

HBR/RMO/BRS.4465

17 September 2014

Bath & North East Somerset Council
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BY EMAIL

Dear Sir/Madam

Community Infrastructure Levy (CIL) Draft CIL Charging Schedule and Draft Update Planning Obligations Supplementary Planning Document Representations submitted on behalf of Square Bay (Bath) LLP Former MOD Site, Warminster Road, Bath

I write on behalf of my client Square Bay (Bath) LLP to make representations to the Draft Community Infrastructure Levy (CIL) Charging Schedule published July 2014.

My clients own the former MOD site at Warminster Road, Bath, which is currently subject to a live planning application for residential development (App Ref: 14/02272/EFUL).

Draft CIL Charging Schedule

The former MOD site at Warminster Road is located adjacent to Bathwick St Mary Primary School, which the Council's Infrastructure Delivery Plan identifies for future expansion to meet the needs of new development in the Central and River Corridor area of Bath.

An area of land (comprising 0.19 ha) in the western part of my client's site (albeit outside of the red line area for the planning application), adjacent to Bathwick St Mary Primary School, has been identified as suitable for the expansion of the school. If this land is considered by the education authority to be the most suitable option for expansion, my client is willing to gift this land to the Council through a S106 agreement associated with the redevelopment of the former MOD site (in lieu of a financial contribution).

The transfer of land in lieu of a financial contributions is achievable by amendments to the Community Infrastructure Levy Regulations in February 2014 which introduced the option for charging authorities to accept payments in kind, through the provision of land and/or infrastructure (on-site or off-site), for the whole or part of the levy payable on a development.

Regulation 73a of Part 8 (inserted by the February 2014 Regulations) of the Community Infrastructure Levy Regulations 2010 states that where CIL is paid by way of a land payment the amount of CIL paid is an amount equal to the value of the acquired land.

In order to accept payments in kind, a charging authority must publish a policy document which sets out conditions in detail. This document should confirm that the authority will

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accept infrastructure payments and set out the infrastructure projects, or types of infrastructure, they will consider accepting as payment.

It is therefore requested that the Regulation 123 list included within the Draft Charging Schedule be updated to include land required for the delivery of social and community infrastructure, including schools. Confirmation of the Council's acceptance of 'in kind' payments and conditions applied to such payment should also be set out within the Draft Charging Schedule.

This will allow the Council to have certainty about the delivery and timescale for delivery of key infrastructure items.

It will also allow the current proposals for the Warminster Road site to be approved and implemented without being in conflict with the Council's intentions for CIL.

Infrastructure Delivery Programme 2014

Item BI.28b of the Infrastructure Delivery Programme states that the re-development of MOD Warminster Road Bath is likely to require the reinforcement of the Low Pressure gas network in order to support the load generated by new development.

This is not a matter which has been raised during the consideration of the current planning application.

A Utilities Review undertaken by Mott MacDonald, in liaison with Wales and West Utilities, confirms that an existing gas main located to the southeast of the site, at a point on Warminster Road, has sufficient capacity to supply the site. The Utilities Review report which confirms this was submitted with the planning application.

I look forward to receiving confirmation of receipt of this letter and trust that the contents will be considered in the assessment of the draft CIL Charging Schedule and its supporting evidence before it proceeds to submission. If you require any further information, please do not hesitate to contact me.

Yours faithfully



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Enc

cc. Square Bay (Bath) LLP