are applied at £800,000 per gross hectare for previously developed land and £250,000 per gross hectare for greenfield sites, both of which are widely accepted for policy testing purposes. The rationale for both figure is set out in the VS.</p> <p>14. It is unclear whether or not the author of the representation has read the VS in full, but the rationale for the proposed rate is clearly set out in the VS and its appendices. The assertion <i>that ‘there is no information about the typologies tested, or the outputs of this testing’</i> is incorrect. All the typologies tested are clearly set out in Table 4.1.1 and the outputs shown in full in Appendix 6. Appendix 6 shows that industrial</p>

Respondent	Main issues raised	How the representations were taken into account
		<p>developments will be able to absorb CIL rates ranging from £11 per square metre to £95 per square metre.</p> <p>15. The infrastructure funding statement has been updated following the consultation to make reference to anticipated receipts from industrial development.</p>

## **Appendix 7**

### **Third consultation full consultation document**



**RUGBY BOROUGH COUNCIL**  
**DRAFT COMMUNITY**  
**INFRASTRUCTURE LEVY**  
**CHARGING SCHEDULE**  
**JULY 2023**







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## NOTE

The information contained within this guide is intended to assist applicants, developers and landowners to understand Rugby's Community Infrastructure Levy (CIL). It is not intended to replace the need to read and understand the CIL Regulations and government guidance, and affected parties are advised to seek their own professional advice.

## 2. INTRODUCTION

- 2.1. In 2010, government introduced the Community Infrastructure Levy (CIL) as the preferred mechanism for securing developer contributions towards infrastructure to support growth in an area. The money raised can be used to fund a wide range of infrastructure such as transport schemes, schools, community facilities, health and social care facilities, parks, green spaces and leisure facilities.
- 2.2. Rugby Borough Council is seeking to implement CIL across its administrative area, and this document sets out the draft charging schedule and a summary of how it has been derived. The proposed charging schedule is set out at Appendix 1.
- 2.3. Section 106 agreements and Section 278 highways agreements will continue to be used to secure mitigation, including (but not limited to) of those impacts that are not classified as infrastructure as well as affordable housing. The amended CIL Regulations no longer contain a restriction on the pooling of monies from more than five S106 obligations to fund a single infrastructure project and both CIL and S106 funding can be secured towards the same piece of infrastructure without the limitation of pooling.

## 3. SUPPORTING EVIDENCE

- 3.1. Preparation of the Charging Schedule is supported by the following evidence documents, which can be found on the Council's website:
  - The Local Plan, adopted June 2019, which set out infrastructure requirements to support the delivery of planned development within the Local Plan 2011-2031;
  - A CIL Viability Assessment, undertaken by consultants BNP Paribas on behalf of the Council (July 2023 – see below);
  - An Infrastructure Funding Position Statement, which compares the likely CIL income from anticipated new developments with the cost of infrastructure; and
  - An Interim CIL Spending Strategy, which provides a draft infrastructure list.
- 3.2. Councils are required to show evidence on how much revenue they have been generating from S106 obligations in 'recent years' (shown in Table 2) and the level of affordable housing delivered (Table 3). Further information on monitoring of local plan targets is set out on the Council's website in the Authority Monitoring Report. BNP Paribas examined the impact of their proposed rates on affordable housing and concluded in paragraph 7.16 that *"This study demonstrates that the proposed CIL charges are set at a level which will ensure an appropriate balance between delivering affordable housing, sustainability objectives, necessary infrastructure and the need for landlords and developers to achieve a return in line with the NPPF."*



Table 1 - Section 106 obligations

Financial Year	Revenue Generated (£)
2015/16	446,840.84
2016/17	454,356.65
2017/18	2,404,072.55
2018/19	2,316,434.36
2019/20	622,620.08
2020/21	1,853,685.69
2021/22	£5,071,798.90

(Source: RBC Planning Dept)

Table 2 - Affordable Housing Performance

Financial Year	Units delivered
2016/17	6
2017/18	47
2018/19	208
2019/20	260
2020/21	233
2021/22	79

(Source: RBC Housing Department)

## 4. VIABILITY ASSESSMENT

4.1. The Council appointed BNP Paribas to undertake an assessment of the ability of developments across the borough to accommodate CIL. The draft charging schedule, shown in appendix 1 reflects the conclusions of the viability assessment. Different charging rates are set for residential development in the Rugby urban area and in the rural areas, based on viability. Apartments within the Rugby urban area are zero rated. The strategic sites of Houlton, Coton Park East and South West Rugby are zero rated for residential development but are not zero rated for convenience retail, industrial, light industrial or storage and distribution uses. Figure 1 in appendix 1 is a map of the residential CIL charging zones for the borough, categorised as urban, rural and strategic sites.

## 5. CALCULATING THE CHARGE

5.1. The amount of CIL charge a development is liable to pay is calculated according to Schedule 1 of the CIL (Amendment) (England) (No. 2) Regulations 2019. The method involves multiplying the relevant CIL rate for the type/location of the development by the net additional floorspace – and factoring in an inflation measure to allow for changes in building costs over time. A summary of the method is set out below:

**CIL rate x Net additional new build floorspace x Inflation measure**

5.2. The inflation measure used will be the national 'All-in Tender Price Index' published by the Building Cost Information Service (BCIS) or the Royal Institution of Chartered Surveyors (RICS). The inflation measure involves dividing the Index costs from the year planning permission is granted, by the Index costs from the year the Charging Schedule is adopted. Full details of the method are set out in the Regulations.

5.3. The CIL Regulations specify that where the overall chargeable amount on a scheme is less than £50, it is deemed to be zero.

5.4. In certain circumstances, where a development includes the demolition of an existing building, the existing Gross Internal Area (GIA) can be deducted from the proposed floorspace. These deductions in respect of demolition or change of use will only apply where the existing building has been in continuous lawful use for at least six months in the 3 years prior to the development being permitted and is still in situ on the day planning permission is granted.

## 6. EXEMPTIONS

6.1. Most development that involves the creation of buildings that people normally use will be liable to pay CIL<sup>1</sup>. However, the Regulations provide for several exemptions to CIL<sup>2</sup> against which the levy will not be charged, including:

- New buildings or extensions under 100 sqm of gross internal floor space, which do not involve the creation of a new dwelling;
- Dwellings built by 'self-builders'
- The change of use, conversion or subdivision of a building that does not involve an increase in floorspace;
- The creation of a mezzanine floor within a building;
- Temporary development permitted for a limited period;
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;

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<sup>1</sup> This includes development permitted by a general consent (including permitted development)

<sup>2</sup> Under Part 6 of the CIL Regulations 2010 (as amended)

- Vacant buildings brought back into the same use;
- Structures which are not buildings, such as pylons or wind turbines;
- Affordable housing (defined as social rented and intermediate housing)

provided through a local housing authority, registered provider or charitable body; and

- Development by charities for charitable purposes.

- 6.2. CIL is charged on the gross internal floorspace<sup>3</sup> of new development. Where planning permission is granted for a development that involves the extension or demolition and then rebuild of a building in lawful use<sup>4</sup>, the level of CIL payable will be calculated based on the net increase in floorspace. This means that the existing floorspace contained in the building to be extended or demolished will be deducted from the total floorspace of the new development when calculating the CIL liability.
- 6.3. The Council can claw back any CIL relief where a development no longer qualifies for that relief within a period of seven years from the commencement of the development. For example, should a charity develop a building for charitable purposes and subsequently sell the building to the open market within seven years, then the Council will be able to claw back the CIL that would have been charged on the building had it been originally used for private use. Should a self-builder find that they must sell or rent the new dwelling within 3 years of the commencement of the development then the Council will then seek to clawback any CIL relief provided.
- 6.4. Under CIL Regulation 55, a Council can choose to offer exceptional circumstances relief if charging CIL would have an unacceptable impact on the economic viability of a particular development. Exemptions can also be made for charitable institutions, where this would not constitute State Aid (under CIL Regulation 45). However, the Council does not at present propose to make these exemptions available.

## 7. CIL REPORTING AND ADMINISTRATION

- 7.1. CIL revenue will be spent on the infrastructure needed to support development in the authority, the Council will produce an Infrastructure Funding Statement which will be published annually by 31 December. The Infrastructure Funding Statement reports on all funds secured, received and spent in the previous financial year for CIL and S106. The authority will use 5% of the CIL revenue to fund the administration costs of the Levy.
- 7.2. CIL is payable on the day development is commenced. Payment can be made in instalments (if eligible) as set out in the instalments policy in Appendix 2.

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<sup>3</sup> The gross internal floorspace is the internal area of the building, and should include rooms, circulation and service space such as lifts and floorspace devoted to corridors, toilets, storage, ancillary floorspace (e.g. underground parking) etc.

<sup>4</sup> The definition of lawful use is contained in Schedule 1 Part 1 of the CIL (Amendment) (England) (No. 2) 2019 states that "...contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development."

- 7.3. Below is some further guidance that may be helpful:
- When an application for planning permission is submitted when CIL is payable, it must include an 'Additional CIL Information' form together with any relief or exemption claim forms completed with details of the development. This enables Rugby BC to calculate the amount of CIL payable. These documents must be submitted with your planning application.
  - The person who intends to pay CIL must assume liability prior to commencement by submitting an assumption of liability form.
  - If CIL chargeable permitted development is to be carried out, there is a requirement to submit a notice of chargeable development before development begins.
  - A commencement notice must be submitted for any other CIL chargeable development that requires planning permission.
  - If the circumstances of an exemption or relief have changed (a 'disqualifying event') Rugby BC must be notified.
  - On commencement the liable person must pay CIL in accordance with the instalments policies. A demand notice will be sent with details of how much to pay and the details of the instalments required.
  - If you receive any notice from Rugby BC, such as a demand notice, information notice or stop notice you must make the payment, provide the information or stop work on your development as requested in the notice.
  - If you don't assume liability, submit a commencement notice, submit a notice of chargeable development, notify the council of changes to circumstances affecting an exemption or relief or reply to an information notice this may incur a financial penalty (surcharge) that will be added to the amount of CIL you have to pay.
  - Late payment of CIL incurs a financial penalty (statutory late payment interest) that will be added to your CIL and failure to pay may lead to enforcement action and legal proceedings.
  - The liability to pay CIL is registered as a land charge and is not removed until the full amount of CIL has been paid and any period for disqualifying events has expired.
- 7.4. You can appeal if you think we've mis-calculated the amount of CIL you need to pay and/or any relief or exemption you've claimed. You can also appeal our decision on apportioned liability, a surcharge, deemed commencement and a CIL stop notice (see appeals guidance). You can't appeal against the principle of paying CIL or negotiate the amount payable.
- 7.5. The CIL forms, guidance notes and further information is available on the Planning Portal website: Planning Portal – CIL at <https://www.planningportal.co.uk/planning/policy-and-legislation/CIL/about-CIL>.
- 7.6. Detailed guidance on CIL appeals is available on the Valuation Office and Planning Portal websites: Valuation Office CIL appeals guidance at <https://www.gov.uk/guidance/community-infrastructure-levy-how-to-make-an-appeal#:~:text=DH1%203UW-,Contact,refer%20to%20the%20Planning%20Portal>.
- 7.7. Planning Portal - CIL appeals at <https://www.gov.uk/guidance/appeal-a-community-infrastructure-levy-enforcement-notice>
- 7.8. The Community Infrastructure Levy ((Amendment) (England) (No.2) Regulations 2019) came into force on 1 September 2019. Under these regulations, Infrastructure Funding Statements (IFS) have replaced CIL Regulation 123 Lists as the mechanism through which projects are identified for CIL funding. The IFS will be published annually and provide a summary of all financial and

non-financial developer contributions relating to S106 and CIL within the Borough. It will include a statement of infrastructure projects that Rugby Borough Council intends to, or may be, wholly or partly funded by CIL. It will also set out the CIL spending protocol setting out the process that the Council will undertake for allocating CIL receipts.

# APPENDIX 1 – PROPOSED COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE

## Purpose

This schedule sets out the Community Infrastructure Levy charging rates proposed by Rugby Borough Council.

## Date of Approval

This charging schedule will be approved by Rugby Borough Council at a meeting of its full Council at a date to be determined subject to the receipt of a favourable Examiners report.

## Effective Date

This Charging Schedule shall take effect on a date to be determined by full Council.

## Charging Rates per sq.m.

Development Type	Rugby Urban Area	Rural Area
Residential houses – 11 units or more	£60	£160
Residential houses – 10 or fewer units	£100	£200
Residential development on strategic sites	Nil	Nil
Residential apartments – 10 of fewer units	Nil	£200
Residential apartments – 11 or more units	Nil	£160
Convenience retail	£100	£100
Industrial, light industrial, storage and distribution	£5	£5

All other uses	Nil	Nil
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Notes:

1 Residential unit numbers refer to net figures.

2 Residential excludes student accommodation, HMOs, retirement living or sheltered housing; extra care housing or housing-with-care and residential care homes and nursing homes as defined by Paragraph: 010 Reference ID: 63-010-20190626 of the Planning Practice Guidance.

3 Strategic Sites are Coton Park East, Rugby Radio Station (Houlton) and South West Rugby as shown on the Residential charging zones map at Figure 1 below.

4 Apartments are separate and self-contained dwellings within the same building. They generally have shared access from the street and communal areas from which individual dwellings are accessed. Apartment buildings have dwellings on more than one floor and are subdivided horizontally by floor.

5 Other chargeable residential development (e.g. residential extensions over 100 sq m and annexes) will be charged at the relevant zone rate.

6 'Industrial' is use class B2, 'light industrial' is use class E(g)(i), and 'storage and distribution' is use class B8 in each case as defined in Schedules 1 and 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Calculating the Chargeable amount of CIL**

CIL is charged on all new developments which create more than 100m<sup>2</sup> of floor space and on those developments which create 1 or more new dwellings, even where the floor space is less than 100m<sup>2</sup>. The chargeable amount of CIL is calculated on the gross internal area of the net increase in floor area. The amount to be charged for individual developments will be calculated in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010, as amended.

**Indexation**

The CIL Regulations specify that the index to be used is the —National All-in Tender Price Index published from time to time by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November of the preceding year. In the event that the All-in Tender Price Index ceases to be published, the index to use will be The Retail Prices Index.



Figure 1 Residential CIL Charging Zones

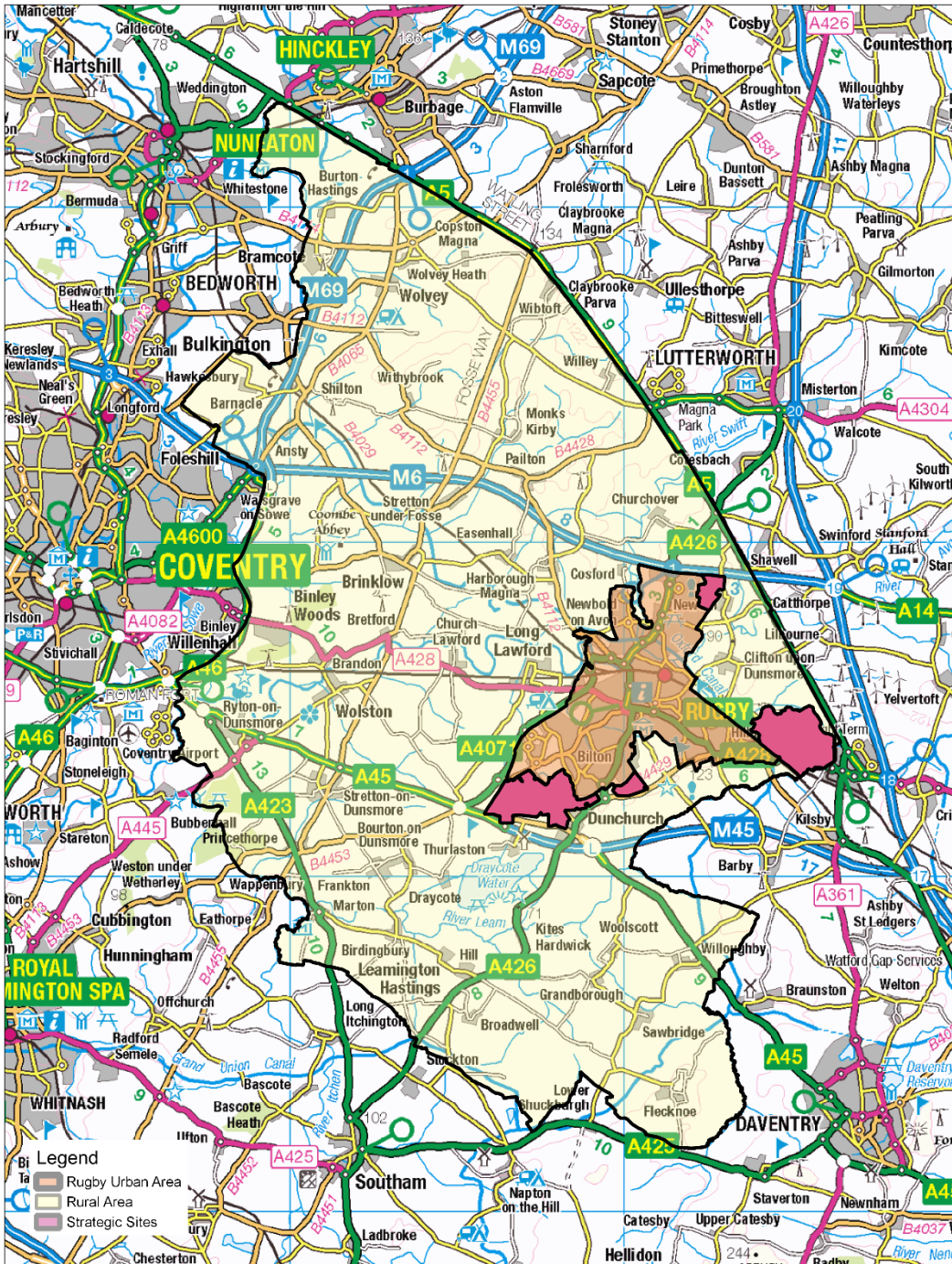


Figure 1: Residential CIL Charging Zones

Date: July 2023  
Scale: 1:99,992.632122



Development Strategy

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Ordnance Survey 100019417





## APPENDIX 2 – CIL INSTALMENTS POLICY

This policy has been prepared in accordance with Regulation 69B of the CIL Regulations 2010 (as amended) The Council will allow payment of CIL by instalments according to the total amount of liability as follows:

Amount of Liability	Number of Instalments	Payment Periods
£50 - £50,000	1	<ul style="list-style-type: none"> <li>Total amount payable within 60 days of commencement.</li> </ul>
£50,001 - £150,000	2	<ul style="list-style-type: none"> <li>£50,000 payable within 60 days of commencement.</li> <li>Balance payable within 120 days of commencement.</li> </ul>
£150,001- £300,000	3	<ul style="list-style-type: none"> <li>£50,000 payable within 60 days of commencement.</li> <li>Balance payable in a further two instalments of equal amounts within 120 and 240 days.</li> </ul>
More than £300,000	4	<ul style="list-style-type: none"> <li>£50,000 payable within 60 days of commencement.</li> <li>Balance payable in a further three instalments of equal amounts within 120, 240 and 360 days.</li> </ul>

The instalments policy only applies in cases where the persons liable for paying CIL have complied with all the relevant regulations. Regulation 70 of the CIL Regulations 2010 (as amended) sets out that a CIL instalments policy will only apply in the following circumstances:

1 Where the Council has received CIL Assumption of Liability Form prior to commencement of the chargeable development; and

2 Where the Council has received a CIL Commencement Notice prior to the commencement of the chargeable development If either of these requirements are not complied with, the instalments set out above will not apply and the total liability will become payable within 60 days of the commencement of the chargeable development.

If development is completed prior to the date payments are required of the instalments, full CIL payment should be made on completion.

N.B. For outline applications which permit development to be implemented in phases, each phase of the development is a separate chargeable development. In such cases the instalments policy will apply to each separate chargeable development.

Date of effect: This policy will come into effect on the date of adoption of the CIL Charging Schedule by Full Council.