# Report to the London Borough of Haringey

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**
**An Examiner appointed by the Council**

Date: 24 January 2022

PLANNING ACT 2008 (AS AMENDED)
SECTION 212(2)

**THE LONDON BOROUGH OF HARINGEY**
**COMMUNITY INFRASTRUCTURE LEVY**

**REPORT ON THE EXAMINATION OF THE PARTIAL REVIEW**
**OF THE COMMUNITY INFRASTRUCTURE LEVY**
**DRAFT CHARGING SCHEDULE, AS MODIFIED**

Charging Schedule submitted for examination on 27 September 2021
through Penny O'Shea Consulting

| Non-Technical Summary |
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| This report concludes that the London Borough of Haringey Community Infrastructure Levy Partial Review Modified Draft Charging Schedule provides an appropriate basis for the collection of the levy in the borough. The proposed rates will not put the majority of developments at risk, and it can be recommended for approval. A minor modification is required to reflect changes in the Use Classes Order. |


## Introduction

1. Under Regulation 19(4) of the CIL Regulations 2010 (as amended), the council may modify the CIL Draft Charging Schedule following publication and consultation. The council published the Modified Draft Charging Schedule (MDCS) in response to representations made to the Draft Charging Schedule (DCS) during the period of public consultation from 18 December 2019 to 11 February 2020. It was the MDCS that was submitted to me on 27 September 2021, although the consultation period on it continued until 25 October 2021.

2. I am a chartered Town Planner, being a Fellow of the Royal Town Planning Institute. I have many years' experience of holding public inquiries and examining local plans, and have been examining CIL proposals for planning authorities since 2013.

3. This report contains my assessment of the London Borough of Haringey's (LBH) CIL Partial Review MDCS in terms of Section 212 of the Planning Act 2008. It considers whether the schedule is compliant in legal terms and whether it is economically viable as well as reasonable, realistic and consistent with national guidance (Department of Levelling Up, Housing, and Communities on CIL).

4. In the responses to the consultation on the November 2019 DCS, a limited number of representations made reference to possible attendance at a hearing. As I proceeded with my examination, I found it necessary to raise questions with the council to seek further clarification following the points made by representors, and gradually moved towards the view that the examination could be dealt with on the basis of the written submissions, and that there would be no need to hold a hearing. In November 2021, I therefore requested my programme officer to write to representors asking if there was a wish to attend a hearing. There was no response seeking a hearing from any representor to this request. I therefore decided that the examination could be conducted on the basis of the written submissions and informed the council accordingly.

5. To comply with the relevant legislation, the local charging authority has to submit a charging schedule that sets an appropriate balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across its area.

6. The current LBH CIL Charging Schedule came into effect on 1 November 2014. It set rates for residential, student accommodation, supermarkets, and retail warehousing across three charging zones, within which some of the rates vary. Since the current schedule came into force, a number of large developments within and around the Tottenham Hale and North Tottenham growth areas, and in Seven Sisters, have been completed. Linked to this regeneration of the eastern part of the borough, there has been a significant growth in residential values.

7. As a consequence, the council commissioned BNP Paribas Real Estate (BNPPRE) to produce a partial review of the residential and student accommodation rates in the Eastern CIL Zone of the approved CIL Charging Schedule, as well as to consider a rate for two new forms of residential accommodation: Warehouse Living (WL) and the Private Rented Sector (PRS). The latter is referred to in the submitted Draft Charging Schedule (DCS) as 'Build to Rent Housing' (BTR). These forms of accommodation have only come forward in the borough since 2014 and consequently were not specifically included within the approved CIL Charging Schedule. The result of this commission was the Community Infrastructure Levy: Eastern Haringey Viability Update Study (EHVUS), dated October 2019. The EHVUS was accompanied by a separate volume of appendices setting out the results of the appraisals of a range of development typologies.

8. The EHVUS considered the residential and student accommodation rates approved in the Eastern CIL Zone and the potential rates for WL and PRS schemes, in combination with the cumulative impact of the requirements of the council's Local Plan, adopted July 2017 (comprising the Strategic Policies DPD, Development Management DPD, Site Allocations DPD and Tottenham Area Action Plan DPD). Upon review of the representations made on the DCS, the council commissioned a further assessment from BNPPRE of the proposal to levy a charge on WL.

9. In light of the evidence provided in the representations and the advice contained in the 'Note on Warehouse Living' provided by BNPPRE (document HCIL6), the rates for WL are proposed to be deleted, and the council published a Statement of Modifications to achieve this. There were no adverse comments in the representations on the modifications, and I accept that, on the basis of the current knowledge and experience of WL, there is no evidence which would support a charge on this form of development as it is now emerging. I will briefly refer to this below in support of my recommendations.

10. The other modification that the council proposed was to amend the definition of Build to Rent Housing, set out at the bottom of the schedule, and to remove the word 'Draft' in front of London Plan and add '2021', so that it reads 'the London Plan 2021'. Clearly, this is simply a factual update, which I will recommend is made to the final approved schedule.

11. It is important to note that, since this was a partial review, the rates applicable in the Western and Central Charging Zones, and those that are borough wide, have not been reassessed. Nevertheless, the rates in these Zones have changed over time due to the indexing for inflation in accordance with the CIL Regulations 2010 (as amended). Thus, the rates in

the Western and Central Zones for both residential and student accommodation have increased so that by 2020 they had changed from £265 (western) and £165 (central) to £370.33 and £230.59 respectively. In the MDCS the rates for these two charging zones, and the borough-wide charges for Supermarkets and Retail Warehousing, have an '*' beside them. A footnote explains that, at the date of final approval of the MDCS, the updated indexed figures will be provided in the approved Charging Schedule in place of those in the MDCS. (See also paragraphs 46 to 48 below).

12. I have explained in the immediate above paragraph that the submitted MDCS takes account of the partial review of the 2014 Schedule, which only considered the rates in the Eastern Charging Zone. I also explained how the council will deal with the updating of the rates in the other two charging zones to account for indexation. For ease of reference, therefore, I will set out only the charges now proposed in the Eastern Charging Zone.

13. In the 2014 Schedule there were only two forms of development that had CIL rates specific to the Eastern Zone – Residential and Student accommodation. These were both charged at £15 per $m^2$. It is now proposed that these will be charged at £50 and £85 respectively. There were also borough-wide rates for Supermarkets and Retail warehousing at £95 per $m^2$ and £25 per $m^2$ respectively. In addition, it is now proposed to introduce a separate use category of Build to Rent housing. This particular development form was previously incorporated within the Residential charge. It has only come forward in the borough since 2014 and consequently was not specifically included within the approved CIL Charging Schedule. For the Western and Central Charging Zones, Build to Rent will have the same rates as Residential, similarly being re-indexed at the point of the schedule approval. Therefore, the only changed charge for Build to Rent is in the Eastern Zone which is introduced at £100 per $m^2$.

14. To be clear, therefore, the only matters for me to consider, in terms of levy rates, are those in the Eastern Zone, with Residential increasing from £15 per $m^2$ (now indexed to approximately £21) to £50 per $m^2$; Student accommodation from £15 per $m^2$ to £85 per $m^2$; and Build to Rent moving from the Residential rate to £100 per $m^2$.

**Were the rates adequately consulted upon?**

15. The council consulted on the November 2019 DCS for 8 weeks between Wednesday 18 December 2019 and Tuesday 11 February 2020, as required by Regulation 17 of the CIL Regulations 2010 (as amended). The DCS and accompanying documents were made available for inspection on the council's website, at the council's principal office and at the borough's libraries. A local advertisement was published on 18 December 2019, and representations were invited from consultation bodies and other persons and bodies considered appropriate by the council via its database. There were 14 representations received in response.

16. The council published the Statement of Modifications, in accordance with Regulation 19(1)(d), that responded to the representations received to the DCS. This Statement was sent to each of the persons that were invited to make representations on the DCS and a copy of the Statement was

published on the council's website. The period of consultation was for 4 weeks, closing on Monday 25 October 2021. There were two representations submitted as a result of this consultation.

17. I consider that these arrangements for consultation on the DCS and the Statement of Modifications were adequate and met the requirements of the Regulations referred to. In reaching my conclusions, I have taken into account the representations made in response to the November 2019 DCS and those in respect of the Statement of Modifications.

**Is the Charging Schedule supported by background documents containing appropriate available evidence?**

Do the Infrastructure Delivery Plan and Infrastructure Funding Statement 2019/20 (December 2020) support the continued charging of CIL?

18. The Haringey Infrastructure Delivery Plan, Update April 2016 (IDP) is part of the evidence base used to support the submission of the DCS, meeting the requirements of the National Planning Policy Framework (the Framework) and PPG at that time. It was based on the requirements set out in the London Borough of Haringey Local Plan: Strategic Policies, approved in March 2013. That document sets out how the council will deliver local and strategic development needs including housing, employment, leisure and retail provision. The Further Alterations to the London Plan (2015) identified a new annual housing target for Haringey of 1,502 new homes for the period between 2011 and 2026. This creates an overall housing requirement of 19,802 new homes from 2011-2026. To achieve these requirements, it is important to ensure that appropriate infrastructure is provided to make places attractive, sustainable and successful.

19. The first iteration of the IDP was the Community Infrastructure Study (2010), produced as part of the preparation of the Local Plan: Strategic Policies. This was followed by the IDP Update 2013 to support the introduction of the Haringey CIL that became effective in 2014. The IDP Update 2016 is a further update, with a view to understanding the infrastructure requirements of the post-2015 housing target.

20. Section 13 of the IDP sets out the Total Infrastructure Funding Gap by sectors. Within this section, Table 6 summarizes the potential cost of providing the infrastructure requirements outlined in the 2013 document. The figures in the table are from 2013, indexed using BCIS indexation[1] to bring them to April 2016 prices. The final row of Table 6 identifies totals: Investment required - £534.4m; Funding available - £185.7m; Funding Gap - £348.6m.

21. With the removal of the requirement for a Regulation 123 list in an amendment of the CIL Regulations on 1 September 2019, there is a requirement for an Infrastructure Funding Statement (IFS) to be published by December every year from 2020 onwards. The council has produced a 2019/2020 Infrastructure Funding Statement. The IFS should identify infrastructure needs, the total cost of this infrastructure, anticipating funding

[1] Building Cost Information Service published by the Royal Institute of Chartered Surveyors.

from developer contributions, and the choices the authority has made about how these contributions will be used (PPG CIL paragraph 017).

22. In section 1.4 of the IFS, it is explained that it is based on the approved Local Plan and the IDP (referred to in paragraphs 18 to 20 above). The infrastructure needs of the following categories are considered: education; health; libraries and museums; open space, leisure and sport; transport; waste facilities; surface water management measures; water quality; electricity network; decentralised energy infrastructure; and emergency services.

23. Section 2.4 sets out the policy and guidance on spending Strategic CIL, how the council goes about this and CIL spending criteria and allocations. In December 2020, approval was given for £14.6m of Strategic CIL monies and the capital programme is set out. Section 2.5 sets out spending on Neighbourhood CIL in a similar way. The third section of the IFS deals with section 106 planning obligations and includes the report for the year 2019/20 required by Regulation 121A(c) of the CIL Regulations, both monetary and non-monetary.

24. Taking the information in the two documents, the IDP shows that the total investment required for infrastructure is £534.4m, whilst available funding from non-CIL sources is anticipated as £185.7, leaving a funding gap of £348.6m. The table at paragraph 2.3.1 of the IFS shows that over the 5 years from 2015/16 to 2019/20 the total value of CIL collected was £18.892m (figures rounded), whilst total expenditure for 2019/20 was £2.845m and retained receipts were £16.048m. From these figures it can be seen that a very significant funding gap will remain with the application of CIL receipts to the gap of £348.6m referred to above, although CIL will make a small but valuable contribution to the provision of infrastructure in the borough. The figures demonstrate the continuing need to levy CIL in LBH.

25. I should also mention at this point that there were representations about the need to update the IDP. The IDP is not before me for examination, therefore those comments are for the council to consider.

**Does the economic viability evidence support the proposed levels of CIL?**

26. Since the CIL Charging Schedule in LBH was first implemented in 2014, the rates have been well embedded in policy and the land market of the borough. As noted in paragraph 6 above, since CIL implementation, a number of large developments within and around the Tottenham Hale and North Tottenham growth areas, and in Seven Sisters, have completed, started or have secured planning permission, including Apex House and Tottenham Hotspur Football Club. Linked to this regeneration of the eastern part of the LBH, there has been a significant growth in residential values.

27. Thus it was that the council commissioned the EHVUS, published in October 2019, from BNPPRE. This review was to reconsider the residential and student accommodation CIL rates in the Eastern CIL Zone of the approved CIL Charging Schedule as well as to consider a new rate for WL and BTR. The review therefore sought to establish whether there is scope for the two

existing development types, residential and student accommodation, in the Eastern CIL Zone to viably contribute an increased level of CIL, and whether WL and BTR schemes in the east of the borough can viably contribute through CIL towards the delivery of the necessary supporting infrastructure.

28. The EHVUS uses a standard approach, the residual valuation method, that involves calculating the value of completed development schemes and deducting development costs (construction, fees, finance, sustainability requirements, CIL [including Mayoral CIL] and other plan policy costs) and developer's profit. The residual amount is the sum left after these costs have been deducted from the value of the development and guides the amount available for site acquisition. The residual land values are compared to a 'Benchmark Land Value', being the value above the existing use value a reasonable landowner would accept, including a premium as an incentive to sell, to bring the site to market for development. As I have said, this is a standard industry approach to viability studies, and I find that, in principle, this study is satisfactory. I set out below the gist of the findings of the EHVUS.

*Residential development*

29. Residential schemes in the Eastern CIL Zone have been tested with a range of affordable housing tenures and percentages, taking into consideration a balance of the council's current affordable housing policies target requirement and the aspirations to deliver a wider range of affordable housing tenures in the borough. In brief, the results of the EHVUS were as follows:

- Some scenarios (e.g. certain affordable housing percentages) are unviable prior to the application of CIL in the appraisal. Where schemes are viable, the recommended CIL rates are sufficiently modest to ensure that schemes remain viable.
- The results of the appraisal of residential developments shows a wide range of potential maximum CIL rates. The recommended increase is to a rate of £50 per $m^2$ in the Eastern CIL Zone.
- The recommended rate is set at a discount to the maximum rate, in line with the requirements set out in the National Planning Policy Framework. Consequently, there is sufficient flexibility for schemes to be able to withstand the impact of economic cycles over the life of the Charging Schedule; although in any event, current mainstream forecasts are that residential values will increase over the next five years. The proposed rate amounts to between 1% and 1.6% of development costs and is therefore set at a nominal level.

*Private rented sector*

30. There are a number of PRS (BTR in the DCS) which have been delivered/are currently coming forward in the Eastern CIL Zone in particular. A charge of £100 per $m^2$ for PRS schemes delivered in the Eastern CIL Zone is recommended, reflecting a 20% buffer from the maximum charge of £125 per $m^2$. The proposed CIL amounts to circa 4% of development costs, which

at below 5%, experience shows is not a determining factor in a developer's decision as to whether or not to proceed with a development.

*Student accommodation*

31. Student housing developments in the Eastern CIL Zone have seen rapidly increasing rents since the previous CIL Viability Study, which has increased residual land values. Consequently, these developments can absorb a higher CIL contribution without a significant impact on viability. A charge of £85 per $m^2$ is recommended. This is based on the delivery of at least 40% affordable student accommodation within schemes and allows for a buffer from the maximum rate, and would amount to circa 2.25% of development costs.

*Warehouse living*

32. The EHVUS noted the council's Policy DM39: 'Warehouse Living', which seeks to further regularise/legitimise this use and, through the planning process, ensure existing and future occupants are provided with an appropriate standard of living. The appraisals identified that such schemes generate significant residual land values in excess of existing use values. There will be differences from site to site with respect to conversion costs and quality, but some of this space may not qualify for CIL if such schemes do not add any floorspace and/or the floorspace has been lawfully occupied for six months in the last three years. A charge of £130 per $m^2$, which reflects a significant discount from the maximum, is recommended. This rate of charge is unlikely to have an impact on a developer's decision to deliver such schemes.

The council's response to the EHVUS

33. The council accepted these recommendations and published the DCS which, as mentioned in paragraph 15 above, it consulted on between 18 December 2019 and 11 February 2020. The outcome of this consultation was that 14 representations were received. A number of these did not raise issues with the level of charges proposed, mainly dealing with the contents of the IDP. However, representors were concerned with the rise in the rate for residential developments, mainly on the basis of the balance to be struck between securing adequate infrastructure and policy compliant affordable housing. I deal with these matters a little later in this report.

34. More relevant at this stage is to refer to the representations that were made with regard to the proposed charge for WL. In brief, these were that WL is evolving and the evidence in the EHVUS does not indicate a proper understanding of this form of development, and in particular, does not account for demolition and new build costs. As a result, the council commissioned a 'Note on Warehouse Living' from BNPPRE, dated 23 April 2021, to address the representations. This note acknowledged that the assessment of WL schemes in the EHVUS had been based on a refurbishment development, and that in the 18 months following that study, a redevelopment approach had started to be pursued. The conclusions and recommendations in the note were that the evidence presented for such schemes in a rapidly evolving situation does not provide an appropriate basis to set a CIL charge for new Purpose-Built WL schemes. With the aim of

Policy DM39 to secure a long-term sustainable future for WL sites, the proposed charge for this form of development should be removed.

35. The removal of a rate for WL was accepted by the council. Under Regulation 19(4) of the CIL Regulations 2010 (as amended), the council may modify the DCS following publication and consultation. The proposed modifications are set out in document HCIL4 – Statement of Modifications, and the necessary consultation was carried out, as referred to at paragraph 16 above.

**My conclusions on the background documentation**

36. From the above (paragraphs 18 to 35), it can be seen that there is appropriate and adequate evidence in the background documents - the Infrastructure Delivery Plan, the Infrastructure Funding Statement 2019/20 and the Eastern Haringey Viability Update Study, together with the Note on Warehouse Living - to support the Modified Draft Charging Schedule.

**Are the charging rates informed by and consistent with the evidence?**

The rate for residential development

37. Other than the representations in relation to WL, dealt with above, the only other category of development for which the proposed rate drew concerns, was that for residential development. In that regard, the issues identified were i) the extent of the rise in charge from £15 per $m^2$ (2014 Schedule) to £50 per $m^2$ (current proposal); ii) the cumulative effect of CIL and S106 and the likely effect on the delivery of policy-compliant affordable housing; iii) the particular difficulty of development of 'Locally Significant Industrial Sites' and of former utilities sites such as gasworks.

38. With regard to the first of these, the concern was expressed in terms of the proposed rate being a 333.33% increase. I regard this as presenting no more understanding of the difference between the 2014 rate and the current proposal than can be gleaned from looking at the two figures - 15 and 50. To see whether the increase has an unacceptable effect on development viability, it is the viability appraisals that provide the evidence.

39. Turning to the cumulative effect of CIL and s106 obligations, this appears to be primarily a concern about the delivery of policy-compliant affordable housing alongside CIL. Representors cite a number of recent examples of major residential development that have been approved 'without providing policy-compliant levels of affordable housing'. In this regard, the council and its policies are quite clear, as are the policies of the London Plan. Taking the London Plan 2021, a threshold approach to viability is detailed in Policy H5. Part A of Policy H5 sets out the threshold approach applying to major development proposals which trigger affordable housing requirements. Part B sets out that the threshold level of affordable housing on gross residential development is initially set at: 1) a minimum of 35 per cent; or 2) 50 per cent for public sector land where there is no portfolio agreement with the Mayor; or 3) 50 per cent for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial intensification,

co-location and substitution, where the scheme would result in a net loss of industrial capacity.

40. Policy H5 can be satisfied via two routes: a Fast Track Route and a Viability Tested Route. The Fast Track Route may be followed provided applications meet the four requirements, and they are not required to provide a viability assessment at application stage. Where an application does not meet the requirements of the Fast Track Route, it must follow the Viability Tested Route. This facilitates lower levels of affordable housing provision where the target level is demonstrated not to be viable. This approach is followed in the council's Local Plan Strategic Policies (Policy SP2) which sets out that the affordable housing target in the Local Plan Strategic Policies is subject to viability. It is also followed in Policy DM13 of the Council's Development Management DPD, which sets out that the council will seek the maximum reasonable amount of affordable housing provision when negotiating on individual private residential and mixed-use schemes, having regard to viability.

41. There was also the criticism that the 50% affordable housing target was not tested in the EHVUS. Following a question by me, I was subsequently provided with a BNPPRE 'Note on Additional Viability Testing of Residential Rates, 30 June 2020' (document HCIL12). This established (Table 3.11.1) that, over a range of tenures, the maximum borough CIL, allowing for Mayoral CIL, was at or above the £50 per $m^2$, whilst allowing for a sizable buffer. Furthermore, implementation of the proposed residential CIL charge of £50 per $m^2$ is equivalent to the provision of between 1.25% and 0.7% of units on a site as affordable housing, with the average across the typology scenarios tested being 0.91% affordable housing.

42. The answers to this and other questions I put to the council, seeking further clarification, were drawn to the attention of the relevant representors, but no further response was received. In the absence of clear evidence that throws doubt on the data or conclusions of the EHVUS, I am satisfied that the proposed modified charges for residential development are justified, and an appropriate balance has been struck. I am reinforced in this conclusion by the fact that an adequate 'buffer' from the maximum CIL charge that the various development typologies could absorb has been allowed, and that a further safeguard is the fact that existing floorspace on a development site has been ignored in the study, providing a strong reassurance that the charges are well below the maximum that could be levied.

43. Individual sites and development proposals will have their own characteristics. The policies allow for sensible and appropriate trade-offs where all desirable requirements cannot be met. The proposed charge strikes an appropriate balance between the delivery of development and the funding of necessary infrastructure to support such development as required by Regulation 14 of the CIL Regulations 2010**.**

**My conclusions on the proposed rates**

44. Apart from the rate proposed in the DCS for WL, which was dealt with by the modifications, it was only the proposed rate for residential development that was subject to representations. In paragraphs 37 to 43 above I have set out

my response to the proposed rate and the questioning of it. I conclude that the evidence supports the rate for residential development proposed in the partial review and the council has been realistic in terms of achieving a reasonable level of income to address a gap in infrastructure funding, while ensuring that, in general, development remains viable across most of the eastern side of the borough.

## Other matters

*Use Classes Order*

45. The November 2019 DCS and the Modified version of September 2021 make reference to Use Classes A1 to A5. However, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 made substantial changes to the Use Classes. Class A1 (shops), Class A2 (financial and professional services) and Class A3 (restaurants and cafes) were absorbed into new Class E (along with other uses). This Order came into force on 1 September 2020. I drew the council's attention to the fact that it appeared appropriate to update these references, perhaps by deleting the reference to the Use Classes. In response, the council proposed the deletion of these references, having regard to the changes which have been made to the Town and Country Planning (Use Classes) Order 1987. I will recommend accordingly.

*Indexed rates*

46. The council has only partially reassessed its approved Charging Schedule, reviewing only the rates in the borough's Eastern Charging Zone. In the submitted Draft Charging Schedule (document reference HCIL1) an asterisk is put against charges in the Western and Central Charging Zones. Below Table 1 there is a note which sets out that *"Rates that are not amended as part of the Partial Review of the CIL Charging Schedule will be indexed for inflation in accordance with the CIL Regulations 2010 (as amended) based on the date of their original effect in the original CIL Charging Schedule (November 2014) to the date of final approval (expected 2022). The updated indexed figures will be provided as part of the final reviewed CIL Charging Schedule at the point of final approval (expected 2021) rather than in this Draft Charging Schedule document."* The council has stated to me that *"If the outcome of the Examination is a recommendation that the Draft Charging Schedule is sound, with or without modifications, the Council proposes to amend the Western and Central rates in the approved new CIL Charging Schedule in accordance with those set out in Haringey's Annual CIL Rate Summary 2022".*

47. The council published its Annual CIL Rate Summary 2022, dated December 2021, which shows the indexed rates that will be applicable for the Western and Central Zones and for the borough-wide charges. The council suggested that I may wish to recommend a modification now that the council has the 2022 CIL figures. However, it seems to me that, since I have only been appointed to examine the Partial Review of the CIL Charging Schedule, it would be going beyond my remit to make a recommendation about these revised figures.

48. Nevertheless, it was appropriate to draw my attention to the updated figures, and provide me with a copy of the new Annual CIL Rate Summary document that has been put on the webpage. It seems sensible for me to record here the council's intentions, for the sake of clarity. The following new rates will be inserted by the council when it approves the Partial Review Rates:

<table>
<tr><th>Use</th><th>Western</th><th>Central</th></tr>
<tr><td>Residential</td><td rowspan="2">£368.12</td><td rowspan="2">£229.21</td></tr>
<tr><td>Student accommodation</td></tr>
<tr><td>Supermarkets</td><td colspan="2">£131.97</td></tr>
<tr><td>Retail warehousing</td><td colspan="2">£34.73</td></tr>
</table>

**Overall conclusion**

49. I conclude that, in setting the CIL charging rates in the MDCS, and the DCS that went before it, the council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in the LBH. The council has been realistic in terms of achieving a reasonable level of income to address a gap in infrastructure funding, while ensuring that, in general, development remains viable across most of the eastern side of the borough. It has made decisions about its priorities for bringing in funds through CIL and obtaining contributions through section 106 agreements. An appropriate balance has been struck.

**Are the legal requirements met?**

50. The legal requirements are met:

- The Charging Schedule complies with national policy/guidance.

- The Charging Schedule complies with the 2008 Planning Act and 2010 Regulations (as amended), including in respect of the statutory processes and an appropriate level of consultation; the proposed rates are informed by and consistent with the evidence on viability across the Eastern Zone of the borough, and it is supported by an adequate financial appraisal; it is consistent with the local plan, while not undermining its delivery.

**Recommendation**

51. I conclude that the MDCS for the London Borough of Haringey Community Infrastructure Levy, submitted for examination on 27 September 2021, satisfies the requirements of Section 212 of the 2008 Act and meets the criteria for viability in the 2010 Regulations (as amended). I therefore recommend that, subject to one modification set out in the schedule below, the Modified Charging Schedule be approved.

*Terrence Kemmann-Lane*

Examiner

## Modification required by the Examiner

| Modification number | Modification |
|---|---|
| EM1 | In the table of CIL rates, in column 1 under the heading "Use", within the development type "Office, Industrial, warehousing, small scale retail", delete the references in brackets to use class A1-5 |