Appendix 2

Summary of Public Representations received in response to consultation on draft CIL Charging Schedule for N&C Areas of Buckinghamshire and Council Responses.

No.	Comment	Council Response
1	The Local Plan should be finalised and then the CIL undertaken because this will change assumptions used for viability assessment.	**Not agreed** – it is recognised that this would make clear the alignment between Local Plan assumptions and policies and the Viability Appraisal that underpins the new CIL, however there are drawbacks, notably this would add delay before CIL could be put in place. The timetable for the Local Plan has recently accelerated as a result of changes to government guidance with a December 2026 deadline for transitional arrangements. The Council's priority has been to ensure CIL is in place across all areas of Buckinghamshire and aiming to introduce a new County-wide CIL would have been unnecessary and introduced delay and risk. It is not a requirement of legislation or of guidance that a CIL is based on a new/draft Local Plan. Legally, and in compliance with the CIL Regulations the most important thing is that the CIL is based upon an adopted and established plan. The VALP remains the adopted Local Plan for this area. There are precedents, for example at Tower Hamlets (adopted 2020) and Ealing Borough (adopted 2025) for progressing a CIL based on an established plan while progressing a new Local Plan Most critical is the compatibility of the evidence base underpinning the CIL, and especially that the Viability Appraisal reflects likely development costs. The viability appraisal for the new N&C CIL and for the Local Plan were undertaken by the same consultants and within a similar timeframe (March 2026 and July 2026 respectively). As with the CIL rates in the other CIL Charging Schedules in E, S&W areas (which are also not based on the Local Plan), the draft CIL rates in N&C Charging Schedule have been tested in the Viability Appraisal underpinning the new Local Plan, so the cost to development of the CIL has been recognised in setting Local Plan policy requirements.

		Both the Viability Appraisal for the CIL and for the Local Plan factored in a recent assessment of development costs and wider policy costs incl. Building Safety Levy, s106, Biodiversity net gain, affordable housing, and for Special Areas of Conservation). Local Plan policies in N&C area are consistent with the Viability Appraisal underpinning the CIL, notably affordable housing requirements in N&C will remain at 25%. Naturally there are some differences in some of the detailed assumptions in the CIL Viability Appraisal and the Local Plan Viability Appraisal, but these are relatively minor and well within the financial buffers that have been included so as not to ensure that CIL rates do not push developments to the margins of viability. The other critical point is evidence of the infrastructure funding gap. The more recent IDP estimates costs at over £6bn**.**
2	Different rates across different zones were questioned for complexity, equity and alignment with the Viability Appraisal. The suggestion was a less complex charging schedule.	**Not agreed** Government guidance is that a *'charging authority that plans to set differential rates should seek to avoid undue complexity.'* It is correct to say the proposed Charging Schedule is more complex than those in other areas. As with the E/S Charging Schedule there are two main charging zones. However, there are also two further zones to allow for the costs associated with Special Areas of Conservation - these were less applicable when that Charging Schedule was adopted in 2020. Within each charging zone, different rates apply to development on Greenfield or brownfield sites, and developments of fewer than ten dwellings or ten or more dwellings, as well as for developments where all of the dwellings comprise flats. The different rates proposed for different zones reflect property prices and hence the viability of development across different areas, striking a balance with the potential impact on viability of development. As DSP note at paragraph 3.5.12, '*in looking to pursue, for example, a single residential charging rate or a more limited approach to reflecting the key variable characteristics, in our view it would be difficult to settle on an approach that would adequately reflect the viability variance and work suitably across the N&CB area.*' Fewer zones, reflecting viability in different areas would mean that a CIL would raise less money.

		Subject to clarity on the boundaries between charging zones - see point 3 – these distinctions are clear and manageable while maximising Council income without affecting the viability of different types of development.
3	There were requests for more clearly defined mapping to show CIL charging rate boundaries One developer wrote that they felt their site would be unfairly CIL liable at a higher rate (Zone D) than similar areas on the other side of an adjacent road (Zone C).	**Agreed** – the Council will provide larger scale mapping. **ACTION NEEDED** **Noted:** Full details of the site mentioned have not been provided so it is not possible to comment on a specific case. Given the site-specific nature of valuation evidence there is inevitably some discretion in setting boundaries around Buckinghamshire and Aylesbury. Boundaries around these settlements have been set taking account of the viability evidence and, where practicable, definable boundaries on the ground, e.g. roads.
4	Mixed comments on nil rating allocated strategic sites from CIL – broadly, developers support nil rating strategic sites (400+ dwellings), whilst most non-developer representations questioned why the largest developments would be exempted from an infrastructure levy (with the reasoning that the largest sites generate the largest impacts).	**Noted -** Strategic sites continue to be recommended to be nil rated for CIL, but the threshold above which larger developments are nil rated is proposed to be raised. It is recognised that larger sites often face higher costs associated with increased impacts and /or increased policy requirements (a finding confirmed by the Viability Appraisal for the Local plan). These higher costs tend to reduce viability so that the requirement to also pay CIL would increase the risk that development would be unable to fully fund infrastructure required to mitigate its impacts and comply with policy requirements (comprising direct delivery of infrastructure, s106 contributions, and affordable housing). However, the level of the threshold is open to question. There is not specific viability evidence for 400 or another figure as a specific cut-off, but this was accepted in the Chiltern & S Bucks Charging Schedule as a practical proxy for the point at which larger developments may face higher costs associated with increased impacts and /or increased policy requirements. While the CIL is proposed on the basis of the VALP it is appropriate to have regard to the expected pattern of development in the N&C as set out in the draft Local Plan. Whilst a 400 homes threshold would align with E/S area where it would be considered a very large site, but it would not necessarily be considered large in the context of N&C areas. Hence, it is appropriate to consider how well the 400 is the best point at which to set a threshold and why, noting that the brand new NPPF refers to a minimum of 1,500+ dwellings being considered a strategic site.

		However, this seems high. Education requirements are typically for a new primary school on sites over 680 dwellings. Before this point, for smaller sites, education contributions may be secured depending on existing capacity in local schools. Dept for Education pupil yield formula typically justifies a new primary school at this point. Increasingly the trend is towards larger 2 FE schools (i.e. for developments of 1,200 to 1,400 homes) but this is not always appropriate. In this context, the Council has some discretion. Strategic sites should continue to be to be nil rated for CIL, but it is proposed to raise the threshold above which larger developments are nil rated to 650 (or 16ha). Where s106 contributions are required to mitigate development impacts, CIL may reduce the ability of strategic development sites to fund these with the risk of a lesser proportion being available (i.e. minus the parish portion) to mitigate these impacts.
5	Agricultural exemptions were requested because agricultural buildings often require large footprints (such as feed storage, equipment sheds, or livestock barns), generate little to no infrastructure impacts, and do not generally uplift land values. A CIL charge overly burdens a precarious rural economy sector. Exemptions from a CIL rate are sought for barns, sheds, storage, processing facilities, agricultural worker housing, or other agricultural use buildings when being used for agricultural purposes. Agricultural concerns typically operate on low margins and do not generate sufficient value to absorb additional charges, and new agricultural buildings do not add to traffic or other infrastructure pressures. The fixed cost of CIL is seen as disproportionate, unjustified, and harmful.	**Partly Agreed** – the Council proposes an exemption from CIL (by applying a nil rate) for all such barns, sheds, storage, processing facilities, or other non-residential agricultural use building built or modified for agricultural purposes.
6	A change in the language used in the Charging Schedule suggested from 'Development comprising all flats' to 'Development where all of the residential units comprise flats" (as this allows for other uses on the ground floor in line with planning policy.)	**Agreed.** The language is being amended for clarity in the draft charging schedule.

7	SAC zone of influence areas should not be given a reduced rate, as this is unfair to communities now within a SAC ZOI and they do not benefit from infrastructure funding to mitigate harm from new development.	**Not agreed** – The consultant considered this issue and concluded after retesting that the SAC ZOI was a clear limiting factor towards viability and needed to be accounted for in the Charging Schedule. The viability assessment shows the potential economic harm of disregarding the impact of SAC/SANG payments, which are required by statute. Therefore, those areas following within the 12-mile zone of influence are to be charged a reduced rate to maintain viability. (Paragraph 18 of the DSP report refers to this issue.)
8	The viability evidence varied from local perceptions or perspectives (including from one parish); also, there were comments that a new CIL means s106 will be lost.	**Not agreed** – This was reviewed by the consultants, who confirm their advice that the viability assessment and sensitivity testing are robust. It is not correct that CIL negates s106. Where necessary to meet planning obligations, s106 will be sought alongside CIL. Parishes will continue to benefit from the use of planning obligations to mitigate specific development impacts. Where CIL is collected, a portion will be passed to parishes for investment in local infrastructure priorities. It is not a binary of one-or-the-other. The Viability Appraisal makes allowance for development continuing to make s106 contributions.
9	The rates were considered either too high because of other costs to developers perceived to impact viability, or they were seen as too low (often by residents) because development impacts were perceived to be greater than what could be offset by CIL. Some comments drew comparisons with charging schedules in other Council areas (East/South and Wycombe).	**Noted. No change proposed to rates proposed** CIL rates must be set at a strategic level, and it is appropriate, in accordance with the guidance, to assess viability on the basis of development typologies. These broadly reflect the types of sites and schemes expected to come forward across North/Central Buckinghamshire. The Council has sought a careful balance in North/Central areas and decided on charging rates which settle broadly in the centre of viability assessments and sensitivity testing. CIL rates are constrained by the need to ensure overall development remains viable. (Section 3 of the DSP report reviews the viability findings across different areas. Paragraph 2.5.22 describes the approach to buffering rates compared to the maximum theoretical rates that could be applied. While paragraph 3.5.4 and elsewhere refers to the need for balance in setting rates.) Comparisons with East/South or Wycombe CIL areas are not directly relevant. Developments standards, policies and hence costs change over time and by area, as do development values. Each Charging Schedule must reflect the best information available at the time and be approved at examination. The different Charging Schedules have been adopted over a period of 15 years so inevitably there are differences.

10	Not clear why a CIL is needed.	**Not agreed -** the need for CIL in the N&C areas is to support infrastructure funding that supports the development of the area. The funding gap was set out in the evidence base that formed part of the consultation on the Charging Schedule and shows the need for additional infrastructure funding. Introducing a Charging Schedule for the N&C areas will complete the geographic CIL coverage across Buckinghamshire County and put in place a more consistent approach to developer contributions and infrastructure funding.
11	Countywide CIL should be instituted, not a North/Central CIL	**Not agreed** – While this would allow for more consistency in some aspects of the Charging Schedule for instance the scope of liable uses and the treatment of not-for-profit uses, these issues are secondary and so less relevant. The Council's approach does not preclude a Buckinghamshire-wide CIL being developed. The Council will be able to consider a single Charging Schedule for Buckinghamshire in future; however, the immediate priority is considered to be completing the geographic CIL coverage across Buckinghamshire County and putting in place a more consistent approach to developer contributions and infrastructure funding. Separate from the Charging Schedules, instalment policies are being harmonised. Even if a new County-wide CIL were to be developed, differences in property values between areas would remain and would likely result in different CIL rates in different areas (the Wycombe Charging Schedule already contains differential rates by area for instance).
12	Minimum levy should be raised on all development because all development has an impact in the county.	**Not agreed** – the Council must balance extra investment in infrastructure with the potential effect on the economic viability of development. Unlike planning obligations, CIL is not directly linked to an assessment of infrastructure impacts. In the draft Charging Schedule, a nominal rate of £25 sq.m. is proposed for some categories of development, but it is considered that given its limited impact - it would be a very small proportion of development costs – it is considered that this best serves this balance. However, it is not considered appropriate to extend this further given the more central role of housing in delivering the Local Plan, and the need to consistently reflect the available viability evidence. This issue is dealt with in DSP's report: paragraph. 39 and sections 3.11.8 &.9 and 3.12.7.
13	Publicly funded buildings which are part of central government funded national projects, such as prisons, should in fact be CIL liable because they are not included in the Local Plan, create local infrastructure impacts, and unduly shift the burden for harm mitigation to local	**Not agreed** Irrespective of the funding source of such projects (which can sometimes be a mix of funding), most publicly funded buildings could also be considered to be infrastructure, including hospitals, schools and prisons. Most not for profit / social infrastructure are local projects. It is not clear

	communities without contributing financially to the mitigation.	what would be the rationale for distinguishing between local and national projects or what would be the criteria to distinguish between these. Additionally, CIL is a charge on development designed to take a share of the increase in land value created by development. Most such projects happen on publicly owned land so applying this would simply add to public costs.
14	Instalment Policy – longer payments for larger developments are necessary and proposal is at least one further upper category (e.g. over £600k with the third payment of 50% payable within 720 days).	**Partly Agreed** This would reduce the burden of cashflow and reflects the intention to increase the threshold up to which CIL is payable from 400 (or 10ha) to 650 (or 16ha). However, this approach would mean that for larger sites fully half of CIL would not be received until two years after the start of development, affecting the Council's ability to fund infrastructure in a timely way. A revised Instalment Policy is proposed that would offer some additional time for larger developments. This reflects the original instalment policy for West area but with liability thresholds increased by 50% to reflect inflation since that policy was first adopted in 2012. In addition, two new instalment bands are proposed for developments with higher CIL liabilities. These additional bands (£450k to £900k and above £900k) are intended to support developer cash flow while ensuring the timely collection of CIL receipts. The Instalment Policy is at Appendix 3.