Viability Report

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Local Plan and CIL Viability Assessment

South Oxfordshire District Council

21 July 2017

Quality Assurance

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Limitation

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Aspinall Verdi

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Executive Summary

ES 1 [Executive Summary to complete at final draft stage

ES 2 Pre-consultation draft. This draft report has been prepared for circulation as part of the stakeholder workshop prior to the running of the appraisals. The report is completed for sections 1-4 which outlines the brief from the Council and provide the context around national and local planning policy before setting out our viability assessment method.

ES 3 Following consultee's comments, the above will be altered to reflect the comments made and will then form the basis of the development appraisals and subsequent analysis. This will all be incorporated into the final report for CIL.

ES 4 Please provide any feedback clearly referencing the relevant page / paragraph / table / figure number etc.]

1 Introduction

1.2 AspinallVerdi has been appointed by South Oxfordshire District Council to provide economic viability advice in respect of the cumulative impact on development of the new Local Plan policies.

1.3 The new Local Plan will replace the existing South Oxfordshire Core Strategy Local Plan which was adopted on December 2012. The emerging Local Plan sets out the vision for South Oxfordshire up to 2033. It identifies where housing, retail and employment land should be located and the infrastructure required to support this growth such as new roads, schools and health services. The proposed policies in the Plan will be used to help make decisions on planning applications in the district.

1.4 The new Local Plan includes policies on affordable housing, education contributions and open space contributions (amongst others). South Oxfordshire also has an adopted Community Infrastructure Levy Charging Schedule. We have tested the cumulative impact of these policies in the context of CIL.

1.5 Consultation on the Second Preferred Options draft occurred between 29th March and 17th May 2017. The final publication version is due to be completed before the end of 2017.

1.6 The remainder of this report is structure as follows;

Section:	Contents:
Section 2 – National Planning Context	This section sets out the statutory requirements for the Local Plan and CIL viability including the NPPF, CIL Regulations and PPG website.
Section 3 – Local Plan Context	This section sets out the details of the current adopted Local Plan, the existing evidence base, and the emerging Local Plan policies which will have a direct impact on viability.
Section 4 – Viability Assessment Method	This section describes our generic methodology for appraising the viability of development which is based on the residual approach as required by guidance and best practice.
Section 5 – 10	These sections summarise the evidence base, property market context, development monitoring and viability for each sector of the property market including residential, retail and commercial and

	retail uses.
Section 11 – Conclusions and Recommendations	Finally, we make our recommendations in respect of the Plan viability, Affordable Housing and CIL.

2 National Planning Context

2.1 Our economic viability appraisal has been carried out having regard to the various statutory requirements comprising primary legislation, planning policy, statutory regulations and guidance.

National Planning Policy Framework

2.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied[1]. It was first published on 27 March 2012 and is now online (see below).

Paragraph 173

2.3 The NPPF places viability and deliverability at the fore. Paragraph 173 deals explicitly with ensuring viability and deliverability. Paragraph 173 states that –

> *Pursuing sustainable development requires* ***careful attention to viability and costs in plan-making and decision-taking.*** *Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide* ***competitive returns to a willing land owner and willing developer to enable the development to be deliverable****.*[2] (our emphasis)

Affordable Housing

2.4 In terms of affordable housing, the NPPF specifically requires that local planning authorities should –

> *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.*[3]

[1] http://planningguidance.communities.gov.uk/blog/policy/introduction/ (accessed 11/1/16)

[2] Department of Communities and Local Government (March 2012) The National Planning Policy Framework ISBN: 978-1-4098-3413-7 paragraph 173

[3] Department of Communities and Local Government (March 2012) The National Planning Policy Framework ISBN: 978-1-4098-3413-7 paragraph 47

Planning Obligations

2.5 Finally the NPPF sets the context for planning obligations (S106 Agreements) following the introduction of CIL. The NPPF sets out the following –

Planning obligations should only be sought where they meet all of the following tests[4] *-*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

2.6 It is important to note that the CIL Regulations limit the use of planning obligations to a maximum of five S106 agreements in order to limit the use of pooled S106's to fund infrastructure and (therefore) encourage the uptake of CIL[5].

Planning Policy Guidance

2.7 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource[6]. This enables all planning practice guidance to be available entirely on-line. This contains the following important sections for this report –

- Viability
- Local Plans
- Planning Obligations
- Starter Homes (noting the Housing White Paper), and
- Community Infrastructure Levy (again noting the recent CIL Review).

2.8 In addition the PPG sets out national guidance on the 10 unit threshold for affordable housing.

2.9 We do not proposed to rehearse every paragraph of this guidance here, but we set out below the key guidance relevant to South Oxfordshire District Council making reference where appropriate to the Housing White Paper and the recent CIL review.

[4] Department of Communities and Local Government (March 2012) The National Planning Policy Framework ISBN: 978-1-4098-3413-7 paragraph 204
[5] The Community Infrastructure Levy Regulations 2010 in force from 6 April 2010 under section 222(2)(b) of the Planning Act 2008, Regulation 123
[6] http://planningguidance.communities.gov.uk/about/ (accessed 11/1/16)

Viability

2.10 The National Planning Policy Framework says that plans should be deliverable and that the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.[7]

2.11 Development of plan policies should be iterative – with draft policies tested against evidence of the likely ability of the market to deliver the plan's policies, and revised as part of a dynamic process.[8] This is what South Oxfordshire District Council has done by engaging with key stakeholders and consultees during this process.

2.12 Evidence should be ***proportionate*** to ensure plans are underpinned by a broad understanding of viability. Greater detail may be necessary in areas of known marginal viability or where the evidence suggests that viability might be an issue – for example in relation to policies for strategic sites which require high infrastructure investment.[9] (our emphasis)

2.13 Assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable; ***site typologies may be used to determine viability at policy level.*** Assessment of samples of sites may be helpful to support evidence and more detailed assessment may be necessary for particular areas or key sites on which the delivery of the plan relies.[10] (our emphasis) – In this respect we have set out our rationale for the site typologies for each use within the relevant section below.

2.14 Plan makers should ***not plan to the margin of viability but should allow for a buffer*** to respond to changing markets and to avoid the need for frequent plan updating. ***Current costs and values*** should be considered when assessing the viability of plan policy. Policies should be deliverable and should not be based on an expectation of future rises in values at least for the first five years of the plan period. This will help to ensure realism and avoid complicating the assessment with uncertain judgements about the future. Where any relevant future change to regulation or policy (either national or local) is known, any likely impact on current costs should be considered.[11] (our emphasis) Our sensitivity appraisals within this report clearly show where the margins of viability fall.

2.15 Local Plan policies should reflect ***the desirability of re-using brownfield land***, and the fact that brownfield land is often more expensive to develop. Where the cost of land is a major barrier, landowners should be engaged in considering options to secure the successful development of sites. Particular consideration should also be given to Local Plan policies on

[7] Paragraph: 001 Reference ID: 10-001-20140306 (accessed 12/1/16)
[8] Paragraph: 005 Reference ID: 10-005-20140306 (accessed 12/1/16)
[9] Paragraph: 005 Reference ID: 10-005-20140306 (accessed 12/1/16)
[10] Paragraph: 006 Reference ID: 10-006-20140306 (accessed 12/1/16)
[11] Paragraph: 008 Reference ID: 10-008-20140306 (accessed 12/1/16)

planning obligations, design, density and infrastructure investment, as well as in setting the Community Infrastructure Levy, ***to promote the viability of brownfield sites*** across the local area. [12] (our emphasis)

2.16 ***Central to the consideration of viability is the assessment of land or site value.*** The most appropriate way to assess land or site value will vary but there are common principles which should be reflected. In all cases, estimated land or site value should:

- **reflect emerging policy requirements and planning obligations** and, where applicable, any Community Infrastructure Levy charge;
- ***provide a competitive return to willing developers and land owners*** (including equity resulting from those building their own homes); and
- ***be informed by comparable, market-based evidence*** wherever possible. Where transacted bids are significantly above the market norm, they should not be used as part of this exercise.[13] (our emphasis)

2.17 The National Planning Policy Framework states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." This ***return will vary significantly between projects to reflect the size and risk*** profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected wherever possible.[14] (our emphasis)

2.18 A ***competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land*** for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy.[15] (our emphasis)

Local Plans

2.19 The Local Plans section of the PPG website sets out the key issues for Local Plan preparation, examination and adoption.

2.20 In addressing how detailed a Local Plan should be the guidance makes it clear that -

While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs –

[12] Paragraph: 025 Reference ID: 10-025-20140306 (accessed 12/1/16)
[13] Paragraph: 014 Reference ID: 10-014-20140306 (accessed 12/1/16)
[14] Paragraph: 015 Reference ID: 10-015-20140306 (accessed 12/1/16)
[15] Paragraph: 015 Reference ID: 10-015-20140306 (accessed 12/1/16)

and the strategy and opportunities for addressing them, ***paying careful attention to both deliverability and viability****.*[16]

2.21 The guidance sets out how the local planning authority should show that a Local Plan is capable of being delivered including provision for infrastructure. In this respect -

A Local Plan is an opportunity for the local planning authority to set out a positive vision for the area, but the plan should also be realistic about what can be achieved and when (including in relation to infrastructure). This means paying careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought on stream at the appropriate time; and ***ensuring that the requirements of the plan as a whole will not prejudice the viability of development****.*[17]

2.22 Paragraph 017 requires that the evidence which accompanies an emerging Local Plan should show how the policies in the plan have been tested for their impact on the viability of development – hence this viability assessment.

Planning Obligations

2.23 Paragraph 204 of the NPPF sets out the following tests for planning obligations which must be: *necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.*

2.24 The PPG website provides further detailed guidance on the implementation of planning obligations.

2.25 The guidance sets out how do planning obligations relate to other contributions -

Developers may be asked to provide contributions for infrastructure in several ways. This may be by way of the Community Infrastructure Levy and planning obligations in the form of section 106 agreements and section 278 highway agreements. Developers will also have to comply with any conditions attached to their planning permission. Local authorities should ensure that ***the combined total impact of such requests does not threaten the viability of the sites*** *and scale of development identified in the development plan.*[18]

2.26 In terms of plan making, the policy for seeking planning obligations should be grounded in an understanding of development viability through the plan making process[19] - hence this economic viability assessment having regard to the cumulative impact of the Council's policies on planning obligations and other requirements.

[16] Paragraph: 009 Reference ID: 12-009-20140306 (accessed 22/2/17)
[17] Paragraph: 017 Reference ID: 12-017-20140306 (accessed 22/2/17)
[18] Paragraph: 001 Reference ID: 23b-001-20161116 (accessed 22/02/17)
[19] Paragraph: 006 Reference ID: 23b-006-20140306 (accessed 22/02/17)

Starter Homes

2.27 The PPG contains a complete section on Starter Homes (dated 10 03 2015). At the time of writing this guidance is still ‘live’ however; the Housing White Paper amends the definition of affordable housing to include Starter Homes within other forms of Low Cost Home Ownership. We have therefore sought to reflect the Housing White Paper proposals to ensure our report as up to date as possible (see Housing White Paper below).

2.28 The *current* Starter Homes policy is an exception sites policy. Paragraph: 001 Reference ID: 55-001-20150318 states –

'Starter Homes exception sites policy helps to meet the housing needs of young first time buyers, many of whom increasingly cannot afford to buy their own home, by allowing Starter Homes to be offered to them at below their open market value. The exception site policy enables applications for development for Starter Homes on under-used or unviable industrial and commercial land that has not been currently identified for housing. It also encourages local planning authorities not to seek section 106 affordable housing and tariff-style contributions that would otherwise apply. Local planning authorities should work in a positive and proactive way with landowners and developers to secure a supply of land suitable for Starter Homes exception sites to deliver housing for young first time buyers in their area.'

2.29 The PPG goes on to describe the implementation of the Starter Homes exceptions sites policy by defining what land is suitable for Starter Homes (Paragraph: 007 Reference ID: 55-007-20150318) and what are underuse or unviable industrial commercial sites (Paragraph: 008 Reference ID: 55-008-20150318).

2.30 The PGG also confirms that. ‘Local planning authorities can use their discretion to include a small proportion of market homes on Starter Homes exception sites where it is necessary for the financial viability of the site. The market homes on the site will attract section 106 or Community Infrastructure Levy contributions in the usual way’. (Paragraph: 012 Reference ID: 55-012-20150318).

2.31 The Planning and Housing Act (2016) provides some further information:

(1) In this Chapter “starter home” means a building or part of a building that—

(a)is a new dwelling,

(b)is available for purchase by qualifying first-time buyers only,

*(c)is to be sold at a discount of at least **20% of the market value**,*

(d)is to be sold for less than the price cap, and

(e)is subject to any restrictions on sale or letting specified in regulations made by the Secretary of State.

(2) "New dwelling" means a building or part of a building that—

(a) has been constructed for use as a single dwelling and has not previously been occupied, or

(b) has been adapted for use as a single dwelling and has not been occupied since its adaptation.

(3) "Qualifying first-time buyer" means an individual who—

(a) is a first-time buyer,

(b) is at least 23 years old but has not yet reached the age of 40, and

(c) meets any other criteria specified in regulations made by the Secretary of State (for example, relating to nationality).

2.32 The initial 'cap' is to be £250,000 outside London.

2.33 Notwithstanding this, DCLG issued Technical consultation on the Starter Homes Regulations in March 2016. This was to widen the scope of Starter Homes to all sites and not just exceptions sites. Furthermore the consultation was on the introduction of a flat rate of 20% Starter Homes on all sites of 11 or more units (i.e. in effect a third tenure form of affordable housing).

2.34 This theme has been followed through in the HM Government's White Paper; 'Fixing our broken housing market' dated February 2017.

Housing White Paper

2.35 The White Paper clearly states that, *'the Government will not introduce a statutory requirement for starter homes at the present time. This is because of concerns expressed in response to our consultation last year that this would not respond to local needs. Instead we want local authorities to deliver starter homes as part of a mixed package of affordable housing of all tenures that can respond to local needs and local markets*.'[20]

2.36 Government's express intention is *to publish a revised definition of affordable housing*[21] *– to broaden the definition of affordable housing, to include a range of low cost housing opportunities for those aspiring to own a home, including starter homes. In doing so this*

[20] Paragraph A.124 DCLG, 'Fixing our broken housing market,' February 2017.

[21] Paragraph A.121 DCLG, 'Fixing our broken housing market,' February 2017.

approach would seek to retain all types of housing that are currently considered affordable housing[22]*. This is to build on existing practice.*[23]

2.37 The proposed definition of affordable housing includes[24]:

- Affordable housing
- Social rented housing
- Affordable rented housing
- Starter homes
- Discounted market sale housing
- Affordable private rented housing
- Intermediate housing.

2.38 Accordingly, Starter homes will form part of the tenue types under 'home ownership' affordable housing products (as opposed to rented affordable housing tenure).

2.39 Furthermore, the White Paper also states that, '*following any proposed change to the definition of affordable housing, local planning authorities will have to consider the broadened definition of affordable housing in their evidence base for plan-making. However, to promote delivery of affordable homes to buy, we propose to make it clear in national planning policy that local authorities should seek to ensure that* ***a minimum of 10% of all homes on individual sites are affordable home ownership products.*** *We consider that this strikes an appropriate balance between providing affordable homes for rent and helping people into home ownership'*[25]*.*

2.40 The PPG has not been updated following the technical consultation. However, for the purposes of our economic viability appraisal, we have assumed that starter homes are included within the general affordable 'home ownership' tenure alongside existing Intermediate and Sub-market typologies which form current CDC policy. We have set the affordable housing tenure mix to ensure that the home ownership tenures equate to 10% (see typologies matrix).

Community Infrastructure Levy

2.41 In South Oxfordshire CIL has already been adopted and there is a current Charging Schedule in place. This study is to review the CIL in the context of the emerging single Local Plan.

2.42 The guidance on the Planning Practice Guidance website replaces all previous standalone guidance.

[22] Paragraph A.119 DCLG, 'Fixing our broken housing market,' February 2017.
[23] Paragraph A.115 DCLG, 'Fixing our broken housing market,' February 2017.
[24] Box 4, page 100, DCLG, 'Fixing our broken housing market,' February 2017.
[25] Paragraph A.126 DCLG, 'Fixing our broken housing market,' February 2017.

2.43 Charging authorities should set a [CIL] rate which does not threaten the ability to develop viably the sites and scale of development identified in the relevant Plan... They will need to draw on the infrastructure planning evidence that underpins the development strategy for their area. Charging authorities should use that evidence to strike ***an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development*** across their area.[26] (our emphasis)

2.44 In this respect, CIL **Regulation 14** requires that -

> A charging authority must strike what appears to the charging authority to be an appropriate balance between —
>
> > (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
> >
> > (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.[27]

2.45 The ***levy is expected to have a positive economic effect*** on development across a local plan area. When deciding the levy rates, an appropriate balance must be struck between additional investment to support development and the potential effect on the viability of developments.[28] (our emphasis)

2.46 A charging authority should be able to explain how their proposed levy rate or rates will contribute towards the implementation of the relevant Plan…, and support development across their area. Charging authorities will need to summarise their economic viability evidence [i.e. this report(s)]. As background evidence, the charging authority should also provide information about the amount of ***funding collected in recent years through section 106 agreements***. This should include information on ***the extent to which their affordable housing and other targets have been met.*** [29] (our emphasis)

2.47 A charging authority must use ***'appropriate available evidence'*** (as defined in the Planning Act 2008 section 211(7A)) to inform their draft charging schedule. The Government recognises that the available data is ***unlikely to be fully comprehensive.*** Charging authorities need to

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[26] Paragraph: 008 Reference ID: 25-008-20140612 (accessed 12/1/16)
[27] The Community Infrastructure Levy Regulations 2010, 6 April 2010 under section 222(2)(b) of the Planning Act 2008 Regulation 14
[28] Paragraph: 009 Reference ID: 25-009-20140612 (accessed 12/1/16)
[29] Paragraph: 018 Reference ID: 25-018-20140612 (accessed 12/1/16)

demonstrate that their proposed levy rate or rates are ***informed by 'appropriate available' evidence and consistent with that evidence across their area*** as a whole. [30] (our emphasis)

2.48 In addition, a charging authority should directly sample an appropriate range of types of sites across its area, in order to supplement existing data. This will require support from local developers. The exercise should ***focus on strategic sites*** on which the relevant Plan … relies, and those sites where the impact of the levy on economic viability is likely to be most significant (such as ***brownfield sites***). [31] (our emphasis)

2.49 Charging authorities that decide to set ***differential rates*** may need to undertake more fine-grained sampling, on a higher proportion of total sites, to help them to estimate the boundaries for their differential rates. Fine-grained sampling is also likely to be necessary where they wish to differentiate between categories or scales of intended use. [32] (our emphasis)

2.50 The focus should be in particular on ***strategic sites*** on which the relevant Plan relies and those sites (such as ***brownfield sites***) where the impact of the levy is likely to be most significant. [33] (our emphasis)

2.51 A charging authority's proposed rate or rates should be reasonable, given the available evidence, but there is no requirement for a proposed rate to exactly mirror the evidence. For example, this might not be appropriate if the evidence pointed to setting a charge right at the margins of viability. There is room for some pragmatism. It would be ***appropriate to ensure that a 'buffer' or margin is included***, so that the levy rate is able to support development when economic circumstances adjust. [34] (our emphasis)

2.52 The regulations allow charging authorities to apply ***differential rates*** in a flexible way, to help ensure the viability of development is not put at risk. .. Differential rates should not be used as a means to deliver policy objectives. Differential rates may be appropriate in relation to -

- geographical zones within the charging authority's boundary
- types of development; and/or
- scales of development. [35] (our emphasis)

2.53 It is important to note that the CIL Regulations refer to 'use' here rather than 'type' of development. Regulation 13 states that –

A charging authority may set differential rates—

(a) for different zones in which development would be situated;

[30] Paragraph: 019 Reference ID: 25-019-20140612 (accessed 12/1/16)
[31] Paragraph: 019 Reference ID: 25-019-20140612 (accessed 12/1/16)
[32] Paragraph: 019 Reference ID: 25-019-20140612 (accessed 12/1/16)
[33] Paragraph: 019 Reference ID: 25-019-20140612 (accessed 12/1/16)
[34] Paragraph: 019 Reference ID: 25-019-20140612 (accessed 12/1/16)
[35] Paragraph: 021 Reference ID: 25-021-20140612 (accessed 12/1/16)

(b) by reference to different intended uses of development.

(c) by reference to the intended gross internal area of development;

(d) by reference to the intended number of dwellings or units to be constructed or provided under a planning permission.[36]

2.54 This is important, because development on brownfield land could be considered a 'type' of development, but it is not a 'use'. Paragraph: 022 Reference ID: 25-022-20140612 refers to 'How can rates be set by type of use?' This states that 'the definition of "use" for this purpose is not tied to the classes of development in the Town and Country Planning Act (Use Classes) Order 1987. Therefore it is not entirely clear whether differential rates can or cannot be set by reference to brownfield (previously developed land) typologies, however, in our experience most Charging Authorities are interpreting 'type' to mean 'use' as in the Regulations.

2.55 A charging authority that plans to set differential rates should seek to ***avoid undue complexity.*** Charging schedules with differential rates should not have a disproportionate impact on particular sectors or specialist forms of development. Charging authorities should consider the views of developers at an early stage. [37] (our emphasis)

2.56 If the evidence shows that the area includes a zone, which could be a strategic site, which has low, very low or zero viability, the charging authority should consider setting a low or zero levy rate in that area. The same principle should apply where the evidence shows similarly low viability for particular types and/or scales of development. [38]

CIL Review – Local Infrastructure Tariff / Strategic Infrastructure Tariff

2.57 As mentioned in the introduction, the CIL Review Group chaired by Liz Peace submitted it report to the Communities Secretary and the Minister of Housing and Planning in October 2016 and this report was published alongside the Housing White Paper in February 2017. The review has been generally well received by the development industry.

2.58 The purpose of the review was to -

"Assess the extent to which CIL does or can provide an effective mechanism for funding infrastructure, and to recommend changes that would improve its operation in support of the Government's wider housing and growth objectives."[39]

2.59 The report found that there are 130 authorities charging CIL (not including the Mayor of London and the London Legacy Development Corporation) and a further 88 working towards adopting a

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[36] The Community Infrastructure Levy Regulations 2010 and (Amendment) Regulations 2014
[37] Paragraph: 021 Reference ID: 25-021-20140612 (accessed 12/1/16)
[38] Paragraph: 021 Reference ID: 25-021-20140612 (accessed 12/1/16)
[39] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 para 1.1.1

CIL. Once completed, this would give a coverage of just under 60% of charging authorities. However the report notes that some of the 88 authorities have abandoned the idea of charging CIL as several local authorities consulted on preliminary draft charging schedules in 2012/13 and have taken no action since. Also that implementation is much patchier in the north, midlands and Wales[40].

2.60 The original impact assessments for the creation of CIL suggested that it might raise £4700 million to £6800 million over a ten-year period with the top end increasing to £1 billion in later assessments. If this were to be split evenly over a ten-year period, this would result in an average of £470 million to £680 million per annum. However, the CIL Review team estimate that CIL raised was approximately £170 million by the end of March 2015. In this context neither the developer nor the community has the certainty that the required 'school/surgery/road' will be delivered on time which in turn affects the developer's ability to sell completed houses. This effect is exacerbated by the way in which CIL has effectively transferred financial and construction risk from developers to local authorities which often lack the capacity to deliver. The Review team noted that this can result in a 'catch 22' situation where charging authorities have not accumulated sufficient CIL revenues to fund key elements of enabling infrastructure that will unlock house building; so the house building does not take place and the related CIL payments needed to deliver infrastructure are not made[41].

2.61 The Review also found the following weaknesses of CIL:

- Neighbourhood Share[42] - doubts as to whether the community or neighbourhood share is having any impact on a community's likelihood of accepting or even welcoming development. Charging Authorities were generally concerned that allocating a substantial portion of their CIL receipts to neighbourhoods reduced their ability to fund some of the larger infrastructure, such as roads and schools.
- Complexity[43] - the CIL regulations are 155 pages long and consist of 129 separate regulations. They have been amended each year since they were first introduced in 2010 to deal with policy changes and technical issues.
- Implementation and Rate Setting Process[44] - the EIP process was dominated by a small number of development typologies, generally large residential developments on greenfield strategic sites and noted that a small number of advisors were having the same arguments (e.g. about Threshold Land Value) on behalf of developers and councils at most EIPs with little public benefit.

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[40] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 para 3.2.1
[41] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 section 3.3-3.4
[42] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 section 3.7
[43] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 section 3.8
[44] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 paragraphs 3.8.5 - 3.8.10

- Exemptions and Reliefs[45] - applying for exemptions can require a considerable amount of paperwork for both the applicant and the local authority. For the local authority this is particularly burdensome as they receive no CIL revenue in compensation.

2.62 The CIL Review team recommended[46] -

- that the Government should replace the Community Infrastructure Levy with a hybrid system of a broad and low level **Local Infrastructure Tariff (LIT)** and Section 106 for larger developments
- that Combined Authorities should be enabled to set up an additional Mayoral type **Strategic Infrastructure Tariff (SIT)**

2.63 The CIL Review proposes a twin track system of a new low level tariff (LIT), combined with Section 106 for larger sites. The low level infrastructure tariff is meant to provide a means of ensuring that all development makes some contribution to the wider cumulative infrastructure need in an area that comes from development pressures generally. It is not for site specific impact mitigation.

2.64 The LIT should be applied to all development, almost without exception.

2.65 Larger developments which require direct mitigation to make them acceptable in planning terms or very specific major infrastructure on or close by the development including infrastructure delivered up-front, would be subject to an additional Section 106, strictly in accordance with the Regulation 122 tests.

2.66 Also, given the changing nature of the local government geography and the emergence of Combined Authorities, the CIL Review team consider there is a good case for making the necessary legislative and regulatory provision to enable CAs to collect a ‘Mayoral’ type CIL as a contribution to major pieces of infrastructure. This would not be obligatory and indeed would only be relevant where there was a requirement for such large infrastructure (e.g. Crossrail in London).

2.67 The intention is that LIT would be set by a standard calculation based on 1.75 - 2.5% of the sale price for a “standardised 100 square metre three bedroom family home, and divide that by 100 to reach a square metre rate, which would then be applied to all residential development.”[47] This would make LIT rate setting much simpler and the argument goes that, because it applies to nearly all development without exception has the potential to raise equally, if not more, funding for infrastructure as CIL.

[45] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 paragraph 3.8.11
[46] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 paragraph 4.3.6 – 4.3.8
[47] A New Approach to Developer Contributions, A report by the CIL Review Team, Submitted October 2016 paragraph 5.1.2

2.68 Note, that should the Council introduce LIT/SIT in the future, it should do so having regard to the cumulative impact of the Local Plan policies at that time.

2.69 For the purposes of the current review we have used the current CIL Charging Schedule rates as the 'base case' and provided sensitivity scenarios in the financial modelling (e.g. against Affordable Housing).

10 Unit Threshold

2.70 In November 2014, the PPG was updated to introduce the "10 unit threshold" for 'affordable housing and tariff style planning obligations'. This was the subject of a legal challenge and following an order of the Court of Appeal dated 13 May 2016, legal effect was given to the policy set out in the Written Ministerial Statement of 28 November 2014.

2.71 The Guidance states that[48], 'affordable housing and tariff style planning obligations (section 106 planning obligations)' should not be sought from small scale and self-build development.' Specifically,

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 sqm
- in 'designated rural areas', local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions may be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development.
- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

2.72 Note, that the Chilterns AONB and the Wessex Downs AONB are both designated rural areas.

2.73 Following challenges nationally to the WMS, the Planning Inspectorate (PINS) has confirmed that it does not automatically outweigh local policies in a letter to the London Borough of Richmond upon Thames[49].

2.74 The details of these policies and its implications for viability are discussed in the Planning Policies Matrix. The following section sets out the context for policy in South Oxfordshire and makes specific reference to the Policies Matrix.

[48] Paragraph: 031 Reference ID: 23b-031-20160519 (accessed 31/8/16)
[49] The Planning Magazine, PINS clarifies approach to small sites statement, March 2017

3 Local Planning Context

3.1 South Oxfordshire District Council is the Local Planning Authority. The Council's Local Plan (formerly Local Development plan) comprises of:

- The South Oxfordshire Local Plan 2011 – (adopted 2006)
- The South Oxfordshire Core Strategy Local Plan – (adopted 2012)
- Adopted Neighbourhood Plans.

3.2 The old South Oxfordshire Local Plan (adopted 2006) is gradually being superseded by the emerging local plan. The emerging Local Plan sets out the vision for South Oxfordshire up to 2033. It identifies where housing, retail and employment land should be located and the infrastructure required to support this growth. The proposed policies in the plan will be used to help inform decisions on planning applications in the District. The Council consulted on the Second Preferred Options draft of the emerging Local Plan between 29 March and 17 May 2017.

3.3 In order to appraise the local plan viability, we have analysed each of the policies in order to determine which policies have a direct or indirect impact on development viability. Those policies with a direct impact on viability have been factored into our economic assessment below. Those policies with an indirect impact have been incorporated into the viability study indirectly through the property market cost and value assumptions adopted.

3.4 It is important to note that all the policies have an indirect impact on viability. The Council's Local Plan sets the 'framework' for the property market to operate within. All the policies have an indirect impact on viability through the operation of the property market and via site allocations which shape supply over time.

3.5 A detailed matrix of all the planning policies is appended (Appendix XX), and this outlines how the directly influential policies have both shaped our typologies appraised and the assumptions adopted within the appraisals. We highlight the directly influential policies below.

Emerging Local Plan 2nd preferred options

3.6 The Emerging local plan second preferred options sets out the development strategy for South Oxfordshire up to 2033.

3.7 The policies considered to have a direct influence on viability are:

- Policy H9 – Affordable Housing
- Policy H10 – Exception Sites
- Policy H11 – Housing mix
- Policy INF1 – Infrastructure Provision
- Policy TRANS4 – Transport assessments, transport statements and travel plans
- Policy INF2 – Electronic Communications
- Policy ENV4 – Watercourses
- Policy ENV5 – Green Infrastructure in new developments
- Policy ENV11 – Pollution – Impact from existing and/or previous land uses on new developments (Potential receptors of Pollution).
- Policy ENV12 - Pollution - Impact of development on human health, the natural environment and/or local amenity (Sources).
- Policy DES1 - Delivering high quality development
- Policy DES2 - Enhancing local character
- Policy DES3 - Design and access statements
- Policy DES4 - Masterplans for allocated sites and major development
- Policy DES5 - Outdoor Amenity Space
- Policy TC1 – Retail in towns and villages
- Policy TC4 – Amount and location of new retail floorspace
- Policy TC3 – Retail frontages and town centre boundaries
- Policy CF5 - Open space, sport and recreation in new residential development.

3.8 A detailed analysis of these and all the policies is set out in the policies matrix appended.

Existing Community Infrastructure Levy Charging Schedule

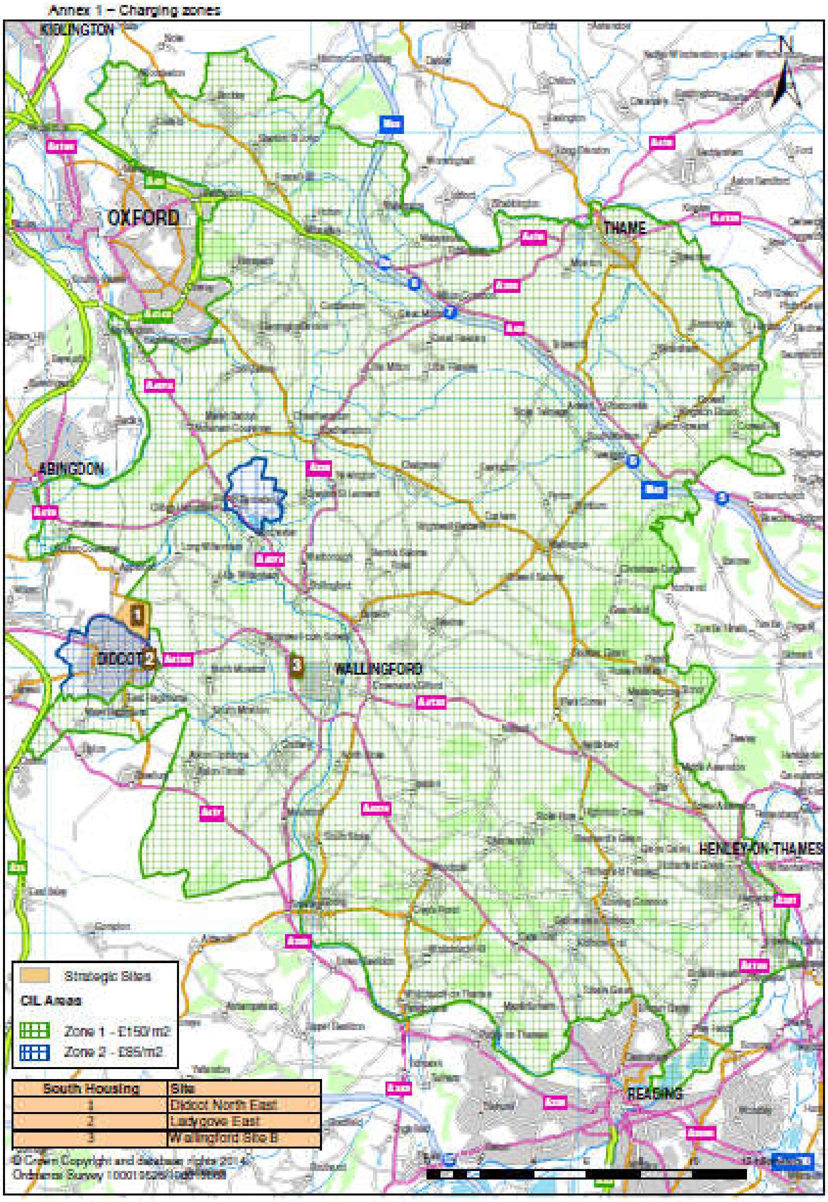
3.9 South Oxfordshire District Council approved its CIL Charging Schedule on 18th February 2016 which came into effect on 1st April 2016. **Figure 3.1** outlines the levy rate at which development will be liable for CIL in South Oxfordshire.

Figure 3.1 - Adopted CIL Charging Schedule

Development Type	Zone 1 District	Zone 2 – Dicot and Berinsfield
Residential development	£150/m^2	£85/m2
Supermarkets, superstores and retail warehouses		£70/m2
Residential development strategic sites: Dicot North East and Ladygrove East site; Wallingford site B		Nil
Residential- retirement housing including extra care in cooperating independent living (C3)		Nil
Care home and residential institutions (C2)		Nil
Residential rural exception sites		Nil
Offices (incl research and development0		£0/m^2
Supermarkets, superstores and retail warehouses		Nil
Hotels		Nil
Other uses		Nil

Source: South Oxfordshire District Council, CIL Charging Schedule 2016

Figure 3.2 - CIL Charging Zones



Source: South Oxfordshire District Council, CIL Charging Schedule 2016

3.10 We have used the current adopted rates as the baseline for our viability assessments and make recommendations about the scope to vary / increase these in the context of the emerging Local Plan policies and infrastructure requirements.

Aspinall Verdi

Adjacent Authority Policies

3.11 Figure 3.3 shows the local authority district boundaries surrounding South Oxfordshire District Council.

Figure 3.3 - Local Authorities Map

Source: AspinallVerdi, July 2017

3.12 We consider the relevant Affordable Housing targets and CIL requirements in surrounding authorities/districts. That said, every local authority jurisdiction has unique economic circumstances and geography which could result in different EVA evidence.

3.13 We set out below the headline Affordable Housing targets from surrounding authorities for ease of comparison.

Figure 3.4 - Neighbouring Authorities Affordable Housing Policies

Local Authority	Affordable Housing Targets (%)	Source
Cherwell District Council	***Policy BSC 3***- 30% at Banbury and Bicester on sites of 11 units or over 35% at Kidlington and elsewhere on sites of 11 units or over 70% affordable rent and 30% intermediate housing	Cherwell Local Plan (Part 1) Adopted July 2015
West Oxfordshire District Council	***Policy H11-*** Allocated land - 30% on sites in the towns of Witney and Carterton and up to 50% in the remainder of the District; Unallocated Land- 50% will be sought where: i) the site is in Witney, Carterton, Chipping Norton or Eynsham and has an area of 0.5 ha or greater or when 15 or more dwellings are proposed; or ii) elsewhere, when a development of 2 or more dwellings are proposed.	West Oxfordshire Local Plan 2011 Adopted 2006
Oxford City Council	***Policy CS24-*** 50% affordable	Oxford Core Strategy 2026, Adopted March 2011
Vale of White Horse District Council	***Policy 24-*** 35% affordable on sites of 11 units or over 75% affordable rent and 25% intermediate housing	Vale of White Horse District Council Local Plan 2031 Part 1, Adopted December 2016
Reading Borough Council	***Policy CS16-*** 30% affordable on sites of 15 units or over	Reading Borough Council Core Strategy Adopted 2015
West Berkshire Council	***Policy CS 6*** 30% provision will be sought on previously developed land, and 40% on greenfield land;	West Berkshire Core Strategy (2006 - 2026) Adopted July 2012

	On development sites of less than 15 dwellings: • 30% provision on sites of 10 – 14 dwellings; and • 20% provision on sites of 5 – 9 dwellings.	
Wokingham Borough Council	***Policy CP5 –*** 50% affordable on sites of 5 units or over	Wokingham Borough Core Strategy Development Plan Adopted 2010
Aylesbury Vale	***Policy GP.2 –*** *Between 20% and 30% of the total number of dwellings on developments of 25 or more dwellings*	Aylesbury Vale District Local Plan (2004)

Source: Various – see table

3.14 We note that four of the authorities above have a CIL charging schedule adopted. Details of these are presented below.

Figure 3.5 – Oxford City Council Adopted CIL

Development type	CIL Rate/m^2
A1 Shops	£100
A2 Financial and professional services	£100
A3 Restaurants and cafés	£100
A4 Drinking establishments	£100
A5 Hot food takeaways	£100
B1 Business	£20
B2 General industrial	£20
B8 Storage or distribution	£20
C1 Hotels	£20
C2 and C2A Residential institutions and Secure Residential Institution	£20
C3 Dwellinghouses*	£100
C4 Houses in multiple occupation	£100
Student accommodation	£100
D1 Non-residential institutions	£20
D2 Assembly and leisure	£20
All development types unless stated otherwise in this table	£20 standard charge

Source: Oxford City Council CIL Charging Schedule (October 2013)

Figure 3.6- Reading Borough Council Adopted CIL

Use	Charging Zone Location	Charge £/m²
Residential / Hotels / Sheltered Housing/ Private Rented Hostel Accommodation (including student accommodation)	Boroughwide	£120
Care homes (those providing nursing care and fully catered)	Boroughwide	£0
A1 Retail	Central Reading*	£0
A1 Retail of 2000m² and over (including foodstores)	Remainder of Borough	£150
A1 Retail of under 2000m² (including foodstores)	Remainder of Borough	£0
Offices	Central Core**	£30
All other chargeable developments	Boroughwide	£0

Source: Reading Borough Council CIL Charging Schedule (January 2015)

Figure 3.7- West Berkshire Council Adopted CIL

		Newbury & Thatcham, and Eastern Urban Area	Area of Outstanding Natural Beauty, and East Kennet Valley
Type of Development	Use Class	CIL Rate per sq.m	CIL Rate per sq.m
Residential (See Notes 1 and 2 below)	C3 & C4	£75	£125
Retail	A1 to A5	£125	£125
Business Development - Offices	B1a to B1c	£0	£0
Business Development - Industrial	B2	£0	£0
Business Development - Warehousing	B8	£0	£0
Hotels	C1	£0	£0
Residential Institutions	C2 & C2a	£0	£0
Community and all Other Uses	-	£0	£0

Source: West Berkshire Council CIL Charging Schedule (March 2014)

Aspinall Verdi

Figure 3.8- Wokingham Borough Council

Table 1: CIL Rates		
Development Type	**Charging Zone**	**£ per square metre**
Residential Development (excluding Sheltered Housing, Extra Care Housing and Residential Institutions)	South of M4 SDL	£300
	South Wokingham SDL	£320
	North Wokingham SDL	£340
	Arborfield SDL	£365
	Rest of Borough	£365
Sheltered Housing	South of M4 SDL, South Wokingham SDL, North Wokingham SDL and Arborfield SDL	£365
	Rest of Borough	£150
Residential Institutions and Extra Care Housing	South of M4 SDL, South Wokingham SDL, North Wokingham SDL and Arborfield SDL	£100
	Rest of Borough	£60
Retail	Existing town/small town/district centres	£0
	Arborfield SDL	£0
	Rest of Borough	£50
All Other Development Types	Borough-Wide	£0

Source: Wokingham Borough Council CIL Charging Schedule (February 2015)

4 Viability Assessment Method

4.1 In this section of the report we set out our methodology to establish the viability of the various land uses and development typologies described in the following sections. We also set out the professional guidance that we have had regard to in undertaking the economic viability appraisals and some important principles of land economics.

The Harman Report

4.2 The Harman report 'Viability Testing Local Plans'[50] (June 2012) refers to the concept of 'Threshold Land Value' (TLV). We adopt this terminology throughout this report as it is an accurate description of the important value concept. Harman states that the *'Threshold Land Value should represent the value at which a typical willing landowner is likely to release land for development.'*[51]

4.3 The Harman report also advocates that when considering the appropriate Threshold Land Value, consideration should be given to *'the fact that **future plan policy requirements will have an impact on land values and owners' expectations**'*. In this context Harman is concerned that *'using a market value approach as the starting point carries the risk of building-in assumptions of **current** policy costs rather than helping to inform the potential for **future** policy'*[52]. (our emphasis)

4.4 Harman does still acknowledge that reference to market values will provide a useful 'sense check' on the Threshold Land Values that are being used in the appraisal model; however, *'it is not recommend that these are used as the basis for input into a model'.*[53]

4.5 Harman recommends that '*the Threshold Land Value is based on a premium over current use values and 'credible' alternative use values'.* However, the report accepts that *'alternative use values are most likely to be relevant in cases where the Local Plan is reliant on sites coming forward in areas (such as town and city centres) where there is competition for land among a range of alternative uses.'*[54]

4.6 The Harman report does not state what the premium over existing use value should be, but states that this should be 'determined locally' – but then goes on to state that *'there is evidence*

[50] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report)
[51] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 28
[52] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 29
[53] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 29
[54] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 29

that it represents a sufficient premium to persuade landowners to sell'[55]. This takes us back to a Market Value approach (see RICS guidance below).

4.7 The guidance further recognises that in certain circumstances, particularly in areas where landowners have '*long investment horizons'* (e.g. family trusts, The Crown, Oxbridge Colleges, Financial Institutions), '*the premium will be higher than in those areas where key landowners are more minded to sell'*[56]. An example of this is in relation to large urban extensions where a prospective seller is potentially making a once in a lifetime decision over whether to sell an asset. In this scenario the uplift on current use value will invariably be significantly higher than those in an urban context. In reconciling such issues, Harman stresses the **importance of using local market evidence** as a means of providing a sense check.

4.8 The Harman report clearly favours an approach to benchmarking which is based on current / existing use value plus a premium. However, this is not how the market works in practice as property is transacted by reference to the Market Value which for development land is derived from the Residual Land Value (RLV). Also, to determine the existing use value you need to know the use which is to be redeveloped. This is relevant for site-specific S106 negotiations but is more problematic for hypothetical typologies for a District-wide strategic context. At numerous points throughout the document, Harman advocates, that the outcome of this approach will need to be 'sense checked' against **local market evidence** (pages 29, 30, 31, 34, 36, 40).

4.9 Indeed, the report does acknowledge that, *'if resulting Threshold Land Values do not take account [of local market knowledge], it should be recognised that there is an increasing risk that land will not be released and the assumptions upon which a plan is based may not be found sound.'*[57]

RICS Guidance

4.10 The RICS guidance on Financial Viability in Planning[58] was published after the Harman report in August 2012 (the Harman Report was published in June 2012) and it is much more 'market facing' in its approach.

4.11 The RICS guidance is grounded in the statutory and regulatory planning regime that currently operates in England and is consistent with the Localism Act, the NPPF and CIL Regulations.

[55] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 29
[56] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 30
[57] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 30
[58] RICS Professional Guidance England (August 2012) Financial viability in planning, 1st edition guidance note GN 94/2012

4.12 Whilst the RICS Guidance and that from the Local Housing Delivery Group can be seen as complementary the RICS guidance provides more technical guidance on determining an appropriate site / benchmark value.

4.13 The RICS Guidance defines financial viability for the purposes of town planning decisions as -

> *An objective financial viability test of the ability of development to meet its costs including the cost of planning obligations, whilst ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer*[59]*.*

4.14 In assessing the impact of planning obligations on the viability of the development process, the Guidance does not specify a prescriptive tool or financial model - albeit it does recognise that it is accepted practice to use a residual valuation model as the appraisal framework.[60]

4.15 However, it does emphasise the '***importance of using market evidence*** *as the best indicator of the behaviour of willing buyers and willing sellers in the market'*[61]. The Guidance warns that -

> *where planning obligation liabilities reduce the Site Value to the landowner and return to the developer below an appropriate level, land will not be released and/or development will not take place. This is recognised in the NPPF.*[62]

4.16 The RICS Guidance defines 'site value', whether this is an input into a scheme specific appraisal or as a [threshold land value] benchmark, as follows -

> *Site value should equate to the* ***market value*** *subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan*[63] *(Box 7)* (our emphasis)

4.17 The guidance also advocates that any assessment of site value will need to consider prospective planning obligations and recommends that a second assumption be applied to the aforementioned definition of site value, when undertaking Local Plan or CIL (area wide) viability testing. This is set out below -

> *Site value (as defined above) may need to be further* ***adjusted to reflect the emerging policy / CIL charging level.*** *The level of the adjustment assumes that site delivery would not be prejudiced. Where an adjustment is made, the practitioner should*

[59] RICS Professional Guidance England (August 2012) Financial viability in planning, 1st edition guidance note GN 94/2012 paragraph 2.1.1
[60] RICS Professional Guidance England (August 2012) Financial viability in planning, 1st edition guidance note GN 94/2012 page 16
[61] RICS Professional Guidance England (August 2012) Financial viability in planning, 1st edition guidance note GN 94/2012 paragraph 3.1.4
[62] RICS Professional Guidance England (August 2012) Financial viability in planning, 1st edition guidance note GN 94/2012 paragraph 2.1.4
[63] This includes all Local Plan policies relevant to the site and development proposed

set out their professional opinion underlying the assumptions adopted… (Box 8) (our emphasis)

4.18 As mentioned above emerging practice has tended to use the existing use value plus premium approach to land value. This is useful to help 'triangulate' the market value for a particular site, but the emphasis does have to be on property market evidence if the scheme is to be grounded in reality and therefore deliverable.

Guidance on Land Value Adjustments

4.19 A number of Planning Inspectorate reports have comments upon the critical issue of land value, as set out below.

Mayor of London CIL (Jan 2012)

4.20 The impact on land value of future planning policy requirements e.g. CIL [or revised Affordable Housing targets] was contemplated in the Examiner's report to the Mayor of London CIL (January 2012)[64].

4.21 Paragraph 32 of the Examiner's report states:

> *…the price paid for development land may be reduced. As with profit levels there may be cries that this is unrealistic, but* ***a reduction in development land value is an inherent part of the CIL concept****. It may be argued that such a reduction may be all very well in the medium to long term but it is impossible in the short term because of the price already paid/agreed for development land. The difficulty with that argument is that if accepted* ***the prospect of raising funds for infrastructure would be forever receding into the future****. In any event in some instances it may be possible for contracts and options to be re-negotiated in the light of the changed circumstances arising from the imposition of CIL charges.* (our emphasis)

Greater Norwich CIL (Dec 2012)

4.22 The Greater Norwich Development Partnership's CIL Examiner's report adds to this -

> *Bearing in mind that the cost of* ***CIL needs to largely come out of the land value****, it is necessary to establish a threshold land value i.e. the value at which a typical willing landowner is likely to release land for development. Based on market experience in the Norwich area the Councils' viability work assumed that* ***a landowner would expect to receive at least 75% of the benchmark value****. Obviously what individual land owners*

[64] Holland, K (27 January 2012) Report on the Examination of the Draft Mayoral Community Infrastructure Levy Charging Schedule, The Planning Inspectorate, PINS/K5030/429/3

*will accept for their land is very variable and often depends on their financial circumstances. However in the absence of any contrary evidence **it is reasonable to see a 25% reduction in benchmark values as the maximum** that should be used in calculating a threshold land value*[65]. (our emphasis)

Sandwell CIL (Dec 2014)

4.23 Furthermore, the Examiner's report for the Sandwell CIL states -

> *The TLV is calculated in the VAs [Viability Assessments] as being **75% of market land values** for each typology. According to the CA, this way of calculating TLVs is based on the conclusions of Examiners in the Mayor of London CIL Report January 2012 and the Greater Norwich Development Partnership CIL Report December 2012. **This methodology was uncontested.***[66]

HCA Transparent Viability Assumptions (August 2010)

4.24 Finally, in terms of the EUV + premium approach, the HCA (in August 2010) published a consultation paper on transparent assumptions for Area Wide Viability Modelling[67].

4.25 This notes that, 'typically, this gap or premium will be expressed as a percentage over EUV for previously developed land and as a multiple of agricultural value for greenfield land'[68].

4.26 It also notes that benchmarks and evidence from planning appeals tend to be in a range of **'10% to 30% above EUV in urban areas**. For greenfield land, benchmarks tend to be in a range of **10 to 20 times agricultural value'**[69].

Brownfield / Greenfield Land Economics

4.27 CIL has its roots in the perceived windfall profit arising from the release of greenfield land by the planning system to accommodate new residential sites and urban extensions[70]. However, lessons from previous attempts to tax betterment[71] show that this is particularly difficult to achieve effectively without stymieing development. It is even harder to apply the concept to brownfield redevelopment schemes with all attendant costs and risks. The difference between

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[65] Report to the Greater Norwich Development Partnership – for Broadland District Council, Norwich City Council and South Norfolk Council, by Keith Holland BA (Hons) Dip TP, MRTPI ARICS, 4 December 2012, File Ref: PINS/G2625/429/6 – paragraph 9

[66] Report to Sandwell Metropolitan Borough Council by Diana Fitzsimons MA MSc FRICS MRTPI an Examiner appointed by the Council, 16 December 2014, File Ref: PINS/G4620/429/9 - paragraph 16

[67] The HCA Area Wide Viability Model, Annex 1 Transparent Viability Assumptions, August 2010, Consultation Version

[68] The HCA Area Wide Viability Model, Annex 1 Transparent Viability Assumptions, August 2010, Consultation Version para 3.3

[69] The HCA Area Wide Viability Model, Annex 1 Transparent Viability Assumptions, August 2010, Consultation Version para 3.5

[70] See Barker Review (2004) and Housing Green Paper (2007)

[71] the 2007 Planning Gain Supplement , 1947 'Development Charge', 1967 'Betterment Levy' and the 1973 'Development Gains Tax' have all ended in repeal

greenfield and brownfield scheme economics is usually important to understand for affordable housing targets; plan viability and CIL rate setting.

4.28 The timing of redevelopment and regeneration of brownfield land particularly is determined by the relationship between the value of the site in its current [low value] use ("Existing Use Value") and the value of the site in its redeveloped [higher value] use ("Alternative Use Value") – less the costs of redevelopment. Any planning gain which impacts on these costs will have an effect on the timing of redevelopment. This is relevant to consider when setting the 'appropriate balance'.

4.29 Fundamentally, CIL is a form of 'tax' on development as a contribution to infrastructure. By definition, any differential rate of tax/CIL will have a distorting effect on the pattern of land uses. The question as to how this will distort the market will depend upon how the CIL is applied.

4.30 Also, consideration must be given to the 'incidence' of the tax i.e. who ultimately is responsible for paying it i.e. the developer out of profit, or the landowner out of price (or a bit from each).

4.31 This is particularly relevant in the context of brownfield sites in the town centres and built up areas. Any CIL on brownfield redevelopment sites will impact on the timing and rate of redevelopment. This will have a direct effect on economic development, jobs and growth.

4.32 In the brownfield context redevelopment takes place at a point in time when buildings are economically obsolete (as opposed to physically obsolete). Over time the existing use value of buildings falls as the operating costs increase, depreciation kicks in and the rent falls by comparison with modern equivalent buildings. In contrast the value of the next best alternative use of the site increases over time due to development pressure in the urban context (assuming there is general economic growth in the economy). Physical obsolescence occurs when the decreasing existing use value crosses the rising alternative use value.

4.33 However, this is not the trigger for redevelopment. Redevelopment requires costs to be incurred on site demolition, clearance, remediation, and new build construction costs. These costs have to be deducted from the alternative use value 'curve'. The effect is to extend the time period to achieve the point where redevelopment is viable.

4.34 This is absolutely fundamental for the viability and redevelopment of brownfield sites. Any tariff, tax or obligation which increases the costs of redevelopment will depress the net alternative use value and simply extend the timescale to when the alternative use value exceeds the existing use value to precipitate redevelopment.

4.35 Contrast this with the situation for development on greenfield land. Greenfield sites are constrained by the planning designation. Once a site is 'released' for development there is significant step up in development value – which makes the development economics much more accommodating than brownfield redevelopment. There is much more scope to capture development gain, without postponing the timing of development.

4.36 That said, there are some other important considerations to take into account when assessing the viability of greenfield sites. This is discussed in the Harman Report[72].

4.37 The existing use value may be only very modest for agricultural use and on the face of it the landowner stands to make a substantial windfall to residential land values. However, there will be a lower threshold (Threshold Land Value) where the land owner will simply not sell. This is particularly the case where a landowner *'is potentially making a once in a lifetime decision over whether to sell an asset that may have been in the family, trust or institution's ownership for many generations.'*[73] Accordingly, the 'windfall' over the existing use value will have to be a sufficient incentive to release the land and forgo the future investment returns.

4.38 Another very important consideration is the promotional cost of strategic greenfield sites. For example, in larger scale urban extension sites such as the Strategic Development Areas (e.g. Didcot Garden Town) identified in the emerging Local Plan, there will be significant investment in time and resources required to promote these sites through the development plan process. The threshold land value therefore needs to take into account of the often substantial planning promotion costs, option fees etc. and the return required by the promoters of such sites. *'This should be borne in mind when considering the [threshold] land value adopted for large sites and, in turn, the risks to delivery of adopting too low a [threshold] that does not adequately and reasonably reflect the economics of site promotion…'* [74]

4.39 This difference between the development 'gain' in the context of a greenfield windfall site and the slow-burn redevelopment of brownfield sites is absolutely fundamental to the success of any regime to capture development gain such as CIL. It is also key to the 'incidence' of the tax i.e. whether the developer or the land owner carries the burden of the tax.

4.40 In the case of South Oxfordshire there are a number of housing sites coming forward which are both greenfield and brownfield sites and therefore we have appraised both greenfield and brownfield scheme typologies.

Land Economics Summary

4.41 A very important aspect when considering plan viability is an appreciation of how the property market for development land works in practice.

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[72] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) pp 29-31
[73] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 30
[74] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 31

4.42 Developers have to secure sites and premises in a competitive environment and therefore have to equal or exceed the landowners' aspirations as to value for the landowner to sell. From the developers' perspective, this price has to be agreed often many years before commencement of the development. The developer has to subsume all the risk of: ground conditions; obtaining planning permission; funding the development; finding a tenant/occupier; increases in constructions costs; and changes to the economy and market demand etc. This is a significant amount of work for the developer to manage; but this is the role of the developer and to do so the developer is entitled to a 'normal' developers' profit.

4.43 In this respect we have included an allowance of 17.5% profit on open market sales (OMS) values with a sensitivity analysis which shows the impact of profit between 15-20% (see section 5). Our target is 17.5% to ensure that there is an appropriate 'share of the development surplus' between developers, landowners, and S106/AH.

4.44 The developer will appraise all of the above costs and risks to arrive at their view of the residual site value of a particular site.

4.45 To mitigate some of these risks developers and landowners often agree to share some of these risks by entering into arrangements such as Market Value options based on a planning outcome, 'subject to planning' land purchases', and / or overage agreements whereby the developer shares any 'super-profit' over the normal benchmark.

4.46 From the landowners' perspective, they will have a preconceived concept of the value or worth of their site. This could be fairly straight-forward to value, for example, in the case of greenfield agricultural land which is subject to per hectare benchmarks. However, in the case of brownfield sites, the existing use value could be a lot more subjective depending upon the previous use of the property; the condition of the premises; contamination; and/or any income from temporary lets, car parking and advertising hoardings etc. Also, whilst (say) a former manufacturing building could have been state-of-the-art when it was first purchased by the landowner, in a redevelopment context it might now be the subject of depreciation and obsolescence which the landowner finds difficult to reconcile. Accordingly, the existing use value is much more subjective in a brownfield context.

4.47 Furthermore, where there is a possibility of development the landowner will often have regard to 'hope value'. Hope value is the element of open market value of a property in excess of the existing use value, reflecting the prospect of some more valuable future use or development. It takes account of the uncertain nature or extent of such prospects, including the time which would elapse before one could expect planning permission to be obtained or any relevant constraints overcome, so as to enable the more valuable use to be implemented. Therefore in a rising market landowners may often have high aspirations of value beyond that which the developer can justify in terms of risk and in a falling market the land owner my simply 'do nothing' and not sell in the prospect of a better market returning in the future. The actual amount paid in any particular transaction is the purchase price and this crystallises the value for the landowner.

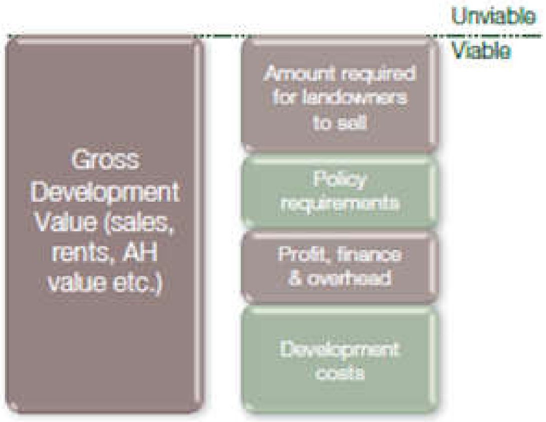
4.48 Hence land 'value' and 'price' are two very different concepts which need to be understood fully when formulating planning policy and CIL. The incidence of any tax/CIL to a certain extent depends on this relationship and the individual circumstances. For example, a farmer with a long-term Greenfield site might have limited 'value' aspirations for agricultural land – but huge 'price' aspirations for residential development. Whereas an existing factory owner has a much higher value in terms of sunk costs and investment into the existing use and the tipping point between this and redevelopment is much more marginal.

Viability Modelling Best Practice

4.49 The general principle is that CIL/planning obligations including affordable housing (etc.) will be levied on the increase in land value resulting from the grant of planning permission. However, there are fundamental differences between the land economics and every development scheme is different. Therefore, in order to derive the potential CIL/planning obligations and understand the 'appropriate balance' it is important to understand the micro-economic principles which underpin the viability analysis.

4.50 The uplift in value is calculated using a RLV appraisal. Figure 4.1 below, illustrates the principles of a RLV appraisal.

Figure 4.1 - Elements Required for a Viability Assessment



Source: Local Housing Delivery Group, 2012[75]

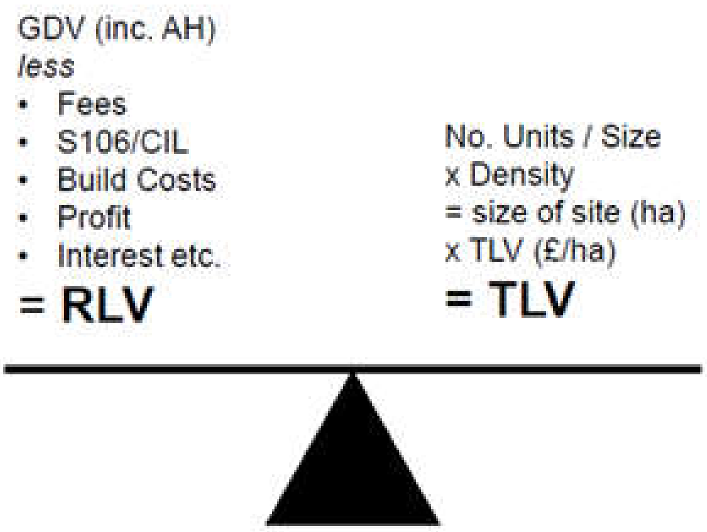
4.51 Our specific appraisals for each for the land uses and typologies are set out in the relevant section below.

4.52 A scheme is viable if the Gross Development Value (GDV) of the scheme is greater than the total of all the costs of development including land acquisition, planning obligations and profit. Conversely, if the GDV is less than the total costs of development (including land, S106s and profit) the scheme will be unviable.

4.53 However, in order to advise on the ability of the proposed uses/scheme to support affordable housing and CIL/planning obligations we have benchmarked the residual land values (RLV) from the viability analysis against existing or alternative land use relevant to the particular typology – the Threshold Land Value (TLV). This is illustrated in Figure 4.2 below.

[75] Local Housing Delivery Group, Local Government Association / Home Builders Federation / NHBC (20 June 2012) Viability Testing Local Plans, Advice for planning practitioners, Edition 1 (the 'Harman' report) page 25

Figure 4.2 - Balance between RLV and TLV



Source: AspinallVerdi © Copyright

How to Interpret the Viability Appraisals

4.54 As mentioned above, a scheme is theoretically viable if the RLV is positive for a given level of profit.

4.55 However, this does not mean that a scheme will come forward for development as the RLV for a particular scheme has to exceed the landowner's TLV. In Development Management terms every scheme will be different (RLV) and every landowner's motivations will be different (TLV).

4.56 For Plan Making purposes it is important to benchmark the RLV's from the viability analysis against existing or alternative land use relevant to the particular typology – the Threshold Land Value – see Figure 4.2 above.

4.57 The results of the appraisals should be interpreted as follows:

- If the 'balance' is positive, then the policy is viable. We describe this as being 'viable for plan making purposes herein'.
- If the 'balance' is negative, then the policy is not viable for plan making purposes and the CIL rates/planning obligations and/or affordable housing targets should be reviewed.

4.58 Thirdly, if the RLV is positive, but the appraisal is not viable due to the TLV assumed – we refer to this as being 'marginal'.

4.59 This is illustrated in the following boxes of our hypothetical appraisals (appended). In this case the RLV at £59.4m is some £37.2m higher than the assumed TLV of £22.2m meaning the balance is positive.

Figure 4.3 - Hypothetical Appraisal, Example of Results

RESIDUAL LAND VALUE						
Residual Land Value (gross)						70,407,546
SDLT		70,407,546	@	5.0%		(4,928,528)
Acquisition Agent fees		70,407,546	@	1.0%		(704,075)
Acquisition Legal fees		70,407,546	@	0.5%		(352,038)
Interest on Land		70,407,546	@	7.0%		(4,928,528)
Residual Land Value (net)		42,496	per plot			**59,494,376**
		1,487,359	£ per ha	601,926	£ per acre	
THRESHOLD LAND VALUE						
Residential Density		35	dph			
Site Area		40.00	ha	98.84	acres	
	density check	3,323	sqm/ha	14,476	sqft/ac	
Threshold Land Value		555,975	£ per ha	225,000	£ per acre	
		15,885	£ per plot			**22,239,000**
BALANCE						
Surplus/(Deficit)		**931,384**	£ per ha	**376,926**	£ per acre	**37,255,376**

Source: AspinallVerdi

4.60 In addition to the above, we have also prepared a series of sensitivity scenarios for each of the typologies. This is to assist in the analysis of the viability (and particularly the viability buffer); the sensitivity of the appraisals to key variables such as planning obligations, Affordable Housing, TLV and profit; and to consider the impact of rising construction costs. An example of a sensitivity appraisal and how they are interpreted is shown below.

Community Infrastructure Levy Sensitivity

Figure 4.4 - CIL versus Affordable Housing Sensitivity

		AH - % on site						
Balance (RLV - TLV)	(5,927,970)	20%	25%	30%	35%	40%	45%	50%
CIL £psm	0	37,961,097	31,607,576	25,253,007	18,896,866	12,540,726	6,183,171	(176,105)
	10	37,062,713	30,762,984	24,463,255	18,163,525	11,861,668	5,559,143	(744,142)
	20	36,160,140	29,916,821	23,672,562	17,426,746	11,180,931	4,934,179	(1,314,648)
	30	35,256,516	29,067,430	22,878,344	16,689,259	10,498,400	4,306,623	(1,885,305)
	40	34,348,839	28,216,483	22,083,245	15,948,519	9,813,793	3,678,573	(2,459,036)
	50	33,439,887	27,362,212	21,284,537	15,206,861	9,127,705	3,047,469	(3,032,767)
	60	32,527,078	26,506,454	20,484,954	14,462,091	8,439,228	2,416,276	(3,609,339)
	70	31,612,711	25,647,221	19,681,730	13,716,240	7,749,520	1,781,603	(4,186,314)
	80	30,694,740	24,786,623	18,877,589	12,967,369	7,057,150	1,146,930	(4,765,627)
	90	29,774,868	23,922,346	18,069,824	12,217,301	6,363,757	508,947	(5,345,864)
	100	28,851,707	23,056,883	17,261,046	11,464,259	5,667,472	(129,315)	(5,927,970)
	110	27,926,240	22,187,477	16,448,713	10,709,950	4,970,330	(770,579)	(6,511,488)
	120	26,997,860	21,317,120	15,635,222	9,952,665	4,270,108	(1,412,449)	(7,096,639)
	130	26,066,707	20,442,502	14,818,296	9,194,091	3,568,951	(2,057,253)	(7,683,456)
	140	25,133,077	19,567,224	13,999,813	8,432,291	2,864,770	(2,702,752)	(8,271,706)
	150	24,196,949	18,687,109	13,178,269	7,669,428	2,159,531	(3,351,156)	(8,861,842)
	160	23,257,040	17,806,386	12,354,713	6,903,041	1,451,368	(4,000,305)	(9,453,247)
	170	22,313,842	16,921,183	11,528,524	6,135,864	741,979	(4,652,370)	(10,046,719)
	180	21,369,625	16,034,817	10,699,815	5,364,813	29,812	(5,305,190)	(10,641,334)
	190	20,420,263	15,144,608	9,868,954	4,593,299	(683,797)	(5,960,979)	(11,238,162)
	200	19,470,010	14,252,510	9,036,010	3,817,510	(1,399,990)	(6,617,490)	(11,836,044)

Source: AspinallVerdi

4.61 This table shows the sensitivity of the balance (RLV – TLV) for different combinations of Affordable Housing (AH %) across the columns and different amounts of CIL (£ psm) down the rows. Thus:

- You should be able to find the appraisal balance by looking up the base case AH% (35%, 40% or 50%) and the base case CIL (£0, £100, £200 psm)
- Higher % levels of AH will reduce the 'balance' and if the balance is negative the scheme is 'not viable' for Plan Making purposes (note that it may still be viable in absolute RLV terms and viable in Plan Making terms depending on other sensitivities (e.g. TLV, Profit (see below)).
- Lower % levels of AH will increase the 'balance' and if the balance is positive then the scheme is viable in Plan Making terms
- Similarly, higher levels of CIL (£ psm) will reduce the 'balance'
- And, lower levels of CIL (£ psm) will increase the 'balance'.

Threshold Land Value Sensitivity

Figure 4.5 - TLV versus Affordable Housing Sensitivity

		AH - % on site						
Balance (RLV - TLV)	27,504,466	20%	25%	30%	35%	40%	45%	50%
	225,000	48,353,962	42,559,137	36,763,301	30,966,514	25,169,727	19,372,940	13,574,285
	300,000	39,995,853	34,201,028	28,405,191	22,608,404	16,811,618	11,014,831	5,216,176
	375,000	31,637,744	25,842,919	20,047,082	14,250,295	8,453,508	2,656,721	(3,141,933)
TLV (per acre)	450,000	23,279,635	17,484,810	11,688,973	5,892,186	95,399	(5,701,388)	(11,500,042)
	525,000	14,921,526	9,126,701	3,330,864	(2,465,923)	(8,262,710)	(14,059,497)	(19,858,151)
	600,000	6,563,417	768,592	(5,027,245)	(10,824,032)	(16,620,819)	(22,417,606)	(28,216,260)
	675,000	(1,794,692)	(7,589,517)	(13,385,354)	(19,182,141)	(24,978,928)	(30,775,715)	(36,574,369)
	750,000	(10,152,801)	(15,947,626)	(21,743,463)	(27,540,250)	(33,337,037)	(39,133,824)	(44,932,478)
	825,000	(18,510,910)	(24,305,735)	(30,101,572)	(35,898,359)	(41,695,146)	(47,491,933)	(53,290,587)
	900,000	(26,869,020)	(32,663,844)	(38,459,681)	(44,256,468)	(50,053,255)	(55,850,042)	(61,648,696)
	975,000	(35,227,129)	(41,021,953)	(46,817,790)	(52,614,577)	(58,411,364)	(64,208,151)	(70,006,806)
	1,050,000	(43,585,238)	(49,380,062)	(55,175,899)	(60,972,686)	(66,769,473)	(72,566,260)	(78,364,915)
	1,125,000	(51,943,347)	(57,738,171)	(63,534,008)	(69,330,795)	(75,127,582)	(80,924,369)	(86,723,024)
	1,200,000	(60,301,456)	(66,096,280)	(71,892,117)	(77,688,904)	(83,485,691)	(89,282,478)	(95,081,133)
	1,275,000	(68,659,565)	(74,454,389)	(80,250,226)	(86,047,013)	(91,843,800)	(97,640,587)	(103,439,242)
	1,350,000	(77,017,674)	(82,812,498)	(88,608,335)	(94,405,122)	(100,201,909)	(105,998,696)	(111,797,351)
	1,425,000	(85,375,783)	(91,170,607)	(96,966,444)	(102,763,231)	(108,560,018)	(114,356,805)	(120,155,460)
	1,500,000	(93,733,892)	(99,528,716)	(105,324,553)	(111,121,340)	(116,918,127)	(122,714,914)	(128,513,569)

Source: AspinallVerdi

4.62 The figure above shows the sensitivity of the balance (RLV – TLV) for different combinations of Affordable Housing (AH %) across the columns and different amounts of TLV (£ per acre) down the rows. Thus:

- The Affordable Housing (%) should be interpreted as for the S106 v AH sensitivity above.
- Higher TLV for Plan Making purposes will reduce the 'balance' and (if negative) show that the Policy is not viable – for that particular typology (and profit margin in the RLV etc.)
- Conversely, lower TLV's will increase the 'balance' and (if positive) show that the Policy is viable

4.63 Note that we have included a considerable range in the TLV sensitivities from £xxxxxx per acre for large greenfield sites to £xxxxxx million per acre for small infill plots.

Density Sensitivity

Figure 4.6 - Density versus Affordable Housing Sensitivity

		AH - % on site						
Balance (RLV - TLV)	(5,927,970)	20%	25%	30%	35%	40%	45%	50%
	28	24,008,289	18,213,464	12,417,628	6,620,841	824,054	(4,972,733)	(10,771,388)
	30	27,302,956	21,508,131	15,712,294	9,915,507	4,118,720	(1,678,067)	(7,476,722)
Density (dph)	32	30,185,789	24,390,964	18,595,128	12,798,341	7,001,554	1,204,767	(4,593,888)
	34	32,729,466	26,934,641	21,138,804	15,342,017	9,545,230	3,748,443	(2,050,212)
	36	34,990,511	29,195,686	23,399,850	17,603,063	11,806,276	6,009,489	210,834
	38	37,013,552	31,218,727	25,422,891	19,626,104	13,829,317	8,032,530	2,233,875
	40	38,834,289	33,039,464	27,243,628	21,446,841	15,650,054	9,853,267	4,054,612

Source: AspinallVerdi

4.64 This sensitivity illustrates the complex nature of development and the sometimes forgotten variables that can have a significant impact on the viability of the Local Plan (and individual schemes).

4.65 The sensitivity shows the balance (RLV – TLV) for different combinations of Affordable Housing (AH %) across the columns and different development densities (dwellings per ha (dph)) down the rows. Thus:

- The Affordable Housing (%) should be interpreted as for the S106 v AH sensitivity above.
- Higher densities of development have the effect of reducing the quantum of land that is required for the particular hypothetical scheme typology which when multiplied by the TLV £ per acre reduces the absolute TLV which increases the 'balance' and (if positive) shows that the Policy is viable
- Conversely, lower development densities increase the quantum of land that is required for the particular hypothetical scheme typology which when multiplied by the TLV £ per acre increases the absolute TLV which reduces the 'balance' and (if negative) shows that the Policy is not viable (in that particular appraisal typology model).

4.66 The sensitivity shows that often small increases to the development density can have significant positive impacts on viability.

Profit Sensitivity

Figure 4.7 - Profit versus Affordable Housing Sensitivity

		AH - % on site						
Balance (RLV - TLV)	(5,927,970)	20%	25%	30%	35%	40%	45%	50%
	15.0%	48,782,891	41,924,106	35,064,309	28,203,561	21,342,814	14,482,066	7,619,451
	16.0%	44,796,655	38,150,661	31,503,656	24,855,701	18,207,745	11,559,790	4,909,967
Profit (private sales & Starter Homes)	17.0%	40,810,418	34,377,217	27,943,004	21,507,840	15,072,677	8,637,514	2,200,482
	18.0%	36,824,181	30,603,772	24,382,351	18,159,980	11,937,609	5,715,237	(509,002)
	19.0%	32,837,944	26,830,327	20,821,699	14,812,120	8,802,540	2,792,961	(3,218,486)
	20.0%	28,851,707	23,056,883	17,261,046	11,464,259	5,667,472	(129,316)	(5,927,970)

Source: AspinallVerdi

4.67 This figure shows the sensitivity of the balance (RLV – TLV) for different combinations of Affordable Housing (AH %) across the columns and different amounts of Profit (%) down the rows. Thus:

- The Affordable Housing (%) should be interpreted as for the S106 v AH sensitivity above.
- Higher levels of Profit (%) will increase the return to the developer, but with a corresponding reduction in RLV and therefore reduce the 'balance' for a given TLV
- Conversely, lower levels of Profit (%) will reduce the return to the developer, and increase the RLV and therefore increase the 'balance' for a given TLV.

Construction Costs Sensitivity

Figure 4.8 - Construction Costs versus Affordable Housing Sensitivity

		AH - % on site						
Balance (RLV - TLV)	37,255,376	20%	25%	30%	35%	40%	45%	50%
	96%	56,036,000	49,945,151	43,854,302	37,763,454	31,672,605	25,581,756	19,490,907
	98%	52,547,835	46,482,832	40,417,828	34,352,824	28,287,820	22,221,875	16,155,581
Construction Cost (£psm)	100%	49,059,671	43,020,512	36,981,228	30,940,602	24,900,376	18,859,951	12,819,525
	102%	45,570,816	39,556,258	33,541,700	27,527,142	21,512,584	15,498,026	9,483,469
	104%	42,079,553	36,090,862	30,102,172	24,113,482	18,124,792	12,134,845	6,144,396
	106%	38,588,289	32,625,467	26,662,645	20,698,863	14,734,307	8,769,751	2,805,195
	108%	35,097,026	29,159,313	23,220,649	17,281,985	11,343,321	5,404,657	(535,821)
	110%	31,603,423	25,690,651	19,777,879	13,865,107	7,951,917	2,035,885	(3,886,831)

Source: AspinallVerdi

4.68 This sensitivity shows the potential impact of increases (and decreases) of construction costs (£ psm) on the viability of the Local Plan (and individual schemes).

4.69 The sensitivity shows the balance (RLV – TLV) for different combinations of Affordable Housing (AH %) across the columns and different % changes to construction costs where 100% is the base case construction cost and 102% represents a 2% increase in costs and 98% represents a -2% decrease in costs and so on.

- The Affordable Housing (%) should be interpreted as for the S106 v AH sensitivity above.
- Higher construction costs result in a lower RLV which reduces the balance.
- Lower construction costs result in a higher RLV which increases the balance.

Caveats

4.70 As you can see from the above, the typologies are very sensitive to small changes to key inputs and particularly S106, Affordable Housing, TLV and profit. We have also tested a number of typologies representing a number of different sized schemes in the various housing market areas. This has resulted in a large number of appraisal results and exponential number of sensitivity scenarios.

4.71 In making our recommendations we have had regard to the appraisal results and sensitivities 'in the round'. Therefore, if one particular scheme is not viable, whereas other similar typologies are highly viable, we have had regard to the viable schemes in forming policy and cross checked the viability of the outlying scheme against the sensitivity tables (e.g. a small reduction in profit, or a small reduction in TLV which is within the margins of the 'viability buffer').

4.72 The TLV's contained herein are for 'high-level' plan viability purposes and the appraisals should be read in the context of this TLV sensitivity table. **It is important to emphasise that the adoption of a particular TLV £ in the base-case appraisal typologies in no way implies that this figure can be used by applicants to negotiate site specific planning applications. The land value for site specific viability appraisals should be thoroughly**

evidence having regard to the existing use value of the site (as is best practice in the Mayor of London, Draft Affordable Housing and Viability SPG, November 2016). I.e. this report is for plan-making purposes and is 'without prejudice' to future site specific planning applications.

5 Residential

5.1 Please see the Residential Market Paper for our value assumptions and the presentation for the assumptions around costs.

5.2 This section will be completed following consultation.

6 Student accommodation

6.1 Please see Chapter 7 in the Residential Market Paper for our value assumptions and the presentation for the assumptions around costs.

6.2 This section will be completed following consultation.

7 Build to rent

7.1 Please see Chapter 8 in the Residential Market Paper for our value assumptions and the presentation for the assumptions around costs.

7.2 This section will be completed following consultation.

8 Supported Living

8.1 Please see Chapter 9 in the Residential Market Paper for our value assumptions and the presentation for the assumptions around costs.

8.2 This section will be completed following consultation.

9 Retail

9.1 Please see the Retail Market Paper for our value assumptions and the presentation for the assumptions around costs.

9.2 This section will be completed following consultation.

10 Commercial

10.1 Please see the Commercial Market Paper for our value assumptions and the presentation for the assumptions around costs.

10.2 This section will be completed following consultation.

10.3 [Peter, We discussed at the inception meeting that you were unlikely to want to introduce CIL on commercial uses, particularly given the proposals for LIT and SIT. We are not proposing any commercial typologies for appraisal. Ok?]

11 Conclusions and Recommendations

11.1 This section will be completed following consultation.

Aspinall Verdi