

## APPENDIX B – CONSULTATION RESPONSES ON WEST DORSET/WEYMOUTH & PORTLAND REVISED REGULATION 123 LISTS

Consultation on the amended regulation 123 Lists took place between 14<sup>th</sup> February and 14<sup>th</sup> March 2018. A total of 8 representations received from 7 respondents. Full details of each representation can be found online at [www.dorsetforyou.gov.uk](http://www.dorsetforyou.gov.uk)

| RESPONDENT                          | SUMMARY  | RESPONSE  |
|-------------------------------------|--|---|
| Betterment Properties Ltd           | <p>Query over the use of CIL money for repairs and maintenance to parks and play areas in Weymouth and Portland. (Comments not relevant to consultation).</p> <p>Further query raised over the CIL liability of a development proposal on Portland. (Comments not relevant to consultation).</p>   | <p>For clarification, the Borough Council does not use CIL income for the maintenance of play areas and gardens. The areas of expenditure cited in the representation are done so through S106 payments.</p>  |
| Dorset Clinical Commissioning Group | <p>Inclusion of the term 'community' under the provision of health infrastructure in Column B to allow greater flexibility and choice.</p>   | <p>Term 'community' added where relevant under Column B.</p>  |
| WYG on behalf of CH Fry & Son Ltd   | <p>The changes proposed through the consultation are not considered to be 'minor', and justification is needed for removal of infrastructure from column A to column B – query whether an EiP is legally required to make such changes.</p> <p>The council should remove infrastructure items which were not part of the existing EiP.</p> <p>An update of the Infrastructure Delivery Plan is necessary. The update should be subject to consultation to allow viability appraisal. Current iteration of IDP out of date, in particular schedule 2c.</p> <p>Clarity needed over whether obligations are financial or not for each allocation.</p> | <p>Officers accept that the consultation raised a number of changes, but on the whole, these changes clarified rather than introduced new infrastructure projects. No other developer raised these issues and without evidence to demonstrate the threat to viability supporting the response, officers consider that it should not be necessary to undertake a re-examination of the CIL charging schedules to address this matter.</p> <p>Officers consider that S106 negotiations naturally evolve and therefore an element of flexibility should be used to take account of new infrastructure requirements as reflected in the wording of the list. Notwithstanding this, the IDP is scheduled for an update as part of the Local Plan Review.</p> <p>Officers consider that where necessary and appropriate the list does specify</p> |

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|                        |  | between financial and non-financial obligations, e.g. education. Secondly, not specifying one or the other allows flexibility for the council and developer in choosing the best option for the particular site. In any event, any delivery or contribution would have to be regulation 122 compliant. |
| Dorset County Council. | <p>Deletion of the words 'wholly or partly' from the introductory paragraphs.</p> <p>Refer to strategic sites as 'nil-rated' for CIL rather than 'zero-rated' to ensure consistency with the terminology used in the adopted charging schedule.</p> <p>Include reference to 'Policy COM1 and other identified policies' in the heading of Column B to provide clarity over the relevant Local Plan policies.</p> | Changes incorporated.  |
| Environment Agency     | Support for the councils ongoing commitment to flood risk management across WPBC and WDDC through the apportionment of CIL monies as well as the inclusion of nutrient management matters within the West Dorset list.   | No changes necessary.  |
| South Somerset DC      | No comments.   | No changes necessary.  |
| Sport England          | Include reference to a maintenance sum alongside relevant sports infrastructure.   | Term 'maintenance sum' added alongside relevant sports and play provision.   |