Consultation Statement – Community Infrastructure Levy Draft Charging Schedule

May 2026

In connection with the preparation of the CIL Draft Charging Schedule, a Consultation Statement is required to demonstrate with whom the three South Worcestershire Councils (SWC), comprising Malvern Hills District Council, Worcester City Council, and Wychavon District Council, consulted and how they engaged with local people and other interested parties during the preparation of the Charging Schedule.

In accordance with Regulation 17 of the CIL Regulations 2010 (as amended), this Statement confirms that representations were made to the SWC in respect of the CIL Draft Charging Schedule.

This Statement contains the following information:

- A summary of the individuals and organisations with whom the SWC consulted
- How those individuals and organisations were consulted
- A summary of the issues raised, and how those issues have been addressed in the amended Draft Charging Schedule.

A six week consultation on the Draft Charging Schedule commenced on Monday 2 February 2026 and ended on Monday 16 March 2026. The consultees were notified by email, social media posts, and webpage news announcements. Paper copies of the draft CIL Charging Schedule, the evidence base documents, the Consultation Statement of Representations Procedure, a 'plain language' Consultation Information Sheet and consultation response forms were available from libraries in Malvern, Tenbury Wells, Upton upon Severn, Worcester (The Hive), St Johns, Warndon, Pershore, Evesham, Droitwich Spa, and Broadway, as well as The Guildhall in Worcester and the Civic Centre in Pershore.

These consultation documents were also published on each of the SWC websites, and a link to the online consultation survey was also included. Comments on the Draft Charging Schedule were invited either directly to the SWC by email or paper response form, or through the consultation survey.

Approximately 1,074 statutory consultees and other organisations/ developers/ individuals on Consultee Database were notified.

The draft Charging Schedule was taken to the Joint Advisory Panel within the SWC on 14 January 2026 for discussion and to give officers and councillors opportunity to provide comments and ask questions. It was then taken to the below committee and council sessions to allow councillors to scrutinise the documents, ask questions, and for the SWC to seek authority to consult, make minor modifications, and to submit for Examination:

- Full Council at Malvern Hills District Council – 20 January 2026
- Place and Economic Development Committee at Worcester City Council– 26 January 2026
- Special Council at Wychavon District Council – 21 January 2026

There were 32 representations made to the draft CIL Charging Schedule, with 15 representations made via email and 17 representations made via the online survey form. All of the representations were made in accordance with Regulation 17 of the CIL Regulations (as amended).

The following organisations and individuals responded:

Statutory Consultees	Coal Authority, Natural England, Canal & River Trust, Historic England, Herefordshire Council, and Worcestershire County Council
Developers and Planning Agents	Pegasus Group on behalf of Two Shires Park, LRM Planning Ltd on behalf of Bloor Homes Western, Court Property Developers Ltd, Homes England, Turley on behalf of Taylor Wimpey, Turley on behalf of Bellway Homes Ltd, Woodland Contractors Limited, Rio Severn Limited, AddisonRees Planning Consultancy Ltd, DJD Architects, and Wychbury Developments Ltd.
Local councils, Community Groups, and Residents	Whittington Parish Council, a councillor representative on behalf of Wychavon District Council Green Party, and twelve residents

Two respondents did not consent to their details being used for the purposes of holding and processing the information provided. Their comments have been read by the SWC, summarised below, and taken into account. Their anonymised comments have also been sent to the Examiner.

A summary of the key issues raised and the SWC response is provided below.

The main issues arising from the representations are:

- The viability evidence base is flawed, particularly in its assumptions around affordable housing provision for small sites in Designated Rural Areas, and that build costs, infrastructure requirements, market values, yields, developer returns and benchmark land values are understated or unrealistic, meaning the evidence does not reflect real-world conditions.
- There is a disproportionate impact on Small and Medium-Sized Developers (SMEs) and the proposed changes will penalise small sites through large CIL uplifts. This conflicts with national policy and the February 2024 Written Ministerial Statement aimed at supporting small sites and SME delivery and risks reducing land supply, eliminating windfall development, forcing SMEs out of the market, and harming local supply chains and jobs.
- There is a cumulative burden on developers with CIL, Affordable housing requirements, Biodiversity Net Gain (BNG), Section 106 obligations, Ecological surveys and pre-commencement costs which risk making many schemes, especially small ones, financially unviable.
- There was a lack of site-specific or employment-typology based viability assessment, especially for secondary, SME-led employment locations. This has resulted in optimistic assumptions on rents and yields and underestimation of infrastructure and abnormal costs.
- Respondents questioned the justification and scale of the proposed CIL Rates and whether the proposed rates are justified by an identified infrastructure funding gap, rather than being “back-calculated” to maximise CIL income. Developers argued that charges were excessive compared to inflation and economic uncertainty. Comments were raised on what justification there was for higher charges on small greenfield and brownfield sites compared to larger schemes, the zero-rating of certain uses (e.g. private Build to Rent), and inconsistencies between greenfield and brownfield rates.
- Another recurring theme was scepticism about whether CIL has historically delivered visible, timely and locally relevant infrastructure, with concerns about underspending and delays to spending since adoption in 2017. There was concern that the higher charges risk displacing or reducing Section 106 contributions, particularly for county level infrastructure such as education and transport. Respondents called for clearer links between CIL collection, infrastructure priorities in the IDP, and delivery on the ground.
- Some respondents argued that infrastructure should be in place before or alongside development, not funded retrospectively and the current approach risks development proceeding ahead of essential infrastructure, placing strain on existing communities.

- Concerns were raised regarding accessibility of consultation materials, which were described as highly technical and difficult for non-experts to understand and limited opportunity for councillors and communities to meaningfully scrutinise or discuss the proposals.

21 respondents requested to be notified of the submission of the draft Charging Schedule to the Examiner in accordance with Section 212 of the Planning Act 2008. respondents requested the right to be heard by the appointed Examiner at the Examination. 21 respondents requested to be notified of the receipt of the Examiner's report and the publication of the recommendations of the Examiner and the reason for those recommendations. 21 respondents requested to be notified the approval of the Charging Schedule by the SWC.

Summary of comments made on the Community Infrastructure Levy Draft Charging Schedule 2026 and the SWC response.		
Nature of Comment	**Comment**	**SWC Response**
Infrastructure Provision	Developers should contribute 100% of the cost of building the required infrastructure and have it all in place before any more houses are built. In recent years many houses have been built in this area and the roads, doctors, schools, hospitals especially have not been upgraded adequately. So now we are in a dire situation with waiting times at hospitals and doctors and traffic congestion beyond anything seen before.	The SWC recognises the respondent's concerns regarding pressure on local infrastructure, including roads, healthcare and education, and the impacts of recent development on congestion and access to services. The planning system requires development to contribute towards necessary infrastructure through a combination of CIL, Section 106 obligations, and funding from other sources. However, national legislation does not allow councils to require developers to fund 100% of all infrastructure costs, nor does it require all infrastructure to be delivered in advance of housing being built. While early delivery of infrastructure is desirable, timing is influenced by funding availability, delivery programmes and statutory provider processes, and it is not always feasible for all infrastructure to be completed before development commences.
Impact on SME Developers	We have been struggling for the last few years to find economic sites suitable for ourselves. We usually build small sites of up to 9 units, very occasionally up to say 14 units. Most or our sites are in rural areas. It is common knowledge that new house building has been extremely low over the last few years, and that SME developers like ourselves have been particularly badly hit by the combination of limited land availability, high land prices (exacerbated by scarcity), planning delays, and difficulty in obtaining finance. You can see the effects of this in the massive reduction in the number of house builders like ourselves in this area. While in theory charges such as the CIL should come off the land price, that does not happen in practice at the smaller end of the market. Since little land is available, landowners simply hang on. I am looking at one rural site of c9 units. The potential CIL of ?120/m2 under the proposed scheme would be c?130,000. The landowner will not lower his price, and we certainly cannot carry that cost.	The SWC recognises the difficulties currently faced by small and medium sized housebuilders, particularly those operating on small rural sites. We acknowledge the respondent's comments regarding constrained land supply, high land prices, planning delays and restricted access to development finance, and note the important role SME developers play in delivering windfall housing and supporting local economies and supply chains. The SWC also acknowledges the respondent's concern that, while Community Infrastructure Levy (CIL) is assumed to be funded through land value adjustment, this mechanism may not function as effectively on smaller sites where land supply is limited, and landowners may be unwilling to reduce values. The viability challenges facing small rural schemes are recognised, particularly where cumulative costs arise from CIL, affordable housing contributions and other statutory requirements. In preparing the Draft Charging Schedule, the SWC were required to set CIL rates in accordance with the CIL Regulations, taking account of viability evidence across the district as a whole. The CIL Regulations do not permit the SWC to take account of the circumstances of individual sites or land transactions when setting rates, nor to exempt particular developments based on site-specific viability considerations. CIL is a fixed, non-negotiable charge and cannot be varied on a case-by-case basis. The proposed rates have been informed by independent viability evidence which sought to strike an appropriate balance between securing funding to support necessary infrastructure and maintaining development viability overall. However, the SWC notes that concerns regarding the impact of CIL on small sites, particularly those delivering up to nine dwellings in rural areas, have been raised consistently through the consultation. It should also be noted that the CIL Regulations provide a range of statutory reliefs and flexibilities which may be available to help manage cashflow and viability pressures, including: • Instalment policies, allowing CIL liabilities to be paid over time rather than as a single upfront cost. • Exceptional circumstances relief, where applicable, subject to the statutory tests being met. • Self-build exemptions, where relevant. These mechanisms are intended to support development viability within the limits of the CIL framework.

		The SWC will also continue to monitor market conditions and development activity following adoption of any revised Charging Schedule. As required by regulation, the operation and impact of CIL will be kept under review, and rates may be reconsidered in the future if evidence demonstrates that they are having an unacceptable effect on delivery.
General Comment	In terms of our remit for the historic environment we note that there is no mention of the historic environment within the document. S106 contribution information We acknowledge that historic environment related matters would most likely be addressed through S106 contributions but we are also aware that the matter is not included in the S106 list included at Paragraph 4.3. Would the Councils' intention be that the matter be encompassed in the 'site specific mitigation' element of the list? Any clarification on this within the document, or a specific historic environment/heritage asset criterion on the list would be welcomed.	The SWC appreciates that the historic environment is not explicitly referenced within the document. Matters relating to the protection, mitigation and enhancement of heritage assets are primarily addressed through the development management process and, where necessary, secured via Section 106 obligations or planning conditions to ensure compliance with national planning policy and statutory heritage duties. The indicative Section 106 list at paragraph 4.3 is not intended to be exhaustive. Heritage related matters would generally be captured within the scope of site-specific mitigation, where a development gives rise to impacts on designated or non-designated heritage assets or their settings. This reflects the fact that heritage impacts are highly site-specific and not generally suitable for pooled funding through CIL. The SWC consider that there is potential for CIL-compliant heritage-related infrastructure projects to be considered for inclusion within future Infrastructure Funding Statements (IFS), where appropriate. Any such projects would be subject to the necessary approvals and would need to meet the statutory requirements of the CIL Regulations, including the Regulation 122 tests.
General Comment	CIL exemption information Historic England welcomes the section on CIL exemption including Paragraph 9.5 which relates to discretionary relief since there could be circumstances where the viability of a scheme designed to secure the reuse and long term viability of a heritage asset is compromised by the requirement for CIL payments. Vacant or underused heritage assets not only fail to make a full contribution to the local economy but they can also give rise to negative perceptions about an area which, in turn, can detract from its attractiveness to inward investment. Consequently, in setting thresholds there needs to be a clear understanding of the potential impact which CIL could have on investment in, and regeneration of, historic areas - particularly those which have been identified as being 'at risk'. The proposed draft document would offer opportunity for such matters arising to be addressed through the CIL exemption process.	The SWC welcomes Historic England's comments and notes its support for the inclusion of CIL exemption and relief provisions, in particular paragraph 9.5 relating to discretionary relief. The SWC recognises that there may be circumstances where CIL liabilities could adversely affect the viability of schemes intended to secure the reuse, repair and long-term sustainability of heritage assets. The SWC agrees that vacant or underused heritage assets can have a detrimental impact on local character, economic activity and investor confidence, especially where assets have been identified as being "at risk". The regeneration and viable reuse of historic buildings can deliver wider public benefits, including supporting the local economy, enhancing place identity and contributing to wider regeneration objectives. The Draft Charging Schedule has been prepared to ensure that CIL operates flexibly alongside other planning mechanisms. The discretionary relief provisions are intended to provide scope for the relevant council to respond appropriately where the imposition of CIL would put at risk the delivery of schemes that would secure the viable reuse of heritage assets, subject to the criteria and procedures set out in the CIL Regulations. The SWC notes Historic England's comments regarding the importance of understanding the potential impacts of CIL on investment in historic areas, particularly those with assets at risk. The draft document allows for such matters to be considered through the CIL relief and exemption process, alongside the development management and Section 106 processes, ensuring that proposals affecting heritage assets can be assessed on their individual merits.
Accessibility of consultation	The consultation document is highly technical and difficult for a layperson to understand. It relies heavily on jargon and acronyms, many of which are not clearly explained. Parish councils are largely run by volunteers without specialist planning expertise. Consultation materials should therefore be accessible and clearly explain how the proposals affect local communities.	The SWC acknowledges the technical nature of the consultation document and recognises that parish councils are largely run by volunteers who may not have specialist planning expertise. Ensuring that consultation materials are accessible and enable effective community engagement is important.

	The document would have benefited from a plain-English summary and practical examples showing how CIL will operate. Without these, it is difficult for parish councillors to confidently identify the key implications of the policy and represent their communities effectively.	The Draft CIL Charging Schedule is necessarily a technical document, as it must comply with statutory requirements set out in the CIL Regulations and is supported by detailed viability and evidence-based work. As a result, the use of specific terminology, acronyms and technical language is difficult to avoid within the formal document itself. However, to assist laypeople and non-specialists in understanding the proposed changes, the SWC provided a plain-language Information Sheet alongside the consultation materials. This information sheet was specifically intended to explain the purpose of CIL, outline the proposed changes in simpler terms, and help local councils and communities understand how CIL operates and how it may affect development and infrastructure funding in their areas.
Neighbourhood Planning	The proposed arrangements appear to significantly disadvantage parish councils without a Neighbourhood Development Plan, as parishes with an NDP receive 25% of CIL, whereas those without receive just 15%. Many smaller parish councils do not have the resources or capacity to prepare a neighbourhood plan (at least a two-year commitment). No advance notice appears to have been given that the introduction of CIL would create this disparity in funding. Consideration should therefore be given to transitional arrangements, additional support for neighbourhood planning, or mechanisms to ensure that parishes most affected by development are not disadvantaged. It is patently unfair that Whittington, one of the parishes most impacted by the Wychavon Town proposals will receive far less CIL funding than other parishes with more modest impacts.	The SWC note the concerns raised regarding the distribution of CIL receipts between parish councils with and without an adopted Neighbourhood Development Plan (NDP), and the perceived impact this may have on parishes experiencing significant development pressure. The proportion of CIL passed to parish and town councils is set out in national legislation, not by the local authority. Under the CIL Regulations, parishes with an adopted neighbourhood plan are entitled to receive 25% of CIL receipts, while those without an adopted plan receive 15%, subject to any applicable caps. These arrangements are intended by Government to incentivise neighbourhood planning and reflect the enhanced role that neighbourhood plans play within the development plan framework. It is important to clarify that the decision to prepare and adopt a neighbourhood plan rests entirely with each individual parish council, not with the local authority. The SWC cannot require a parish to undertake neighbourhood planning, nor can it vary the statutory CIL percentages that apply depending on whether an NDP is in place. The SWC recognises that preparing a neighbourhood plan represents a significant commitment of time and resources, particularly for smaller parish councils reliant on volunteers. However, funding and technical support is available from Wychavon District Council and Malvern Hills District Council to assist any parish that wishes to commence neighbourhood planning, including grant funding to support plan preparation costs. The relevant council provides advice and procedural support throughout the process for parishes that choose to pursue an NDP. The Draft CIL Charging Schedule does not introduce or alter the national CIL percentages allocated for parishes, nor can it provide transitional arrangements that would override the statutory framework. The comments regarding Whittington parish and the Wychavon Town proposals are noted. Decisions on how CIL is spent will continue to be guided by the Infrastructure Funding Statement, infrastructure priorities, and evidence of need, with the intention of supporting communities most affected by development within the constraints of the CIL Regulations. Whilst Wychavon Town, as a strategic allocation, is CIL-exempt, it has numerous mechanisms in place to ensure that any impact on neighbouring parishes is mitigated. This will be done through policy, the Wychavon Town SPD, S106 developer contributions, and the provision of onsite infrastructure. The relevant council will also continue to engage with parish councils in their area, including those without neighbourhood plans, and will ensure that information on neighbourhood planning support and funding remains available should parishes wish to consider this option in the future.

CIL Process and Spend	Allocation and management of CIL Funding Greater clarity is required regarding how CIL funds will be allocated and managed. In particular: • How will the South Worcestershire councils ensure that CIL generated by development is spent on infrastructure related to the communities affected by that development? • Can other areas or authorities access CIL funding generated locally? • How will decisions be made about which projects are prioritised? • When do developer contributions actually become available? • How and when can parish councils apply for funding? • Who decides which projects are funded and when?	The operation of CIL is governed by the CIL Regulations 2010 (as amended), which set out clear requirements for transparency, spending and reporting. CIL is intended to help address the cumulative infrastructure impacts of development across the area. While funds are not required to be spent on the exact site where they arise, the SWC seeks to ensure that CIL spending supports infrastructure needs generated by growth, including within the communities affected. Local priorities and impacts are a key consideration when identifying infrastructure projects. CIL receipts are retained by the charging authority and must be spent on infrastructure within its administrative area, or on infrastructure that supports development within that area. Funds cannot be accessed by other authorities unless the infrastructure directly relates to, and supports, development within the charging authority's area. Infrastructure priorities are informed by the Infrastructure Delivery Plan (IDP) and other evidence of need. Decisions on which projects are funded, and the timing of funding, are made by the relevant council in accordance with delegated authority and governance arrangements, having regard to available CIL receipts, infrastructure priorities, deliverability and legal compliance. CIL becomes payable upon commencement of development, in accordance with the SWC adopted Instalment Policy where applicable. The timing of receipts therefore depends on when development starts and the agreed payment schedule. A proportion of CIL receipts is passed directly to parish and town councils under the neighbourhood proportion set out in the Regulations. Parish councils may use these funds to support local infrastructure and priorities. Guidance on CIL receipts and appropriate spending is published by the relevant Council. Where the relevant Council retains CIL, parish councils may put forward infrastructure priorities for consideration, although final funding decisions rest with the charging authority. If no qualifying development has taken place within the parish then there will be no CIL funds to distribute. Each council publishes an annual Infrastructure Funding Statement (IFS), which sets out CIL income and expenditure, identifies funded projects, and explains how decisions have been made. This provides a clear and public record of how CIL is collected, allocated and spent. The SWC note that these matters relate to the operation and governance of CIL rather than the setting of CIL rates as proposed in the draft Charging Schedule, but recognises the importance of clarity and transparency. Ongoing engagement with parish councils and communities will continue as part of the implementation of CIL and future Infrastructure Funding Statements.
Strategic Sites	For communities directly affected by development, it is important that funding generated locally is used to mitigate local impacts. A clear and simple guide explaining the process for parish councils would be very helpful. In relation to Whittington parish specifically, CIL funding should therefore support local measures such as green buffers between residential areas (Pershore Road) and new commercial development, as well as community green space and recreational facilities. Infrastructure Delivery and Consistency There appear to be inconsistencies between different consultation materials. For example, references to early delivery of the proposed Boulevard appear to conflict with other consultation information suggesting development of the Pershore Road area may not occur for many years.	The SWC notes the comments raised and recognises the importance for communities directly affected by development to understand how infrastructure funding operates and how local impacts can be mitigated. The SWC agrees that clear guidance for parish councils is important and continues to provide information on the operation of CIL through published guidance, the Infrastructure Funding Statement (IFS), and direct engagement with parish councils where necessary. CIL is intended to help address the cumulative infrastructure impacts of development and may be used to support a wide range of infrastructure, including green infrastructure, community facilities and recreational space, where these are identified as priorities and are CIL compliant. While CIL is not required to be spent on the exact site from which it arises, the SWC seeks to ensure that spending supports infrastructure needs arising from growth, including within communities such as Whittington

	The supporting 'Worcestershire Parkway Infrastructure Delivery Plan 2024' also identifies significant infrastructure constraints, including limited water management capacity that must be addressed before development begins. However, there is currently little detail on how this infrastructure will be delivered.	when affected by development. The specific allocation of CIL funding is determined through the relevant Council's governance processes and reported annually through the IFS. The SWC considers that the representation, when referring to conflicts between different consultation materials, appears to conflate several separate but related processes. The Draft CIL Charging Schedule consultation focuses solely on the proposed CIL rates and supporting evidence. It does not set out site-specific infrastructure requirements, delivery phasing, or detailed design proposals, nor does it refer to the Pershore Boulevard. Matters such as the timing, design and delivery of infrastructure associated with Wychavon Town, including references to the Boulevard or development along Pershore Road, are addressed through other mechanisms, including: • The adopted South Worcestershire Development Plan Review; • The draft Wychavon Town Supplementary Planning Document (SPD); • Planning application consultations undertaken by developers; and • Supporting evidence such as the Worcestershire Parkway Infrastructure Delivery Plan. These documents serve different purposes and are consulted on separately. Apparent differences in detail or emphasis reflect their distinct roles rather than inconsistencies within the CIL Charging Schedule itself. The SWC acknowledges that infrastructure constraints, including utilities and water management capacity, are identified within supporting infrastructure evidence. The detailed resolution of such constraints, including funding sources, phasing and delivery responsibilities, is addressed primarily through the planning application process, Section 106 agreements, service provider investment programmes and other funding mechanisms. These matters fall outside the scope of the CIL Charging Schedule, which is concerned with setting charging rates rather than specifying infrastructure delivery solutions. The SWC notes the request for clearer, simpler explanations of processes for parish councils and will continue to consider how information can be presented clearly through future Infrastructure Funding Statements and engagement activities. The comments regarding Whittington parish and local mitigation measures are noted and will be considered in the context of future infrastructure funding decisions and relevant plan making and development management processes. Overall, the SWC considers that the issues raised relate to the wider planning and infrastructure delivery framework rather than to the Draft CIL Charging Schedule itself, but the points made are acknowledged and noted.
CIL Process and Spend	With the SWDPr nearing adoption WCC consider it important to reiterate its position of not being able to forward fund the infrastructure required in the Infrastructure Delivery Plan to mitigate the impact of development. Timely Section 106 (S106) contributions are, therefore, critical to ensuring the delivery of the required infrastructure to support development. The current CIL charging schedule has thus far not contributed or proposed to contribute any infrastructure funding for matters which the County Council has responsibility (such as education facilities), required to mitigate the impact of new development. The allocation of CIL funds has been subject to discussion between WCC and South Worcestershire officers and it is our understanding that WCC's infrastructure requirements (transport and education) will not be prioritised for CIL distribution.	The SWC acknowledges Worcestershire County Council's representation and the important role that timely and appropriate infrastructure delivery plays in supporting sustainable development and the implementation of the SWDPR. The SWC recognises the County Council's position regarding the inability to forward fund strategic infrastructure and the consequent reliance on developer contributions to mitigate the impacts of growth. Section 106 obligations will continue to play a critical role in securing site-specific mitigation, particularly where infrastructure is required to make development acceptable in planning terms and to directly address its impacts, in accordance with the CIL Regulations. The Draft CIL Charging Schedule consultation is concerned principally with the setting of CIL rates, rather than the detailed allocation or governance of CIL expenditure. Decisions on the prioritisation and distribution of CIL funding are subject to separate processes, including the preparation and annual update

	It is noted that there are no proposals set out in this current consultation to consider how CIL funding will be distributed in the future. This consultation directs the reader to the Infrastructure Funding Statements for information on the spending of CIL contributions. Potential uses for CIL stated in the Infrastructure Funding Statements are: • Improvements to the Public Realm and Environment of Evesham Town Centre (Wychavon). • Areas of Informal Recreation (Malvern). • Worcester City Play Plan (Worcester City) It is helpful to understand potential projects CIL could be spent on. However, WCC consider the CIL charging schedule must help fund a wider variety of infrastructure projects required to make development acceptable across the adopted SWDP and the SWDPr, and to aid the delivery of projects in the Infrastructure Delivery Plan. Funding infrastructure required to make the plan deliverable / mitigate the direct impact of development should be the primary use of all infrastructure contributions. The proposal to solely allocate funds to the three specific matters reduces the funding of essential infrastructure which for WCC is focused on education provision, and transport improvements. The consultation does not propose that any of WCC primary responsibilities will be funded through CIL but will solely be funded through S106 contributions. WCC are concerned as to whether the required funding for infrastructure will be available, with the resulting risk to infrastructure delivery. This will be explored further below. Paragraph 4.3 of the consultation document suggests S106 will be primarily used to fund: • Affordable Housing • Education • Green Infrastructure including Areas of Informal Recreation • Malvern Hills SSSI Mitigation Strategy • National Landscape Impact • Health (Primary and Secondary) • Waste • New Community Facilities • Transport • Police • Flood and Water management; and • Site specific mitigation. This list is extensive and covers most of the items in the Infrastructure Delivery Plan and the most significant infrastructure items required to mitigate the impact of development. Given the length of the list at paragraph 4.3 WCC do query why the proposed topics for CIL spend is so restrained. WCC suggest this is reviewed and CIL topics expanded to include the themes covered in para 4.3.	of Infrastructure Funding Statements (IFS), which are informed by infrastructure evidence, delivery priorities, and engagement with infrastructure providers and stakeholders. The SWC notes WCC's concern regarding the current focus of CIL-funded projects identified in existing IFS documents. These identified projects reflect current priorities at the time of publication and do not represent a closed or exhaustive list of potential CIL expenditure. The Infrastructure Funding Statement is a live document, reviewed and updated annually, and is intended to provide transparency on how CIL receipts are being, or are proposed to be, spent. The SWC agrees that CIL provides flexibility to support a wide range of infrastructure types, where such infrastructure is required to support the development of the area as a whole, rather than to mitigate the impacts of specific sites. In this regard, the SWC confirms that any suitable and regulation compliant infrastructure projects promoted by Worcestershire County Council may be considered for inclusion in future Infrastructure Funding Statements, subject to due process, evidence of need, deliverability, and agreement by the relevant Local Planning Authority. Infrastructure required to directly mitigate the impacts of development will, where appropriate, continue to be secured through Section 106 obligations, consistent with Regulation 122 of the CIL Regulations. The wide range of infrastructure themes listed at paragraph 4.3 of the consultation document reflects this site-specific mitigation role of S106 and is not intended to preclude the potential use of CIL to fund more strategic infrastructure where it meets regulatory requirements. The SWC will continue to work constructively with Worcestershire County Council through ongoing engagement on infrastructure planning, including via the Infrastructure Delivery Plan and the preparation of future Infrastructure Funding Statements, to ensure that infrastructure priorities are clearly understood and that available funding mechanisms are used effectively to support the delivery of the SWDPR.

Strategic Sites	Strategic sites (known as strategic growth areas) have a significant impact both on-site and, directly related off-site infrastructure needs. WCC concurs with the consultation that there will be a requirement for these sites to be funded entirely by S106 contributions (exempt from CIL, for clarity). These on and off-site requirements are critical to the success of such large-scale sites. WCC suggest the approach to strategic sites should be utilised on windfall sites of 500 dwellings or more as the S106 value tested will be insufficient to fund the required infrastructure.	The SWC notes Worcestershire County Council's support for the approach set out in the consultation document that strategic growth areas are to be funded through Section 106 obligations and are excluded from CIL. The SWC agrees that these strategic sites generate significant onsite and directly related offsite infrastructure requirements that are critical to their successful delivery, and that such infrastructure is appropriately secured through comprehensive S106 agreements. In relation to the suggestion that the same approach should be applied to windfall sites of 500 dwellings or more, the SWC considers that this issue is already addressed through the existing framework within the CIL Regulations and the use of Section 106 obligations. Large windfall sites are assessed on a case by case basis, and where development gives rise to infrastructure requirements that are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind, these can be secured through S106, irrespective of whether CIL is also charged. The SWC further notes that the viability evidence underpinning the Draft CIL Charging Schedule is robust. It is informed by updated viability work that builds directly on the evidence base prepared for the SWDPR, which was found sound at examination. That earlier viability evidence was prepared using infrastructure cost inputs, including education and transport figures provided by Worcestershire County Council, and tested the cumulative impact of policy requirements and developer contributions. The Draft Charging Schedule viability evidence therefore reflects an up to date and proportionate assessment of development viability and provides confidence that the approach to the balance between CIL and Section 106 obligations is justified and deliverable. The SWC is mindful of the need to maintain viability and consistency across the CIL regime and does not consider it appropriate to introduce additional exemptions or thresholds for windfall development beyond those already provided for strategic growth areas. The flexibility of Section 106 allows site specific infrastructure needs associated with large windfall schemes to be addressed where justified by evidence, while CIL continues to provide a mechanism for funding more strategic infrastructure that supports growth across the wider area. The SWC will continue to work closely with Worcestershire County Council during the planning application process for large windfall sites to ensure that infrastructure requirements are fully understood and appropriate mitigation is secured.
CIL Viability Report Evidence Base	The values tested within the CIL Viability Study (2022) and the CIL Viability Report (December 2025) for S106 do not appear to be sufficient to support the required infrastructure WCC is responsible for. . These concerns are set out in more detail below: •The site sizes (dwelling numbers) used across the greenfield and brownfield value differ which doesn't allow a direct comparison. More importantly, the value of S106 contributions given also significantly vary and do not match WCC calculations and observation as to the likely level of S106 contribution required. This is illustrated in table 1 and 2 below in the "Total Average S106 Request Per Dwelling". • The values allowed for S106 also varies between site size on greenfield and brownfield development without explanation. The values used should be related to the likely infrastructure cost requirement for to make development acceptable. Row 4 in tables 1 and 2 shows the average cost per dwelling WCC would require ensuring development is mitigated for.	The SWC acknowledges Worcestershire County Council's comments regarding the treatment of Section 106 (S106) contributions within the CIL Viability Study (2022) and the updated CIL Viability Report (December 2025), and the concerns raised about whether the values assumed are sufficient to fund County led infrastructure requirements. The purpose of the CIL viability evidence is to test development viability across a range of representative typologies, locations and scales, having regard to benchmark land values, build costs, policy requirements and cumulative developer contributions. It is not intended to replicate or cap actual S106 negotiations on individual sites, which are determined at the planning application stage based on the specific mitigation required to make development acceptable in planning terms. In relation to the differing site sizes and S106 values tested across greenfield and brownfield typologies, the SWC confirms this reflects recognised differences in development economics, infrastructure needs, and abnormal costs typically associated with different site types and scales. The variation in assumed S106 contributions is therefore intentional and proportionate, reflecting high-level viability testing rather

	•WCC have collated evidence showing average values of contributions requested by WCC, the district councils and primary healthcare below. For this and the previous consultation (response dated 25th March 2024), WCC have assessed the levels of Section 106 funding required.. From the figures set out in table 1, the S106 values allocated in row 2 appear to be below those likely to be required. This is illustrated by showing a risk rating of red, amber, green in row 6 for the amount of funding available for each scale of development, where green is sufficient funding available and red showing sufficient funding is not available. WCC therefore concludes the values for S106 used for both greenfield and brownfield sites are not sufficient to meet the requirements for infrastructure and that the funding available is unlikely to the sufficient. In making this recommendation we are also aware of the lack of five-year housing land supply of the south Worcestershire councils and the need for immediate review of the local plan upon adoption. This will bring increased windfall applications which in turn is likely to bring further infrastructure needs, which are currently not reflected in Infrastructure Delivery Plans. For Brownfield sites, WCC agrees with the proposed charging schedule and viability assessment.	than a fixed expectation of infrastructure cost per dwelling. Direct comparisons between different typologies and site sizes should be approached with caution, as they are not intended to operate as like for like scenarios. The SWC notes WCC's reference to average contribution levels historically requested or observed. However, the S106 assumptions used in the viability evidence represent a policy compliant, plan wide assessment of likely cumulative developer contributions rather than a prediction of individual infrastructure costs on specific schemes. Where evidence demonstrates that additional or higher levels of infrastructure funding are required to mitigate the impacts of a particular development, the planning system allows these to be secured through site-specific S106 obligations, subject to the statutory tests. The SWC considers that the viability evidence underpinning the Draft Charging Schedule is robust and proportionate. The December 2025 CIL Viability Report updates and builds upon the viability evidence prepared to support the South Worcestershire Development Plan Review, which was found sound at examination. That evidence base was informed by infrastructure cost data, including education and transport figures provided by Worcestershire County Council, and tested the combined impact of policy requirements and developer contributions on development viability. The updated CIL viability work continues to reflect these principles and provides confidence that the balance struck between CIL and S106 remains appropriate and deliverable. In respect of concerns regarding housing land supply and the potential for increased windfall development, the SWC notes that windfall sites are assessed on a case by case basis. The Infrastructure Delivery Plan is a living document and will continue to be reviewed and updated to reflect emerging development patterns and infrastructure needs. The flexibility inherent in S106 negotiations enables infrastructure requirements arising from windfall development to be addressed where justified by evidence. The SWC notes and welcomes WCC's agreement with the proposed charging schedule and viability assessment for brownfield sites.
CIL Viability Report Evidence Base	Commercial Rents and Values Evidence submitted previously to the Council as part of the SWDP review confirms that, whilst it is an important home to many local businesses, Two Shires Park is limited by its location and caters to small and medium size firms who are only able to afford lower rents. Whilst important to the local economy, these local businesses inherently also have weaker covenant strength and therefore support weaker yields when assessing the value of the asset. [...] Whilst the 6.5% yield for light industrial, 5.5% yield for medium / large industrial and 5% for logistics may be achievable for some ideally located developments, it is unrealistic for developments in weaker locations with poor transport connections for larger vehicles and which attract occupants with lower covenant strength. The rents adopted by the CIL study (£9-14/ft2) are also far in excess of those achievable at secondary locations such as Two Shires Park. As can be verified by business rates data, occupiers at the Park currently pay around £3-4/ft2, with £4-5/ft2 possible for newly refurbished / extended space. In addition, the Viability Report does not clearly demonstrate how voids, incentives such as contributions to fit-out works (beyond rent-free periods for Medium / Industrial), or phased absorption have been reflected in the appraisals. These are significant for commercial development and must be included.	The SWC notes the representation relating to the commercial rental values, yields and appraisal assumptions applied within the CIL Viability Report, with specific reference to Two Shires Park and secondary employment locations accommodating small and medium-sized enterprises. The SWC acknowledges the point made that Two Shires Park primarily serves local SMEs, and that such occupiers may have weaker covenant strength and be able to support lower rents than those achievable in more strategically located or prime logistics locations. The importance of the Park to the local economy is recognised. The commercial assumptions within the viability evidence were prepared by independent consultants and are intended to represent broad, area-wide conditions, rather than the specific characteristics of individual employment sites. The rents (£9–£14/ft^2) and yields referenced in the report reflect a range across South Worcestershire, informed by market evidence for different types of industrial and logistics development, including more accessible and commercially attractive locations. As required by the CIL Regulations, the evidence cannot be based on the most marginal or weakest individual sites alone. The SWC notes the respondent's concern that: Achievable rents at Two Shires Park may be lower than those assumed in the study; Higher yields may be appropriate for secondary locations with weaker covenant strength;

	Proposed Changes – Allowance should be made for realistic void periods (6 months for the smaller units typical at Two Shires), rent free & incentive packages (12 months rent free equivalent), rents (c.£5-7/ft2) and yields (8.0% for secondary locations such as Two Shires Park).	Commercial appraisals should include allowances for voids, incentives, and phased absorption. The viability evidence does incorporate standardised assumptions on matters such as rent-free periods and letting risk, which reflect typical market practice at an area-wide level. However, it is acknowledged that the scale and nature of incentives, void periods and absorption rates can vary significantly depending on location, unit size, occupier demand and prevailing market conditions. CIL charging schedules must strike an appropriate balance between securing funding for infrastructure and maintaining overall development viability across the charging area. They are not required to demonstrate that every individual site or location is viable, nor can they be tailored to site-specific circumstances. Introducing assumptions geared solely to secondary locations such as Two Shires Park would materially affect the viability evidence across the wider employment market and could reduce the ability of CIL to contribute meaningfully towards infrastructure provision. The SWC also notes the suggestion to adopt lower rents (£5–£7/ft^2), higher yields (circa 8.0%), and additional allowances for voids and incentives for secondary locations. While these assumptions may be appropriate for certain individual schemes, applying them universally would result in a more conservative assessment that is not reflective of the full range of employment development expected to come forward within South Worcestershire. Importantly, site-specific viability challenges, including those relating to weaker market locations, abnormal costs or letting risk, are more appropriately addressed through: The planning application process; Negotiation of Section 106 obligations where relevant; and Consideration of CIL relief mechanisms available under the Regulations. The SWC considers that the commercial assumptions used in the CIL Viability Report represent a reasonable and proportionate area-wide position, consistent with national guidance and established viability practice.
CIL Viability Report Evidence Base	Commercial Build Costs What the Draft CIL evidence says (CIL Viability Report): Table 6.5 – Commercial Cost Assumptions • £914 psm for light industrial (median BCIS for warehouses up to 2000 sqm GFA – rebased to Worcestershire Q3 2025) • £738 psm for medium to large industrial units and logistics (median BCIS for warehouses over 2000 sqm GFA – rebased to Worcestershire Q3 2025) Comment: The Viability Report relies primarily on BCIS median build cost data, with limited uplift for abnormal costs. This approach does not adequately reflect: • Servicing and infrastructure costs associated with large employment allocations (internal roads, drainage, utilities reinforcement). • Net zero and climate adaptation requirements embedded within the SWDP Review, including EV infrastructure and green infrastructure provision, which have direct cost implications. • Recent construction cost inflation / energy and materials price increases, which remain volatile and disproportionately affect industrial and infrastructure-heavy development typologies.	The SWC notes the representation regarding the commercial build cost assumptions used within the CIL Viability Report and the concerns raised about reliance on BCIS median costs, the treatment of abnormal and infrastructure costs, and the implications of policy requirements relating to sustainability and climate change. The commercial build costs adopted in the Viability Report (£914 psm for light industrial and £738 psm for medium to large industrial and logistics units) are based on BCIS median rates, appropriately rebased to Worcestershire at Q3 2025. This approach is consistent with established national viability practice and Planning Practice Guidance, which recognises BCIS as a suitable benchmark for areawide viability testing. Median costs are used to reflect a typical position across the market and to avoid skewing results towards either the highest or lowest cost scenarios. The SWC acknowledges that large employment sites may incur additional costs associated with internal infrastructure, utilities, drainage and servicing, as well as enhanced sustainability measures. However, the CIL viability evidence is required to operate at an areawide, typology based level, rather than seeking to reflect every possible site-specific requirement. Many infrastructure and servicing costs associated with strategic or largescale employment sites are typically addressed through: • Site-specific abnormal cost allowances within individual appraisals; • Section 106 obligations;

	Whilst the adopted build costs may be sufficient to meet minimum standards, this will not meet the needs of most occupiers. Current demand, even from small firms, is typically for higher quality, more sustainable facilities with lower energy costs and these standards are essential to achieve the values anticipated within the study. As recognised in national guidance, viability testing should reflect the full cost of policy compliance, not just headline build costs. Proposed Changes – Build costs should be increased by c.£50-£75/m2 or assumed rental values reduced if the standards expected by occupiers are not incorporated within the build costs.	• Direct delivery by developers as part of masterplanned schemes; or • Investment by statutory infrastructure providers. With regard to net zero, climate adaptation and sustainability requirements, the SWC notes that the commercial build cost assumptions are intended to reflect policy compliant development in broad terms, rather than minimum specification buildings. BCIS rates already incorporate prevailing industry standards at the time of publication, including higher energy efficiency, EV infrastructure and improved building fabric, to the extent that these have become embedded within typical construction practice. The viability evidence also includes appropriate allowances for professional fees, contingencies and external works, which together provide flexibility to accommodate higher quality development. The SWC recognises that construction costs have experienced volatility in recent years, particularly in relation to energy and materials. The costs used in the Viability Report are rebased to reflect conditions at Q3 2025 and were considered current and appropriate at the time the evidence was prepared. As with all CIL evidence, the assessment does not assume optimal market conditions, but nor is it required to demonstrate viability under the most pessimistic scenario. The suggestion to apply a blanket uplift of £50–£75/m^2 to commercial build costs, or to reduce rents accordingly, is noted. However, applying such adjustments across all commercial typologies would significantly reduce residual land values and could undermine the ability of the Charging Schedule to strike the balance required by the CIL Regulations between infrastructure funding and development viability. The Regulations do not require the Charging Schedule to ensure viability for all sites or the most costly forms of development. It is also important to note that site-specific viability challenges, including those arising from enhanced build specifications, abnormal costs or infrastructure heavy schemes, are more appropriately addressed at the planning application stage. The planning system provides mechanisms, including Section 106 negotiation and CIL relief in qualifying circumstances, to respond to genuinely abnormal costs on individual developments. The SWC therefore considers that the commercial build cost assumptions used in the Viability Report represent a reasonable and proportionate areawide position, consistent with national guidance and established practice.
CIL Viability Report Evidence Base	Commercial Costs – External Works What the Draft CIL evidence says (CIL Viability Report): Table 6.5 – Commercial Cost Assumptions •External Works (15%) - This externals allowance includes generic 'on-plot' costs including inter alia: access, roads, parking, loading, landscaping, utilities, drainage etc. Comment: An allowance of 15% for external works is included. Whilst this may be appropriate for general external works, it does not allow for the site infrastructure and servicing required for industrial and logistics development. As recognised in national guidance, viability testing should reflect the full cost of policy compliance, not just headline build costs. Proposed Changes – Build costs for site servicing and infrastructure should be separately allowed in addition to external works. For a scheme of the type of Two Shires Park these are likely to amount to c.£150,000 per acre.	The SWC notes the comment regarding the external works allowance applied to commercial development typologies within the CIL Viability Report and the concern that the current assumption does not adequately reflect the level of site servicing and infrastructure required for industrial and logistics schemes, such as those at Two Shires Park. The Viability Report applies an allowance of 15% for external works, which is intended to capture typical on plot and immediate site related costs, including access arrangements, internal roads, parking, loading areas, drainage, utilities connections and landscaping. This level of allowance is consistent with established areawide viability practice and is commonly used in charging schedule viability testing where costs must be standardised across typologies and locations. The SWC acknowledges that some industrial and logistics developments, particularly larger or masterplanned employment allocations, may require more extensive site infrastructure and servicing than can be represented through a generic external works percentage. However, CIL viability testing is required to operate at a broad, high-level basis, rather than reflecting the specific infrastructure needs of

		individual sites. The CIL Regulations do not require viability evidence to demonstrate that every site, or every form of infrastructure intensive development, can be delivered at the assumed rates. In practice, significant site-specific infrastructure costs, such as internal estate roads, utilities reinforcement, abnormal drainage works or other major servicing requirements, are commonly addressed through: • Individual scheme cost appraisals at the planning application stage; • Direct delivery by developers as part of comprehensive site development; • Section 106 obligations where infrastructure is necessary to make development acceptable in planning terms; or • Investment by statutory infrastructure providers. The SWC notes the suggestion that an additional allowance of approximately £150,000 per acre should be applied for site servicing on schemes of the type found at Two Shires Park. While such an allowance may be appropriate for certain individual developments, applying it uniformly across all commercial typologies on an areawide basis would materially reduce residual land values and undermine the balance that the Charging Schedule is required to strike between supporting viable development and securing funding for infrastructure. National guidance is clear that viability testing should reflect the full cost of policy compliance, but this does not mean that all potential site-specific costs must be incorporated into Charging Schedule wide assumptions. Instead, abnormal or exceptional costs are appropriately addressed on a site-by-site basis, where detailed evidence can be considered. The SWC therefore considers that the combination of: • BCIS based build costs, • A 15% external works allowance, • Professional fees, contingencies and finance assumptions, provides a reasonable and proportionate representation of typical commercial development costs for the purposes of areawide viability testing.
CIL Viability Report Evidence Base	Commercial Developer Return What the Draft CIL evidence says (CIL Viability Report): We have included a profit margin of 15% on cost for the commercial typologies. Commercial developers tend to operate on a profit on costs (rather than house-builders which operate on a margin on turnover). Comment: Viability of development is currently extremely challenging and set against a backdrop of a weak national economic picture and deteriorating global conditions. The current challenges are not anticipated to change quickly; development therefore remains challenging and risk levels enhanced. The cost of capital is linked to risk and bank base rates which also remain elevated. Delivery of schemes will only happen where a capital can be attracted via a reasonable risk adjusted return, reflecting current circumstances. Proposed changes: The developer return should be based on development value and increased to 20%.	The SWC notes the comment regarding the developer return assumption applied to commercial development within the CIL Viability Report, and the suggestion that the current assumption does not adequately reflect prevailing market conditions, risk and the cost of capital. The Viability Report applies a developer return of 15% on cost for commercial typologies. This approach is consistent with established viability practice and reflects the fact that commercial development is typically appraised on a profit on cost basis, rather than a margin on Gross Development Value (GDV) as is more common for residential development. The rate adopted sits within the range commonly accepted for areawide viability testing and reflects a balance between providing a reasonable incentive for development and ensuring that development can contribute towards infrastructure funding. The SWC acknowledges that the current economic context, including higher interest rates, increased financing costs and market uncertainty, has contributed to elevated development risk for commercial schemes. However, the CIL Regulations require charging authorities to set rates based on longer term viability evidence, rather than short term market cycles or prevailing sentiment at a particular point in time. The purpose of areawide viability testing is therefore not to assume peak risk conditions, but to reflect a typical and sustainable market position over the life of the Charging Schedule.

		The proposed alternative of expressing developer return as 20% of development value is noted. However, this approach is more commonly applied to residential development and does not align with standard commercial appraisal practice. Applying a GDV based return, or increasing the return assumption to this level on an areawide basis, would materially reduce residual land values across commercial typologies and would significantly constrain the ability of the Charging Schedule to strike the balance required by the CIL Regulations between development viability and the need to fund infrastructure. The SWC also notes that enhanced development risk on individual schemes, whether arising from site-specific factors, abnormal costs, financing arrangements or market conditions, is more appropriately addressed at the planning application stage, rather than through Charging Schedule wide assumptions. The planning system provides flexibility through consideration of site-specific viability, negotiation of Section 106 obligations where relevant, and the availability of CIL relief mechanisms in qualifying circumstances. The SWC therefore considers that the 15% profit on cost assumption represents a reasonable and proportionate areawide return for commercial development, consistent with national guidance and established viability practice.
CIL Viability Report Evidence Base	Benchmark Land Value – Brownfield What the Draft CIL evidence says (CIL Viability Report): Table 7.1 – South Worcestershire Councils BLV Assumptions, June 2025 • £350k/acre Brownfield Site Brownfield - District Wide plus a 14% premium Comment: The indicated premium of 14% is unlikely to provide sufficient incentive to incur the disruption and cost of ceasing an existing use and will therefore represent a barrier to the supply of development land. Proposed changes: The premium should be increased to 25%, this being the middle of the typical 20-30% range which is necessary to release land for redevelopment.	The SWC notes the representation in relation to the Benchmark Land Value (BLV) assumptions for brownfield sites, and the concern that the premium applied above Existing Use Value (EUV) is insufficient to incentivise landowners to release brownfield land for redevelopment. The BLV assumptions set out in the CIL Viability Report were prepared by independent viability consultants and are informed by a range of market evidence, including site transactions, development appraisals and established viability practice. The adopted approach applies a 14% premium above EUV for brownfield land to reflect an incentive for landowners while recognising that brownfield sites often vary significantly in terms of existing use, constraints, remediation requirements and abnormal costs. The SWC considers that there is no single “typical” premium that is appropriate in all circumstances. National guidance and viability practice indicate that BLVs should reflect a reasonable premium above EUV sufficient to incentivise release, but not so high that they absorb value that would otherwise support policy requirements and infrastructure contributions. The appropriate premium will vary depending on site-specific factors, the nature and profitability of the existing use, and prevailing market conditions. In many cases, particularly where brownfield sites involve operational uses, viability impacts associated with disruption, remediation and abnormal costs are captured within scheme cost assumptions rather than exclusively through an uplift to BLV. The viability evidence includes allowances for such costs where relevant, reflecting the fact that brownfield viability is influenced by more than the BLV premium alone. The SWC notes the suggestion that a 25% premium should be applied. However, the viability evidence demonstrates that increasing the BLV premium to this level on a district-wide basis would materially reduce scheme viability and constrain the ability to support policy requirements, including affordable housing and infrastructure contributions, contrary to the requirements of the CIL Regulations to strike an appropriate balance between viability and funding infrastructure. It should also be noted that CIL charging schedules must be informed by area-wide evidence and cannot reflect individual site negotiations. Site-specific viability challenges, including those relating to brownfield redevelopment, are more appropriately addressed through the planning application process, including consideration of site-specific costs, abnormal works and, where applicable, statutory relief mechanisms within the CIL framework.

		The SWC therefore considers that the BLV assumptions used in the viability evidence represent a reasonable and proportionate balance across South Worcestershire, taking account of market incentives, development viability and the need to support infrastructure delivery. The representation is noted and will be considered alongside all other comments before any final decisions are made on the Charging Schedule.
CIL Viability Report Evidence Base	Sensitivity testing What the Draft CIL evidence says (CIL Viability Report): Aspinall Verdi have also prepared a series of sensitivity scenarios on the maximum CIL rate for each typology and a range of assumptions. Comment: While the Viability Report includes high-level sensitivity testing, there is limited employment-specific sensitivity analysis showing the impact of: • Market facing cost of capital / profit levels • Significantly lower rental values • Higher infrastructure costs • Slower delivery trajectories • Combined CIL and Section 106 obligations. This is a notable omission given that large employment sites are explicitly identified as new contributors under the Draft Charging Schedule, where previously they paid no levy. Without robust downside sensitivity testing, it is not possible to conclude that the proposed rates would not threaten the delivery of employment land. Proposed changes: The proposed CIL rates should be informed by appropriate sensitivity testing as set out above. In its current form, the viability evidence underpinning the Draft Charging Schedule under-states development costs, over-states revenues and does not properly account for risk. There is also a failure to specifically assess Two Shires Park or any typology representing similar secondary employment locations housing SMEs. The current "one size fits all" approach does not offer the typology and locational variation supported by PPG and as such is not sound or reflective of the evidence. Without change, there is a clear risk that the proposed CIL rates will undermine the delivery of allocated employment land and Two Shires Park in particular, contrary to national policy, Planning Practice Guidance and the Council's own development plan objectives. Proposed changes: The Council should either: Adopt a nil CIL rating for Two Shires Park. Adopt a nil CIL rating for industrial / logistics uses outside of specific prime locations where rents / yields / occupier demand may be able to support this. Adopt a nil CIL rating for industrial / logistics uses in general.	The SWC notes the comment regarding the extent and scope of sensitivity testing within the CIL Viability Report, particularly in relation to employment uses and large employment allocations such as Two Shires Park. The Viability Report includes high-level sensitivity testing, which is intended to demonstrate how variations in key assumptions affect maximum viable CIL rates across the main development typologies. This approach is consistent with national guidance, which confirms that viability testing for a Charging Schedule should be proportionate, areawide and high-level, rather than a detailed appraisal of every possible development scenario, market condition or individual site. The SWC recognises the points raised about potential downside risks for employment development, including lower rents, higher costs, slower delivery and interaction with Section 106 obligations. However, the CIL Regulations and Planning Practice Guidance do not require charging authorities to test every conceivable adverse scenario, nor to demonstrate viability under the most pessimistic market conditions. Instead, the evidence must show that, in the round, the proposed rates would not put the overall delivery of development at serious risk. The SWC also notes the concern that employment development represents a new contributor under the Draft Charging Schedule. The decision to introduce CIL rates for employment uses reflects the principle that such development also contributes to the cumulative demand for infrastructure and should play a proportionate role in funding it. The viability evidence demonstrates that, across South Worcestershire as a whole, there is capacity for employment development to support CIL contributions while remaining broadly viable. In relation to the request for site-specific or location specific testing, including for Two Shires Park or secondary SME focused employment locations, it is important to note that: • CIL Charging Schedules must be informed by areawide typologies, not individual sites; • They are not required to ensure that every allocated site or the least viable location can bear the levy; and • Site-specific circumstances, abnormal costs and risks are more appropriately addressed at the planning application stage, rather than through charging assumptions applied universally. The SWC does not accept that the viability evidence adopts an unsound "one size fits all" approach. The testing differentiates between development types and scales, and applies assumptions consistent with national practice. While individual secondary locations such as Two Shires Park may face greater challenges than more prime sites, setting CIL rates based on the weakest locations alone would risk undermining the ability of the levy to fund infrastructure more generally, contrary to the purpose of CIL. The proposed changes seeking nil CIL rates for Two Shires Park, for industrial/logistics uses outside prime locations, or for employment uses generally are therefore not supported. Such an approach would remove a significant class of development from contributing to infrastructure funding, despite evidence of viability across the employment sector as a whole. The CIL Regulations require the Council to strike an

		appropriate balance between viability and infrastructure funding, not to eliminate risk for individual developments. It should also be noted that where genuinely abnormal or site-specific viability issues arise, the planning system provides mechanisms to address these, including: • Consideration of site-specific costs and phasing at application stage; • Use of Section 106 obligations to secure necessary infrastructure in a proportionate way; and • Availability of CIL relief mechanisms in qualifying exceptional circumstances. The SWC therefore considers that the level of sensitivity testing undertaken is appropriate and proportionate for the purposes of setting an areawide Charging Schedule and is consistent with national guidance.
CIL Viability Report Evidence Base	The NPPG states "in meeting the regulatory requirements, charging authorities should be able to show and explain how their proposed levy rate (or rates) will contribute towards the implementation of their relevant plan and support development across their area". Such information is absent from the current consultation. No documents have been published that enable any appreciation or understanding of the funding gap that CIL receipts are intended to contribute towards. Equally there is no information as to how the levy would in practice relate to the implementation of the infrastructure to support new development. The closest the consultation documents get to such an explanation it at para 3.4: "CIL will improve the SWC's ability to mitigate the cumulative impacts on infrastructure". Paragraph 3.10 asserts that "the Draft Charging Schedule illustrates that an appropriate balance between funding infrastructure and economic viability has been sought". We disagree. EXAM40, the Infrastructure Delivery Plan, which is relied upon, is neither complete nor up to date. It does not include any conclusions as regard a funding gap. Chapter 19 therein, which is referred to as providing that information, simply is not present. Moreover, EXAM40, is based in part on the proposed allocation at Throckmorton, current at the time the IDP was being conceived, and which gave rise to particular strategic infrastructure requirements. Throckmorton has since been deleted from the SWDP via the January 2026 Main Modifications. The extent to which that scheme was influencing strategic infrastructure requirements plan-wide is simply not apparent. The absence of this contextual background within or since EXAM40 is a fundamental flaw. This is compounded by the Aspinall Verdi Report which plainly identifies the purpose of the levy is to facilitate the provision of necessary strategic transport infrastructure required to address the cumulative and cross boundary impacts of the Local Plan and to enable sustainable development to be brought forward in South Worcestershire (para 1.3). It is not clear whether these two notions are combined or separate. But either way, there is nothing in EXAM40 or EXAM39 that indicates the scale of a funding gap that requires redress.	The SWC acknowledges the requirement in national guidance that charging authorities should be able to explain how CIL will contribute towards implementation of the development plan and support development across the area. CIL is not intended to fully fund all infrastructure requirements, nor is it required to be directly tied to a quantified funding gap for individual schemes. Rather, it is a strategic funding mechanism designed to contribute towards the cumulative infrastructure demands arising from development planned through the SWDP Review. The Draft Charging Schedule does not attempt to duplicate or restate the extensive infrastructure evidence supporting the development plan. Instead, it should be read alongside: • The Infrastructure Delivery Plan and its updates; • The evidence base supporting the SWDP Review; and • The independent viability evidence prepared by Aspinall Verdi. Together, these documents demonstrate that development planned across South Worcestershire will generate additional demand for infrastructure and that CIL provides a mechanism to make a proportionate contribution towards meeting that need. The SWC notes the concern expressed regarding the absence of a single, consolidated funding gap figure. The CIL Regulations do not require charging authorities to quantify infrastructure needs in this way, nor to demonstrate that CIL will bridge a defined gap. Infrastructure funding is secured through a combination of sources, including Section 106 obligations, direct developer delivery, public funding, statutory provider investment and CIL. These funding streams are often interdependent and evolve over time, making a fixed plan wide funding gap neither necessary nor realistic. The absence of a single funding figure does not undermine the lawfulness or soundness of the Charging Schedule. The key test is whether the proposed rates strike an appropriate balance between securing infrastructure funding and maintaining development viability, which is addressed through the independent viability assessment. The SWC notes the comments regarding the completeness and updating of EXAM40 and the deletion of the Throckmorton allocation through the January 2026 Main Modifications. The IDP is a living document that identifies infrastructure needs, constraints and responsibilities at a strategic level, rather than providing definitive funding or delivery solutions for all infrastructure. Its purpose is to inform planmaking and decision taking, not to operate as a closed or finalised funding programme. While infrastructure assumptions relating to Throckmorton informed the latest version of the IDP, the removal of that allocation does not negate the wider conclusion that growth across South Worcestershire generates cumulative infrastructure demands, including transport, education, health, utilities and green

		infrastructure. The SWC continue to refine infrastructure evidence as part of ongoing plan implementation and monitoring. The IDP will be updated in due course. The Aspinall Verdi Viability Report identifies that CIL can support strategic infrastructure required to address cumulative and cross-boundary impacts of the development plan. This aligns with the purpose of CIL as set out in legislation. The reference to strategic transport infrastructure should not be read as limiting CIL to a single infrastructure type, nor as implying a separate or competing purpose to plan implementation. Instead, it reflects the reality that many infrastructure impacts of development operate beyond individual sites or administrative boundaries, and therefore require pooled funding mechanisms. The SWC does not accept that the Draft Charging Schedule is fundamentally flawed. The Charging Schedule: • Is supported by a robust, independent, areawide viability evidence base; • Operates within a broader framework of infrastructure planning and funding; • Does not rely on a single quantified funding gap, as this is not required by regulation or guidance; and • Seeks to strike an appropriate balance between infrastructure funding and development viability, consistent with national policy and the CIL Regulations.
Strategic Sites	It is notable that the Councils propose to "zero rate" Worcestershire Parkway (and other strategic sites), which gives rise to extensive transport and infrastructure implications. Importantly Criterion M of Policy SWDP55 lists the transport infrastructure that is necessary for the delivery of that new community. On this basis, those elements of infrastructure for Worcestershire Parkway (now named Wychavon Town) should be provided by means of the S106 planning obligation (or Section 278 agreement). In other words, such infrastructure is expected to be directly funded by that proposed development. Conversely there is no reference within the EXAM39 to CIL as a source of funding for the New Community.	Strategic sites such as Wychavon Town give rise to significant and specific infrastructure requirements, particularly in relation to transport, as set out in Policy SWDP55, including Criterion M. It is precisely because of these extensive infrastructure demands that strategic allocations are proposed to be zero-rated for CIL within the Draft Charging Schedule. The zero-rating of Wychavon Town reflects the established principle that infrastructure which is necessary to make a development acceptable in planning terms, directly related to it, and fairly and reasonably related in scale and kind should be secured through Section 106 planning obligations and, where relevant, Section 278 agreements. This allows infrastructure to be delivered in kind, in a coordinated and phased manner, and ensures that it is aligned with the masterplanning and delivery of the new community. CIL, by contrast, is a strategic, pooled funding mechanism and is not well suited to securing the largescale, site-specific and upfront infrastructure required for new settlements. Applying CIL to strategic sites would risk double charging and could undermine viability, given the significant infrastructure already expected to be funded and delivered directly by those developments. The SWC therefore considers it appropriate that: • The transport and other infrastructure necessary for Wychavon Town is expected to be delivered through Section 106 and Section 278 mechanisms; and • CIL is not identified as a primary funding source for the new community. This explains why references to CIL funding for Wychavon Town do not feature within EXAM39, and is consistent with national practice and the approach commonly taken to large strategic allocations. Overall, the SWC considers that the proposed zero-rating of Wychavon Town represents a deliberate and justified approach to support viability and ensure comprehensive infrastructure delivery, rather than an exemption from infrastructure funding.
CIL Process and Spend	Any local authority that has received developer contributions is required to publish an Infrastructure Funding Statement at least annually. An Infrastructure Funding Statement must	Each charging authority is required to publish an Infrastructure Funding Statement annually, reporting on CIL and Section 106 income and expenditure and identifying the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partly through CIL (excluding the neighbourhood

	report on the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partly by the levy (excluding the neighbourhood portion). Nothing in the current constituent Infrastructure Funding Statements shed any meaningful light on how CIL monies would be used in the terms described by the consultation document, Aspinall Verdi, or in any other terms. Notably only two initiatives are referred to (Areas of Informal Recreation in Malvern Hills and the Worcester City Play Plan); whilst Wychavon have retained CIL monies for administrative purposes. It is against this backdrop that the notion of the above identified 119% increase in the CIL charging rate must be considered. No justification for this scale of increase is presented. Notwithstanding that Aspinall Verdi imply this is fair and reasonable, it represents a significant uplift from the current CIL absent any assessment of, or association with, infrastructure requirements. The consultation document indicates what infrastructure they "expect" to be funded by planning obligations (para 4.3). Affordable Housing; Education; Green Infrastructure including Areas of Informal Recreation; Malvern Hills SSSI Mitigation Strategy; National Landscape Impact; Health (Primary and Secondary); Waste; New Community Facilities; Transport; Police; Flood and Water management; and Site specific mitigation. This is an extensive list. Indeed, it is difficult to conceive of other infrastructure types that would not fall into these categories, especially now that pooling restrictions no longer apply.	portion). The Infrastructure Funding Statements published by the South Worcestershire Councils comply with these statutory requirements. The South Worcestershire Councils publish IFS documents annually in accordance with the Regulations, setting out CIL and Section 106 income, expenditure, and infrastructure priorities. Recent publications include: • Wychavon District Council – Infrastructure Funding Statement published January 2025; • Malvern Hills District Council – Infrastructure Funding Statement published 24 December 2025; • Worcester City Council – Infrastructure Funding Statement published March 2025. These documents are publicly available and provide transparency on how developer contributions are collected, allocated and spent. The most recent IFS covers the 2024/25 financial year and an updated IFS for each of the three SWC authorities are due to be published later this year to cover the 2025/26 financial year. The SWC acknowledges that, to date, the published IFS documents have identified only a limited number of specific projects or programmes funded by CIL. This largely reflects the stage of CIL operation, the timing of receipts, and the fact that in recent years a significant proportion of infrastructure has continued to be secured and delivered through Section 106 obligations, particularly for larger and more complex schemes. The retention of some CIL funds by the SWC does not indicate a lack of purpose but reflects the need to pool receipts over time to support deliverable infrastructure projects, which is consistent with the nature of CIL as a strategic funding mechanism. The SWC recognises the importance of ensuring that future Infrastructure Funding Statements provide increasing clarity on how CIL funds are being allocated as receipts grow and projects come forward. The proposed update to the CIL Charging Schedule results in a significant uplift in certain rates compared to the existing adopted schedules. However, it is important to clarify that CIL rates are not required to be directly or mathematically tied to a quantified infrastructure funding gap at the level of individual projects. The CIL Regulations instead require charging authorities to demonstrate, through proportionate evidence, that the proposed rates strike an appropriate balance between: • Contributing towards infrastructure to support planned growth; and • Ensuring that development viability is not put at serious risk. The Draft Charging Schedule is supported by independent viability evidence prepared by Aspinall Verdi, which tests the capacity of different development typologies to contribute towards infrastructure funding. The justification for the proposed rates is therefore grounded in viability evidence, not solely in historic patterns of CIL expenditure. The SWC notes the concern that paragraph 4.3 of the Draft Charging Schedule refers to a wide range of infrastructure types expected to be funded through planning obligations, including education, health, transport, green infrastructure, flood and water management and site-specific mitigation. This list is intentionally broad and non-exhaustive, reflecting the wide scope of infrastructure that may be required to support development. The removal of pooling restrictions has increased flexibility in how Section 106 obligations can be used, but this has not altered the fundamental distinction between: • Site-specific infrastructure, which is necessary to make development acceptable in planning terms and is appropriately secured through Section 106; and • Strategic or cumulative infrastructure, which may be suitable for partial funding through CIL.

		CIL and Section 106 therefore operate complementarily, not interchangeably. The breadth of infrastructure categories does not imply that all such infrastructure will be funded entirely through CIL, nor that CIL alone is expected to meet all infrastructure needs arising from the development plan. The SWC accepts that clarity on how CIL will be spent is essential to maintaining confidence in the levy. The Draft Charging Schedule should be read alongside the viability evidence and the Infrastructure Funding Statements, which together provide the required statutory framework, transparency and accountability. The SWC considers that the proposed CIL rates are evidence led and lawful, and that the scale of increase reflects updated viability capacity rather than an arbitrary uplift. The points raised regarding the visibility and articulation of infrastructure priorities are noted and will inform future Infrastructure Funding Statements.
CIL Viability Report Evidence Base	A report prepared by Bruton Knowles has been appended (Appendix 1), which identifies how AV's assumptions on values, costs and development typologies overstate viability and underestimate real world development risks and costs. It concludes that there are several areas that the Report is flawed and/or requires further clarification, namely: (1) Further analysis to be undertaken on residential value assumptions – both open market and affordable (2) Further analysis of residential assumptions in relation to storey height and form (3) Affordability assessment in relation to the assumed adoption of NDSS (4) Further analysis when attempting to adopt Land Registry and EPC figures in guiding GDV estimates (5) Consistency regarding base construction costs (6) Consistency regarding contingency allowance (7) Increased Professional Fees allowance (8) Apparent lack of infrastructure or abnormal development cost allowance in modelling (9) Transparency regarding cashflow modelling and increase finance rate (10) Update allowances for M4(2) and M4(3) additional costs, Part L& F, Future Homes Standards, EV charging and BSL. (11) Adjust profit allowances to reflect the prevailing S106 affordable housing market, First Homes, and Self Build/Custom Build (12) Consistency regarding Benchmark Land Value and more accurate reflection of EUV.	The SWC notes the submission of the Bruton Knowles report (Appendix 1) submitted as part of this representation and the detailed critique it offers of the assumptions and methodology within the Aspinall Verdi CIL Viability Report. The points raised have been carefully noted and will be considered alongside all other representations. The SWC emphasises that the viability evidence underpinning a CIL Charging Schedule is required by national policy and the CIL Regulations to be proportionate, areawide and high-level, rather than a detailed appraisal of every possible site, tenure, or development scenario. The purpose of the evidence is not to demonstrate that all development will be viable in all circumstances, but to inform whether, in the round, the proposed CIL rates would put the overall delivery of the development plan at serious risk. The Aspinall Verdi Viability Report has been prepared by independent, experienced viability consultants, using established methodology consistent with Planning Practice Guidance, and is supported by a comprehensive set of appendices explaining assumptions, cost sources, values and sensitivity testing. Many of the matters raised in the Bruton Knowles report reflect legitimate differences in professional judgement rather than demonstrable flaws in the evidence base. In summary, the SWC responds to the main issues raised as follows: 1. Residential values (open market and affordable):The value assumptions are based on a range of market evidence, including Land Registry data, benchmarking and professional judgement, triangulated to reflect typical conditions across South Worcestershire rather than marginal locations alone. Affordable housing values reflect prevailing transfer values and policy compliant tenures. 2. Storey height and form:Standardised housing typologies are necessarily used for areawide testing. These are not intended to represent all possible site designs and do not preclude higher cost or atypical forms being assessed at application stage. 3. NDSS assumptions:The viability modelling assumes policy compliant Nationally Described Space Standards, consistent with the adopted and emerging development plan. 4. Use of Land Registry and EPC data:These datasets are used as indicators, not determinative inputs, and are interpreted alongside other market evidence. Areawide viability testing does not require site or plot level precision. 5–7. Construction costs, contingencies and professional fees:Costs are primarily derived from BCIS median data, rebased appropriately, with allowances for fees and contingencies consistent with national practice. While alternative uplifts are suggested, applying higher allowances uniformly would significantly affect viability and is not supported by the evidence in the round.

		8. Infrastructure and abnormal costs:CIL Charging Schedules are not required to model site-specific abnormal costs. Such costs vary widely and are appropriately addressed through site-specific viability appraisals, Section 106 negotiations, or CIL relief mechanisms where applicable. 9. Cashflow and finance rates:The modelling applies reasonable finance assumptions reflecting typical development scenarios. The Regulations do not require testing against worst case finance conditions. 10. Regulatory costs (M4(2), M4(3), Part L/F, Future Homes Standard, EV, BSL): These costs are either embedded within BCIS data or reflected through additional allowances where evidence supports this. The evidence adopts a pragmatic approach reflecting current policy requirements rather than assumptions about future regulatory unknowns. 11. Developer profit assumptions: Profit levels are set at cautious but reasonable levels informed by national guidance and market practice. The Regulations do not require proof of the precise point at which developers would exit the market. 12. Benchmark Land Value and EUV: Benchmark Land Values are derived using an EUVplus approach, consistent with accepted viability methodology. While EUV varies significantly by site, areawide assumptions are necessary and appropriate for CIL purposes. Overall, while the SWC acknowledges that alternative assumptions could produce different outcomes, it does not accept that the Aspinall Verdi evidence is flawed or unsound. The Viability Report represents a robust, transparent and proportionate evidence base, meeting regulatory requirements and supporting the Draft Charging Schedule. The SWC reiterates that site-specific viability challenges, including abnormal costs, atypical design requirements or marginal market conditions, are more appropriately considered through the planning application process, not through charging schedule wide assumptions.
Strategic Sites	The CIL charging schedule is one part of this funding balance that must be in place alongside other commitments for delivery success. If these other elements, in particular the infrastructure list and the additional funding commitments and contracts (e.g. S106 commitments), then the CIL is an isolated cost element that is not fully representative of a sound funding mechanism for the SWDP> And this brings us to the subject of Viability - the equation that says at some point the cost of delivery outweighs the commercial profit potential - the point at which developers and promoters of sites withdraw. Worcestershire Council evaluated viability in December 2025 - and the answer is that the assumptions on the percentage affordable homes and the need for infrastructure investment in a green field site moves Wychavon Town to the edge of unviability.	The SWC notes the comments made regarding the relationship between the Draft CIL Charging Schedule, wider infrastructure funding mechanisms, and viability considerations, particularly in relation to strategic sites and Wychavon Town. The SWC agrees that CIL operates as one component of a wider funding framework for growth. Infrastructure required to support development, particularly on strategic allocations, is delivered and funded through a combination of mechanisms including Section 106 planning obligations, direct developer delivery, public sector investment, and where appropriate Community Infrastructure Levy. The Draft Charging Schedule sits alongside the Infrastructure Delivery Plan (IDP) and planning obligations framework and is not intended to operate in isolation. With regard to viability, the SWC acknowledges that strategic greenfield sites such as Wychavon Town face particular challenges. These sites typically require substantial upfront and onsite infrastructure provision, including highways, utilities, education, green infrastructure and community facilities, as well as significant affordable housing contributions. These requirements can place considerable pressure on scheme viability, particularly in the early phases of delivery. In recognition of these challenges, Wychavon Town, as a strategic allocation, is proposed to be CIL exempt. This exemption is intended to help address the specific viability constraints faced by strategic sites and to ensure that infrastructure is delivered comprehensively through site-specific Section 106 agreements and direct delivery, rather than through the levy. This approach reflects national practice and recognises that strategic sites often deliver infrastructure in kind, at scale, and in advance of occupation, which would be difficult to fund through pooled CIL receipts.

		The SWC notes the reference to previous viability work indicating that Wychavon Town is close to the margin of viability once policy requirements and infrastructure investment are taken into account. This reinforces the rationale for exempting strategic sites from CIL in order to support deliverability and maintain alignment with the development plan's strategic objectives. More generally, the CIL Regulations do not require the Charging Schedule to ensure that all development remains viable in all circumstances, but rather that rates are set in a way that, in the round, does not put the overall delivery of the development plan at serious risk. The Draft Charging Schedule seeks to strike this balance by: • Applying CIL selectively by development type; • Exempting strategic allocations such as Wychavon Town; and • Retaining flexibility for site specific viability issues to be addressed through the planning application and Section 106 processes. The SWC therefore considers that the Draft Charging Schedule, taken together with exemptions for strategic sites and the continued use of Section 106 obligations, forms a reasonable and proportionate funding approach.
General Comment	• What is the relationship between the CIL charging schedule and the balance of funds needed to successfully deliver the SWDP? • How can the CIL charging schedule be agreed before other S106 agreements are adequately defined and in place? • How can developers of strategic sites have their CIL set at zero % - when they have no formal and signed agreement in place for S106 funding and where there is no clear view that the funds available are adequate to cover the infrastructure needs in full? • If development viability is the key criteria on setting the CIL – why is developer profitability set at 20% - why not 15% or even 10%, how was this decision taken and by who? Do we know that developers and promoters will walk away at 15% profit margin? Has this assumption been tested and if so where? • There is a requirement to annually produce an Infrastructure Funding Statement which must include a list of infrastructure projects that CIL might be spent – this has not been made available for public consultation and comment to date.	CIL is one part of a broader funding framework intended to support the delivery of the adopted South Worcestershire Development Plan Review (SWDPR). Infrastructure required to support growth is funded through a combination of CIL, Section 106 obligations, direct developer delivery, public sector funding and service provider investment. The Charging Schedule is not intended to identify or secure all infrastructure funding on its own, but to make a proportionate contribution alongside these other mechanisms. The CIL Regulations do not require all Section 106 agreements or detailed infrastructure delivery contracts to be in place before a Charging Schedule is prepared or adopted. CIL rates must be supported by proportionate, areawide viability evidence and may be adopted in advance of site-specific negotiations. Section 106 obligations are agreed at the planning application stage and provide the mechanism for securing site-specific and strategic infrastructure once development proposals come forward. Strategic sites, including Wychavon Town, are proposed to be CIL exempt in recognition of the significant viability challenges such sites face. Strategic allocations typically deliver extensive infrastructure onsite and upfront, including highways, utilities, community facilities and green infrastructure, largely through Section 106 agreements and direct delivery. The CIL exemption is intended to support deliverability by avoiding double charging and ensuring that infrastructure is secured in a comprehensive, site-specific manner. The viability evidence applies standardised developer return assumptions informed by national guidance, established viability practice and independent consultant advice. Developer returns are not set arbitrarily, nor do they represent a guaranteed profit. They reflect the level of return generally required to attract development finance over the life of the Charging Schedule. The Regulations do not require testing of every alternative profit level, nor proof that developers would cease delivery at lower margins; rather, they require that the evidence demonstrates that, overall, development viability is not put at serious risk. The requirement to prepare and publish an Infrastructure Funding Statement is separate from the Charging Schedule process. The South Worcestershire Councils publish IFS documents annually in accordance with the Regulations, setting out CIL and Section 106 income, expenditure, and infrastructure priorities. Recent publications include: • Wychavon District Council – Infrastructure Funding Statement published January 2025; • Malvern Hills District Council – Infrastructure Funding Statement published 24 December 2025; • Worcester City Council – Infrastructure Funding Statement published March 2025.

		These documents are publicly available and provide transparency on how developer contributions are collected, allocated and spent. The most recent IFS covers the 2024/25 financial year and an updated IFS for each of the three SWC authorities are due to be published later this year to cover the 2025/26 financial year. Overall, the SWC considers that the Draft Charging Schedule, the proposed exemption for strategic sites, and the continuing use of Section 106 obligations together provide a balanced and lawful approach to funding infrastructure while supporting the delivery of the SWDPR.
Strategic Sites	• Worcestershire Parkway – Infrastructure Delivery Plan Addendum (December 2024) has not been adequately updated, has not been made public and is incomplete. It is incomplete primarily with respect to road infrastructure where there are significant gaps with additional costs estimated in the region of £50-100Million. Transport modelling is not yet complete and the original developer assumptions on car usage for the new development are unrealistic and aim primarily to minimise infrastructure costs. These model must be completed to reevaluate needs for by-passes and relief roads between Pershore and the M5 North and South junctions. • 3.4 - CIL will improve the SWCs ability to mitigate the cumulative impacts on infrastructure from most developments as it is charged on a per square metre basis and is proportional to the scale of the development – note: except where there are strategic housing developments where the rate is set at zero % - without any commitment to S106 agreements being in place. This zero rate must not be established before securing formal agreements with developers for infrastructure funding commitments and timings. • 6.1 The SWDP Review contains three new strategic growth areas which will be charged £0 per m2 (Policy SWDPR 55: Worcestershire Parkway (now known as Wychavon Town)... Strategic sites in the SWDP Review should be providing required infrastructure on site and further costs would make these developments unviable – which means that someone else is funding or required to fund the additional infrastructure needs – but this is not clearly set-out in any of the associated SWDP related documents. Are these additional costs identified, are they realistic, are they adequate in size and scale relative to the new development footprints, are they funded and are sources of funding confirmed? Are these additional costs affordable to Worcestershire or Wychavon Council – are they adequately budgeted, accounted for in future budget forecasts and if not why not? • Table 1: Proposed CIL Charging Rates Strategic sites (and allocated sites over 1,000 units) should be set at zero % only once formal S106 and Transport Agreements are in place. Until then, a 10% levy on sales should be imposed on all strategic developments and only waivered once formal agreements are in place. • 7.12 There is not sufficient headroom to charge CIL in the current economic market – this in unproven and in particular with regard to the use of Compulsory Purchase Agreements where strategic development land is sourced at agricultural land values. Financial viability is no reason for excluding strategic developments from CIL charges. Why has Compulsory Purchase Agreements at agricultural land prices not been actively pursued as a part of the Strategic Sites identified?	The Infrastructure Delivery Plan (IDP), including the Worcestershire Parkway Infrastructure Delivery Plan Addendum (December 2024), forms part of the evidence base for the South Worcestershire Development Plan Review and was found sound at Examination. The IDP is a live document and will continue to be refined as further technical evidence, including transport modelling, is completed and as development proposals progress. The SWC acknowledges that transport modelling for the Worcestershire Parkway area is ongoing and that infrastructure costs will continue to be reviewed alongside this work. The IDP does not seek to identify a fully costed, funded solution to every possible future infrastructure intervention at this stage, but rather to demonstrate that the plan is deliverable over its lifetime and that mechanisms exist to secure required infrastructure through developer contributions, grants, and other funding sources. Strategic growth areas identified in the SWDP Review are zero rated for CIL in accordance with Regulation 50 of the CIL Regulations and national guidance. This approach reflects the scale and complexity of such sites, where comprehensive Section 106 agreements, transport agreements and other legal mechanisms are required to secure extensive onsite and directly related offsite infrastructure. These arrangements provide a more appropriate and flexible mechanism than CIL for ensuring the timely delivery and phasing of infrastructure critical to making development acceptable in planning terms. The setting of a zero CIL rate for strategic sites does not remove the requirement for robust Section 106 agreements. Strategic sites will not come forward without planning permission, and planning permission will not be granted in the absence of legally binding agreements securing necessary infrastructure, funding contributions and delivery triggers. It is therefore not considered necessary or appropriate to delay the establishment of a zero CIL rate until such agreements are in place, nor to apply an interim CIL or levy based charge to strategic development, which would be inconsistent with the CIL Regulations. The SWC does not agree that the zero rating of strategic sites results in infrastructure costs being transferred to other parties without clarity. The infrastructure required to support strategic growth areas is identified within the IDP and will be secured primarily through S106 obligations, alongside other funding sources where appropriate. The affordability, phasing and delivery of that infrastructure have been tested through the plan's viability evidence, which was found sound at examination. The viability work demonstrates that strategic sites can viably deliver extensive infrastructure without being subject to CIL, and that requiring additional CIL contributions would threaten deliverability. Questions relating to County Council or District Council capital budgets are separate from the purpose of the CIL Charging Schedule. The CIL examination is not required to demonstrate that all future infrastructure is fully funded at the point of adoption, but that there is a reasonable prospect that infrastructure needed to support growth will be delivered over the plan period. The suggestion that a percentage based levy on sales or a temporary CIL charge should be imposed on strategic sites until legal agreements are completed is not supported. CIL must be set as a charge per square metre of floorspace (other than in permitted exceptional circumstances) and cannot be used as a conditional or negotiable mechanism. Introducing such an approach would be inconsistent with the

	• 7.12 S106 agreements enable more flexibility – agreed. However, these must be in place before CIL rates are set at zero %. The wording should be that the intention is to move strategic sites to zero % once a formal S106 or other funding agreements have been confirmed.	legislation and would undermine the clarity, predictability and viability testing that underpin the Charging Schedule. In relation to comments on viability headroom and the use of Compulsory Purchase Orders (CPO), the SWC considers that the viability evidence appropriately reflects real world development economics, including market land values and delivery risk. Viability testing for CIL purposes cannot assume widespread use of CPO at agricultural land values, as this would not reflect a reasonable or proportionate basis for plan wide testing. The use of CPO powers is a discretionary tool subject to statutory tests and is not a prerequisite for, nor an alternative to, ensuring development viability through an appropriate balance between CIL and Section 106. The SWC agrees that Section 106 agreements provide greater flexibility for securing infrastructure on complex strategic sites. This is the primary reason strategic sites are zero rated for CIL. However, the intention to secure infrastructure through S106 does not require the Charging Schedule to be contingent on individual agreements being completed in advance. The current wording of the Draft Charging Schedule appropriately reflects the regulatory framework and the established approach to strategic development.
CIL Viability Report Evidence Base	• 3.7 Regulation 14 - when considering infrastructure costs, the SWCs need to estimate the cost of infrastructure to support development and take into account other sources of funding. This has not been made clear and based on the Infrastructure Schedules visible to the public the infrastructure list in largely incomplete, with substantial gaps, costs are under-estimated (optimistic) and alternative funding sources unclear or unspecified. • 4.2 Site specific planning obligations under S106 must satisfy three legal tests (in accordance with Regulation 122); they must be: 1. Necessary to make the development acceptable in planning terms (note that this should not be construed to limited infrastructure spend to inside the development boundary but importantly it should also be applied to funding of infrastructure on the external boundaries and in terms of roads, it should also mean primary routes that transit through the developments. • 5.1 Aspinall Verdi carried out a review of viability across the districts – however, they did not adequately consider the impact of Compulsory Purchase of Land at agricultural land rates in their review. This instrument for Land acquisition has the opportunity to fundamentally transform the viability equation – from a developer profitability and affordability perspective. Why has no adequate evaluation of this option been conducted prior to the setting of CIL rates? Why is this instrument not being considered for Wychavon Town and other large scale development land? Was this option considered and if so has it been rejected and if so, what was the decision making process? • Table 1: Proposed CIL Charging Rates why are green field housing between 10-49 units rated lower than other greenfield sites. For other smaller sites, specifically where housing number are less than 50 – why has the CIL been set at zero % ? What is the risk that sites of say 120 houses, then sub-divide their plots and make separate submission each below the 49 property threshold? Why has a sliding scale not been applied, or specific comment made on sites with multiple piecemeal planning applications to prevent the avoidance tactic being pursued by builds and developers? This should be set at the same as other sites – e.g. £120/square meter, to avoid unintended consequence of fragmented planning applications for the same contiguous development site.	In preparing the Draft Charging Schedule, the SWC has had regard to Regulation 14 of the CIL Regulations, which requires consideration of infrastructure costs alongside other funding sources. Infrastructure requirements and delivery mechanisms are set out through the Infrastructure Delivery Plan (IDP) and the wider evidence base supporting the SWDP Review. It is important to clarify that the IDP is a strategic and evolving document, intended to identify infrastructure needs, indicative costs, responsibilities and potential funding sources at a plan-wide level rather than as a fully costed delivery programme. Alternative funding sources, including Section 106 obligations, direct developer provision, statutory provider investment and public funding, are not always capable of precise specification at plan-making stage and often become clearer as development proposals come forward. The IDP was tested through the SWDP Review examination process and found to be sound, including in relation to infrastructure planning and deliverability. This confirms that, while the IDP may not present a fixed or exhaustive infrastructure funding schedule, it provides a robust and lawful basis for plan implementation. The SWC agrees that Section 106 planning obligations must meet the Regulation 122 tests, including that they are necessary to make development acceptable in planning terms. This can include infrastructure beyond site boundaries where required, such as transport corridors, junction improvements or other strategic works arising from development impacts. The Draft Charging Schedule does not seek to restrict the scope of Section 106 obligations. On the contrary, it is intended to operate alongside Section 106, with CIL funding cumulative or strategic infrastructure and Section 106 continuing to secure site-specific and directly related mitigation, including on and off-site works where justified. The SWC notes the suggestion that Compulsory Purchase Powers (CPO) at agricultural land values could materially alter viability outcomes and that the respondent think that these should have been explicitly assessed within the CIL viability evidence. The purpose of CIL viability testing is to assess the capacity of typical market-led development to contribute towards infrastructure funding. The exercise does not assume, nor is it required to assume, the routine use of CPO as a delivery mechanism. CPO is a separate

		statutory tool, used selectively where there is a compelling case in the public interest, and its availability does not negate the need to demonstrate development viability on a reasonable market basis. The use of CPO for sites such as Wychavon Town is a matter for separate consideration through development, implementation and land assembly strategies. It is not a prerequisite to setting CIL rates, nor is it appropriate to base Charging Schedule viability assumptions on the expectation that land will be acquired compulsorily rather than through voluntary market transactions. The SWC notes the concerns regarding: • Lower CIL rates for greenfield housing schemes of 10–49 dwellings; • Zero-rating (or lower-rating) for certain development sizes; and • The theoretical risk of larger developments being subdivided to avoid higher CIL charges. The proposed differentiation in rates reflects the findings of independent, area-wide viability evidence, which demonstrates that schemes of different sizes exhibit different viability characteristics. Schemes in the 10–49 dwelling range often face cumulative infrastructure requirements, delivery complexity and market exposure which are reflected in the proposed rate structure. CIL Regulations contain safeguards to address artificial fragmentation. In particular: • CIL liability is assessed with regard to the planning unit, and • Where development is brought forward in a phased or piecemeal manner, the SWC has powers to assess whether multiple permissions form part of a single comprehensive scheme for CIL purposes. The Regulations do not require a sliding scale approach to be adopted, and the SWC must set rates based on viability evidence, not hypothetical avoidance scenarios. The evidence indicates that applying a uniform £120/m^2 rate across all greenfield housing sites would risk undermining delivery of certain site typologies. The SWC considers that: • Infrastructure planning has been addressed lawfully and robustly through the IDP, which has been found sound at examination; • Section 106 remains fully capable of securing both on-site and off-site infrastructure where necessary; • The viability evidence appropriately reflects market-led development rather than assuming compulsory land acquisition; and • The proposed CIL rate structure is evidence-led, proportionate and compliant with the CIL Regulations.
CIL Process and Spend	This CIL draft schedule appears thin, relative to the 1000's of pages of other planning documents available for review, and yet represents one of the most fundamental aspects of sustainable development – the funds made available to support a viable community.	The Draft Charging Schedule is intentionally a focused and concise statutory document, as required by the Community Infrastructure Levy Regulations 2010 (as amended). Its purpose is to set out the proposed CIL rates, charging zones, and relevant definitions. It does not duplicate the extensive policy, infrastructure or environmental evidence that underpins the wider development plan. Instead, it draws directly on that evidence base, particularly in relation to infrastructure need and development viability.

		The Charging Schedule is supported by a robust and comprehensive viability evidence base, prepared by independent consultants. Together, these documents provide a transparent and detailed explanation of the methodology, assumptions and testing that inform the proposed CIL rates. The viability evidence has been prepared to align with and support the adopted SWDPR, taking into account its full evidence base, including infrastructure requirements, policy burdens (such as affordable housing and sustainability standards), market conditions and development typologies across South Worcestershire. The Regulations require the Charging Schedule to demonstrate that, when considered in the round, CIL will not put the overall delivery of the development plan at serious risk, rather than to restate all supporting evidence within the Charging Schedule itself. The SWC therefore considers that, while concise in form, the Draft CIL Charging Schedule is underpinned by a substantial and proportionate evidence base, consistent with national guidance and statutory requirements, and is an appropriate mechanism for securing infrastructure funding to support sustainable communities.
Strategic Sites	Comments on Paragraph 7.13 and Table 2 Table 1 of the Draft Charging Schedule confirms that strategic sites, including Worcestershire Parkway (Wychavon Town), will be charged £0 per m^2. Homes England supports this position. Strategic sites of this scale will be required to deliver substantial infrastructure directly related to the needs generated by the new development. The SWDP Review evidence base—specifically the Worcestershire Parkway Infrastructure Delivery Plan (IDP)—identifies an extensive package of infrastructure necessary to support the new settlement at Worcestershire Parkway (Wychavon Town). This results in a significant IDP infrastructure cost, which developers will address through Section 106 planning obligations. These obligations will fully mitigate the development's impacts, and therefore no additional contributions through CIL are required or justified. However, the Draft Charging Schedule does not consider situations where development adjacent to, but outside, a defined strategic site would benefit from infrastructure delivered via a framework Section 106 agreement. For development located close to, but beyond, the strategic allocation boundary, Section 106 rather than CIL will often be the more appropriate mechanism. This ensures infrastructure is delivered in tandem with development and that financial contributions align with the specific requirements of the Worcestershire Parkway (Wychavon Town) settlement. These requirements include a bespoke infrastructure package covering green infrastructure; health; education (primary, secondary, SEND, and sixth form provision); community facilities; and transport improvements. This approach aligns with the emerging Wychavon Town Masterplan SPD, which sets out expectations for land "in the vicinity" of the allocation (page 177). Where developers of parcels of land lying in the vicinity of the allocation make planning applications for development not being exempt development (as described above) which development will benefit from the strategic infrastructure provided or funded by development within the allocation, those developers may also be required by the Council to contribute towards the cost of such strategic infrastructure via a section106 agreement. The Council shall determine on a case-by-case basis, in line with the statutory tests for planning obligations, whether such contributions or a proportion thereof should be payable. Amendments to Paragraph 7.12 sought:	The SWC agrees that strategic growth areas, including Worcestershire Parkway (Wychavon Town), are required to deliver a comprehensive package of onsite and directly related offsite infrastructure. The Infrastructure Delivery Plan (IDP) for the South Worcestershire Development Plan Review identifies significant infrastructure requirements for these sites, which are intended to be secured through detailed Section 106 agreements and related mechanisms. For this reason, and as supported by the representation, strategic sites are proposed to be charged a nil (£0 per square metre) CIL rate. However, the SWC does not agree that the nil CIL rate should be extended beyond the defined boundaries of the strategic growth areas shown on Map 1.CIL operates as a plan wide, rules-based levy and must be applied with clarity and certainty. The Draft Charging Schedule intentionally defines strategic sites by reference to specific allocations within the adopted SWDPR. Extending the nil CIL rate to sites "in the vicinity" of strategic growth areas would introduce ambiguity, reduce transparency, and undermine the consistency and predictability that the CIL regime is intended to provide. It would also risk creating uncertainty for landowners, developers and decisionmakers as to when and how CIL liability should apply. The SWC notes the role of the emerging Wychavon Town Masterplan SPD and accepts that development on land adjacent to a strategic allocation may, in some circumstances, benefit from or contribute towards shared infrastructure. The existing planning framework already provides the appropriate mechanism to address this. Where development proposals outside, but closely related to, a strategic site generate a need for mitigation or benefit from strategic infrastructure, the SWC may seek proportionate contributions through Section 106 obligations, subject to the statutory tests of necessity, direct relation, and scale and kind. This approach allows infrastructure requirements to be assessed and secured on a case-by-case basis without extending CIL exemptions beyond the allocations tested through the plan and viability evidence. The SWC therefore considers that Section 106 already provides sufficient flexibility to secure contributions from development outside strategic site boundaries where justified, without the need to amend the Charging Schedule to "futureproof" such areas by applying a nil CIL rate. Applying CIL to nonstrategic sites remains appropriate, as such development also contributes to cumulative infrastructure demands across South Worcestershire. With regard to the proposed amendments to paragraph 7.12, the SWC agrees that Section 106 obligations are particularly well-suited to complex strategic sites and that uncertainty over detailed infrastructure design and phasing supports the use of flexible, site-specific agreements. However, paragraph 7.12 is not

	To respond to a scenario where developers of parcels of land lying in the vicinity of the allocation make planning applications for development we suggest the following amendments to Paragraph 7.12 Paragraph 7.12 There is not sufficient headroom to charge CIL in the current economic market; it is important for delivery that the infrastructure is funded through the most appropriate mechanism. S106 agreements enable more flexibility (especially in two-tier authorities) for the delivery of infrastructure compared to CIL. This is particularly the case where there is uncertainty in respect of the strategic infrastructure costs due to the stage of South Worcestershire Councils CIL Draft Charging Schedule January 2026 – Draft Version 1.0 14 design and phasing. It is therefore proposed that the CIL charging Schedule excludes all allocated sites over 1,000 units which will ensure the Charging Schedule is 'future[1]proofed'. The nil CIL rate for strategic sites will be capable of being applied beyond the existing 'red line' boundaries of the strategic growth areas, including Worcestershire Parkway (Wychavon Town) as shown on Map 1. This would ensure that land in the vicinity where it represents a logical expansion to a strategic growth area and generates additional infrastructure demand can be secured through a Section 106 agreement incorporating the FS106 terms, rather than being made liable for CIL.	intended to suggest that the strategic site exemption should apply beyond defined allocations, nor does the SWC consider such an extension to be justified or compliant with the objectives of a clear and robust CIL Charging Schedule. The SWC also notes that the defined boundaries of strategic growth areas are those set out in the adopted South Worcestershire Development Plan Review. Should those boundaries be amended through a future review of the development plan, any additional land formally brought within a strategic allocation would be considered as part of the plan-making process and tested through updated evidence, including viability. Where appropriate, such changes would be reflected through a subsequent review and amendment of the CIL Charging Schedule, at which point development within any newly defined strategic allocation may also be subject to a nil CIL rate. This ensures that any CIL exemptions continue to be clearly defined, evidence based and subject to due process. The SWC supports a nil CIL rate for development within defined strategic growth areas, where comprehensive infrastructure provision will be secured through Section 106 obligations. However, it does not consider it appropriate to extend this exemption to land outside the strategic site boundaries. Development in the vicinity of strategic sites will continue to be assessed on its own merits, with CIL and proportionate Section 106 contributions secured where necessary to mitigate impacts or support shared infrastructure, ensuring both flexibility and certainty within the overall CIL regime.
Strategic Sites	Comments on Paragraph 7.13 and Table 2 Table 2 sets out the proposed CIL rates for retail and commercial development. Unlike Table 1 for the residential CIL rates, Table 2 does not exclude CIL charges for retail and commercial development on strategic sites. This also appears to contradict paragraph 6.1 which states that "the SWDP Review contains three strategic sites which will be charged £0 per m2. These are shown in Map 1." Homes England considers that Table 2 should be amended to make it clear that retail and commercial development on strategic sites will also be charged £0 per m2 (see justification below). Homes England and its collaboration partner, Summix, submitted a Town Centre Delivery Strategy in December 2025 as supporting evidence for the Town Centre Application at Wychavon Town. If CIL charges are applied to commercial uses, this is likely to create a further barrier to delivering a viable and successful town centre, a critical and essential element to establishing a sustainable new community at Worcestershire Parkway (Wychavon Town). All development should be mitigated via Section 106 obligations so that an infrastructure package can be tailored to the specific impacts of the development scheme. Amendment sought to Paragraph 7.13 and Table 2: paragraph 7.13 and table 2 should be amended to exclude CIL charges for retail and commercial development on strategic sites in order to assist in the delivery of a viable and sustainable town centre (and local centres) at Worcestershire Parkway (Wychavon Town) and ensure a consistent approach for all development at Worcestershire Parkway (Wychavon Town) which will be mitigated via Section 106 obligations and remove ambiguity that might be caused if some elements of the scheme are CIL liable.	The SWC acknowledges the representation from Homes England regarding the treatment of retail and commercial development within strategic sites, and the potential implications for delivery of the Worcestershire Parkway (Wychavon Town) town centre. Paragraph 6.1 of the Draft Charging Schedule explains that the South Worcestershire Development Plan Review (SWDPR) contains three strategic growth areas which are proposed to be charged a nil (£0 per square metre) CIL rate. This approach reflects the scale, complexity and infrastructure requirements of strategic sites, where development is expected to come forward pursuant to comprehensive masterplanning and to be supported by detailed Section 106 and other legal agreements securing the required infrastructure in a coordinated and phased manner. The SWC accepts that greater clarity is required to ensure consistency between paragraph 6.1, paragraph 7.13 and Table 2. The intention of the Charging Schedule is that development forming part of a strategic site, regardless of use class, will be subject to a nil CIL rate where infrastructure is secured via Section 106 obligations. The SWC recognises the importance of town centre and local centre uses in establishing a sustainable, mixed-use community at Worcestershire Parkway (Wychavon Town). The delivery of such uses is often more sensitive to viability pressures, particularly in early phases, and the SWC agrees that applying CIL to these elements could create additional barriers to delivery without providing the level of flexibility required to respond to site-specific impacts. Consistent with the approach to residential development on strategic sites, the SWC considers that Section 106 obligations provide the most appropriate and effective mechanism for securing mitigation for retail and commercial uses at Worcestershire Parkway (Wychavon Town). This ensures that infrastructure requirements can be tailored to the specific impacts, scale and phasing of development and avoids ambiguity as to which elements of a comprehensive strategic scheme are CIL liable. Accordingly, the SWC agrees that paragraph 7.13 and Table 2 should be amended to make clear that retail and commercial development forming part of strategic sites will be charged at a nil (£0 per square metre)

		CIL rate, ensuring a consistent approach across all development types within strategic growth areas and supporting the delivery of a viable and sustainable town centre and associated local centres.
Impact on developers	The Charging Schedule proposes differential rates based on the type, size and location of new development. This ranges from £0 for strategic sites, build to rent and extra care, up to £136.70 for greenfield PBSA. Whilst the nil charge for strategic sites and brownfield sites (excluding RDAs) over 10 units is welcome, our client is concerned with the scale of the proposed increases for greenfield sites of 50 units or more. The current CIL Charging Schedule, adopted in April 2017, set a charge of £40 psm for residential development outside Main Urban Areas. Table 1 of the current consultation's Viability Assessment references the current charge as £43.27, which suggests it includes indexation; however, this figure appears to be incorrect and is assumed to be £53.27. Notwithstanding this, the proposed charge of £120 is a significant increase on the current position, representing a 200% increase on the original 2017 charge (or 125% of the indexed figure). The Boat Lane Reserved Matters described previously were subject to a CIL charge of £585,780.84 for c. 11,000 sqm GIA of market housing floorspace. A scheme of the same area, approved under the proposed new CIL Charging Schedule would be liable for a charge of £1,319,520 – an increase of circa £734,000. These are not insignificant sums and could have significant impacts on the viability of new development.	The Draft Charging Schedule proposes differential rates by development type, scale and location in order to reflect variations in development viability across South Worcestershire. This approach is consistent with the Community Infrastructure Levy Regulations and national guidance, which allow charging authorities to differentiate rates where justified by viability evidence. The nil rates proposed for strategic sites, build-to-rent, extra care schemes and certain categories of brownfield development reflect the specific viability characteristics and policy objectives associated with those forms of development. With regard to greenfield residential development, the SWC acknowledges that the proposed headline rate represents a notable increase when compared to the residential rate adopted in 2017. However, direct comparisons between the 2017 Charging Schedule and the proposed rates should be treated with caution. The original charge was set almost a decade ago and did not reflect current development economics, policy requirements or infrastructure funding needs. Over that period, there has been significant change in sales values, policy burdens and infrastructure costs, which the current review seeks to address. The viability evidence supporting the Draft Charging Schedule has been prepared using updated and robust assumptions, including current build costs, sales values, developer returns and cumulative policy requirements. The proposed rate of £120 per square metre for larger greenfield schemes reflects the evidence that such developments typically benefit from stronger sales values, more efficient delivery and higher resilience to policy costs. The viability testing demonstrates that these schemes remain deliverable with the proposed CIL charges in place, once reasonable land value expectations are applied. The SWC notes the example provided in relation to the Boat Lane development and the comparison between the existing and proposed CIL liabilities. While the increase in monetary terms is acknowledged, CIL is intended to be factored into land value negotiations and paid from the uplift in land value arising from planning permission. The purpose of CIL is not to preserve historic development appraisals, but to ensure that development makes an appropriate and proportionate contribution towards the infrastructure required to support growth. CIL operates alongside Section 106 obligations, and the proposed rates have been carefully calibrated to ensure that the overall burden of developer contributions remains viable. The Draft Charging Schedule is supported by viability evidence that builds on, and is consistent with, the viability work that underpinned the South Worcestershire Development Plan Review, which was found sound at examination and adopted.
CIL Viability Report Evidence Base	Developers have been faced with increasingly high build costs in South Worcestershire. Estimates available from the Building Cost Information Service1 (BCIS) suggest that each of the three authorities has seen build costs per square metre increase by some 51% over the decade to 2025, not only outpacing the rate of inflation2 (40%) but also being more than twice the growth of house prices in South Worcestershire over the same period3 (24%). Rising build costs are driven by a number of factors which create continued pressure on the industry, including: • High UK construction cost inflation, with labour a significant inflation driver; • Supply chain pressure driving up material prices, particularly on energy intensive materials;	The SWC acknowledges the representation and recognises the significant cost pressures currently faced by the housebuilding industry, including rising construction costs, labour and materials inflation, regulatory changes, and broader economic uncertainty. These factors are well understood and were key considerations in the preparation of the Draft CIL Charging Schedule and its supporting viability evidence. The CIL Viability Report is considered to be robust, proportionate and up to date. It draws on the latest available cost data, including BCIS build cost information, recent market evidence on sales values, and updated assumptions relating to finance, developer return and policy compliance costs. The study was explicitly commissioned to reflect post-pandemic conditions and the cumulative impact of regulatory change, including emerging requirements such as biodiversity net gain and higher environmental standards.

	• Volatility and uncertainty at bid stage with contractors, with risk being increasingly pried in; • Labour shortages in the sector which increases about costs and programme length; • Reduced incentives to buy and wider affordability constraints, in particular for first time buyers continues to contribute to subdued sales rates, which consequently impacts on margins and cash flow; • Rising regulatory and compliance costs, such as Future Homes Standard, BNG, Building Safety Act and increasing infrastructure requirements; and • Disincentive for landowners to bring forward sites expediently due to reducing land values below market expectations. Reflecting the above, Taylor Wimpey are concerned that the 'on the ground' reality of scheme viability has not been translated into the Charging Schedule's evidence base and as such are concerned whether the January 2026 Viability Assessment is sufficiently up-to-date and robust given the everchanging economic uncertainty. Economic volatility has been clearly exemplified in recent weeks with the conflict in the Middle East, whereby the potential shocks in the energy market risk dramatically changing this Country's economic outlook. SWC's original CIL charges were implemented in 2017. Whilst the economy has been subject to numerous 'shocks' in this period, most notably the pandemic and Brexit, it has taken nearly a decade for the Charging Schedule to be revisited. Whilst the CIL regulations allow for more regular updating, it can be assumed that the CIL rates set this year will be the CIL rates governing development in the SWCs for many years to come. Unlike planning policy requirements that are subject to material considerations, a planning balance exercise and appropriate flexibility through negotiation, CIL liability is a mandatory, fixed and therefore non-negotiable 'tax' on new development. Beyond mechanisms of relief set in the legislation such as exceptional circumstances or discretionary relief, CIL can pay no regard to the overall merits of a development, site-specific circumstances or the impact of CIL liability on the deliverability of a scheme.	Viability testing for CIL purposes is necessarily undertaken at a plan wide level, testing representative typologies across a range of locations and market values. It is not intended to capture moment by moment fluctuations in global or national economic conditions, nor is it required to remove all risk from development. National policy makes clear that CIL rates should be set with reference to viability over the medium to longer term and should not be reset in response to short-term volatility or individual market shocks. The SWC notes the concern that CIL is a mandatory, non-negotiable charge. This is an inherent and intended feature of the CIL regime, providing certainty and transparency to developers, landowners and communities. CIL is designed to be factored into land value expectations and paid from the uplift in land value arising from the grant of planning permission. It operates alongside Section 106 obligations, which retain flexibility to respond to site-specific mitigation needs and, where necessary, viability considerations. While the original CIL Charging Schedule was adopted in 2017, the current review represents a comprehensive reassessment informed by significantly updated evidence. The SWC is satisfied that the proposed rates strike an appropriate balance between funding essential infrastructure and maintaining development viability. The viability evidence demonstrates that residential development remains deliverable across South Worcestershire, even when allowing for higher build costs and cumulative policy requirements. The SWC also notes the concern that CIL rates, once adopted, may remain in place for an extended period. While CIL Charging Schedules are not subject to regular fixed review cycles, the SWC confirms that future reviews of CIL rates will be undertaken where necessary, including where there is clear evidence of significant and sustained changes in economic conditions, development viability, or infrastructure funding requirements. The SWC will continue to monitor market signals, delivery performance and updated viability evidence to ensure that the CIL regime remains appropriate, proportionate and supportive of sustainable development over the plan period. The SWC does not agree that the Draft Charging Schedule fails to reflect "on the ground" viability realities. Rather, it reflects a realistic and policy compliant assessment of development economics, recognising that some adjustment to land values is both expected and necessary to ensure that development contributes fairly to infrastructure provision. In conclusion, the SWC considers that the Draft CIL Charging Schedule is justified, evidence based and consistent with national policy, and that it will not unduly constrain development or housing delivery while ensuring that growth is supported by the infrastructure required to make it sustainable.
Impact on delivery	Under NPPF paragraph 78, local planning authorities must identify a five-year supply of deliverable housing sites against their local housing need, with a 5% buffer, or 20% where there has been persistent under-delivery. The South Worcestershire Development Plan (2016) is now more than five years old, meaning that housing land supply must be assessed against the standard method rather than the adopted plan requirement. For Wychavon District Council, in which the Boat Lane site referenced earlier is located, the Council cannot currently demonstrate a five year housing land supply (5YHLS) with a figure of only 1.28 years. The South Worcestershire Development Plan Review (SWDPR) is expected to be adopted this spring, and it is expected that the Council will be able to demonstrate a marginal five-year supply at this point. However, under the NPPF (2024) transitional provisions, from 1 July 2026, plans adopted under the new regime are subject to a 20% buffer creating a six-year housing land supply (6YHLS) requirement. The SWDPR trajectory relies heavily on large strategic allocations	The South Worcestershire Development Plan Review (SWDPR) has been found sound at examination and adopted, and it establishes the framework for housing delivery across the area. The adopted plan demonstrates a five-year housing land supply with a 5% buffer, in accordance with national policy requirements at the point of adoption. The plan's spatial strategy, including the allocation of strategic growth areas, has been fully tested through examination, including scrutiny of lead in times, infrastructure dependencies, delivery trajectories and viability. The SWC acknowledges the transitional provisions contained within the National Planning Policy Framework. However, the Draft CIL Charging Schedule has been prepared on the basis of the adopted development plan and current national policy, not speculative future scenarios. The Charging Schedule is not required to pre-empt potential future buffers or housing land supply scenarios, but to ensure that CIL rates strike an appropriate balance between infrastructure funding and maintaining development viability across the plan area.

	(including Worcestershire Parkway, Worcester West, Rushwick Expansion), which are subject to long lead-in times, complex infrastructure dependencies and phased delivery patterns. The development of greenfield sites will be essential in meeting these requirements. It remains to be seen whether the Council will be able to demonstrate a 6YHLS beyond July, but anything which undermines delivery will be counterproductive in the context of a recently adopted Plan and the government's objectives to significantly boost the supply of housing. A significant increase in CIL is likely to be one such barrier. In light of the development viability concerns, ever-increasing costs and weak demand, the significant proposed increase in non-negotiable CIL charges risks harming the viability and deliverability of the pipeline of residential development within the SWC area. This could lead to sites being delayed or not being delivered altogether, and where sites do progress, they may be forced to reduce affordable housing to offset the additional charge. Delayed delivery of housing will be a significant issue given the Councils' precarious housing land supply position; and any potential reduction in affordable housing delivery is similarly concerning.	The SWC does not agree that the proposed CIL rates will undermine delivery or exacerbate housing land supply challenges. The Charging Schedule is underpinned by robust and up to date viability evidence which builds on that prepared for the SWDPR. This evidence tests cumulative policy impacts, including CIL and Section 106 contributions, and demonstrates that residential development remains viable across a range of sites and market conditions. The Inspectors for the SWDPR was satisfied that the plan is deliverable, and the CIL rates have been calibrated to remain consistent with that conclusion. CIL is a known, transparent and non-negotiable charge which provides certainty to developers and landowners and is factored into land value expectations. It is not the role of CIL to respond to short-term market fluctuations, and moderate adjustments to land values do not, in themselves, indicate harm to deliverability. Affordable housing requirements will continue to be secured through planning policy and Section 106 obligations and will be considered alongside viability evidence where appropriate. The SWC therefore considers that the Draft CIL Charging Schedule supports, rather than undermines, the delivery of the recently adopted SWDPR and the government's objectives to boost housing supply, while ensuring that essential infrastructure is funded in a fair and proportionate manner.
Impact on developers	The Charging Schedule proposed differential rates based on the type, size and location of new development. This ranges from £0 for strategic sites, build to rent and extra care, up to £136.70 for greenfield PBSA. Of particular interest to our client are the proposed figures for greenfield housing, set at £120 psm for all schemes (except 10-49 unit schemes at £54.70). This represents a 125% increase on the charge of the current indexed charge of £53.271 psm, or a 200% increase on the original 2017 charge of £40 psm. In this same period since 2017, development costs have continued to rise yet house prices have not increased by anywhere near this level. This makes a proposed CIL increase of this scale a significant concern. A baseline CIL calculation for the Rushwick scheme (as submitted, amendments to be made) described demonstrates the potential level of impact of such a change.	The Draft CIL Charging Schedule proposes CIL rates differentiated by development type, size and location, which is expressly provided for under the Community Infrastructure Levy Regulations. This approach reflects variations in development viability and is consistent with national guidance. The proposed rates range from nil charging for strategic sites, Build to Rent and Extra Care, through to higher rates for certain development typologies where the evidence demonstrates greater capacity to contribute towards infrastructure. The SWC acknowledges that the proposed greenfield residential rate of £120 per square metre represents a significant increase when compared with the indexed equivalent of the existing charge (£53.27/m^2) and the original adopted rate of £40/m^2 in 2017. However, CIL rates are not required to increase incrementally, nor to be constrained by historic indexation. The Regulations require charging authorities to periodically review and update CIL to reflect current viability conditions, policy requirements and the infrastructure needs of the development plan. The proposed rates are informed by independent, up to date viability evidence, which assesses development values, costs and policy burdens across South Worcestershire. This evidence acknowledges that construction costs have increased materially since 2017, but also demonstrates that, for certain greenfield housing typologies, development values have increased to a level that continues to support CIL contributions while achieving a reasonable developer return. The assessment therefore reflects current market conditions, rather than relying on historic charging levels. The SWC notes that schemes of 10–49 dwellings are proposed to remain charged at £54.70/m^2, reflecting evidence that smaller sites often have more marginal viability, particularly when delivered by SME developers. The higher rate of £120/m^2 is targeted at larger greenfield schemes where the evidence indicates stronger and more resilient viability. This differentiation is intended to support a range of site sizes coming forward, while still enabling infrastructure funding to be secured from schemes better able to contribute. The reference to a baseline CIL calculation for the Rushwick scheme is noted. However, it is important to reiterate that CIL rates are set on an areawide basis and cannot take account of the circumstances of individual sites or development proposals. The Regulations do not require charging authorities to

		demonstrate that every scheme will be viable at the proposed rates, nor to calibrate charges to individual sites. Where site specific viability challenges arise, whether due to abnormal costs, infrastructure requirements, timing, or market factors, these are more appropriately considered through the planning application process, including the negotiation of Section 106 obligations and consideration of statutory CIL flexibilities such as instalment policies. The SWC considers that the proposed differential rates for greenfield housing are evidence led and proportionate, reflecting updated viability capacity rather than historic charging levels. The scale of uplift must be considered in the context of: • The length of time since the Charging Schedule was last reviewed; • Changes in market values and policy requirements; and • The need to secure meaningful funding to support infrastructure delivery alongside development.
General Comment	Table 1 of the Viability Report references a current CIL charge of £43.27. This appears to be a typo given the preindexation charge in 2017 was £40 and therefore it is assumed this should read £53.27	Comment noted. It is correct that this is a typo and a minor modification is proposed to reflect the correct rate of £54.80.
Infrastructure Provision	The increased development of land, especially greenbelt, is done because it is cheaper then having to put effort into developing brownfield sites - which should be considered before any other area - so they can make a bigger profit. To offset this, developers should be liable for a larger percentage of costs to ensure the areas they are building in have appropriate facilities (ie schools, GP, green spaces/allotments for mental health, etc). This should be considered first, not shoehorning houses into already stretch facilities, taking the profit and leaving.	The Draft CIL Charging Schedule does not determine where or whether development takes place, nor does it influence the choice between greenfield or brownfield land. Decisions about the location, scale and type of development are made through the development plan and the planning application process, where national policy requires local authorities to prioritise brownfield land where possible while meeting identified development needs and protecting designated areas, including the Green Belt. The purpose of Community Infrastructure Levy (CIL) is to provide a strategic contribution towards infrastructure needed to support development that has already been planned for. Developers are also required to make site specific contributions through Section 106 obligations, which are the primary mechanism for securing infrastructure such as schools, healthcare provision, open space, green infrastructure and onsite mitigation measures where these are necessary to make development acceptable in planning terms. In setting CIL rates, the SWC is required by the CIL Regulations to balance the need to fund infrastructure against the requirement to ensure that development remains viable. Rates cannot be set solely to maximise contributions or profit capture, and they must be supported by robust viability evidence. The Draft Charging Schedule has therefore been prepared to ensure that CIL is set at a level that can contribute meaningfully to infrastructure delivery without putting the overall delivery of development at serious risk. Concerns about development taking place ahead of infrastructure provision are understood. The timing, scale and type of infrastructure delivery are addressed through a combination of: • Section 106 agreements; • Phasing and planning conditions; • The Infrastructure Delivery Plan; and • Investment by statutory infrastructure providers. The comments regarding the importance of facilities such as green spaces and community infrastructure are noted. While these matters relate to wider planning and infrastructure delivery considerations rather

		than the setting of CIL rates themselves, they will continue to inform infrastructure prioritisation through the Infrastructure Funding Statement and the development management process. The representation is therefore noted, but the points raised do not indicate changes required to the Draft CIL Charging Schedule.
General comment	It is important infrastructure is addressed before planning consent	The planning system seeks to ensure that development is supported by appropriate infrastructure through a combination of mechanisms, including Section 106 planning obligations, planning conditions, direct delivery by developers, and Community Infrastructure Levy (CIL). Section 106 obligations are the primary mechanism used to secure site-specific and directly related infrastructure, and where necessary, can require infrastructure to be delivered in advance of, or alongside, development through phasing and trigger points. CIL operates differently, as it is a strategic and pooled funding mechanism, intended to contribute towards the cumulative infrastructure impacts of development across a wider area rather than to secure infrastructure for individual sites prior to consent. The CIL Regulations do not require infrastructure to be delivered before planning permission is granted, but they do provide a funding stream to support infrastructure delivery over time. The SWC recognises the importance of ensuring that infrastructure provision keeps pace with development and will continue to work with developers, infrastructure providers and partners to align the timing and delivery of infrastructure with growth through the development management process, the Infrastructure Delivery Plan, and the Infrastructure Funding Statement.
Impact on SME Developers	No social contributions have been taken into account when penalizing sites with 9 or less plots because no social houses are being built in these sites. This charge will kill small development firms that use local merchants and local self employed tradesmen unlike big national corporations. Who are not effected and bring trades in from afar and source the cheapest materials nationwide. This will not effect me in that I will retire early if this comes into effect as it is now impossible with cil / social housing contributions / bng/ ecological reports/ and every other condition that as to be paid pre commencement. No wonder you can not meet your 5 year supply and housing needs. The only new sites will be fully social funded as the housing market is now at rock bottom.	The SWC notes the concerns raised regarding the impact of the proposed CIL rates on small housing sites and SME developers, particularly those delivering developments of nine dwellings or fewer in rural areas. The SWC understands the respondent's concern that many SME developers often operate on tighter margins while supporting local supply chains, merchants and self-employed tradespeople. The contribution made by SMEs to local economies and housing delivery is recognised. In preparing the Draft Charging Schedule, the SWC uses areawide viability evidence rather than the circumstances of individual operators or sites. The viability evidence considers development typologies across South Worcestershire as a whole and assesses the capacity of development to contribute towards infrastructure while remaining broadly viable, as required by the CIL Regulations 2010 (as amended). CIL cannot be varied on a case-by-case basis, nor can it be set specifically to reflect individual business models or personal circumstances. The SWC acknowledges that, within Designated Rural Areas in Wychavon and Malvern Hills, adopted policy provides for affordable housing contributions on developments below the major development threshold. SWDPR Policy 19: *Meeting Affordable Housing Needs* allows for either commuted sums or onsite provision on schemes of 1–9 dwellings in RDAs, subject to defined thresholds. Paragraph 7.6 of the consultation document is intended to reflect national policy principles rather than to negate the existence of locally specific rural exception thresholds. National guidance, including the Planning Practice Guidance and the Written Ministerial Statement of 19 February 2024, is clear that charging authorities should not seek to compensate for the absence of affordable housing obligations on nonmajor development by applying higher CIL rates to those schemes. This principle applies irrespective of the presence of local rural policies and seeks to protect the viability and delivery of small sites and SME led development.

		The Draft Charging Schedule does not apply higher residential CIL rates to developments of 9 dwellings or fewer in order to reflect affordable housing exemptions or reduced policy burdens. Where differential rates are applied, they are based on location, land type (greenfield or brownfield), and robust viability evidence, rather than site size alone. While the SWC viability appraisals indicate that small sites can, in purely theoretical terms, demonstrate higher residual values due to reduced policy burdens, national policy expressly advises that this should **not** be used as justification for higher CIL charges on nonmajor development. The Draft Charging Schedule has been prepared in full compliance with this guidance. The SWC does not agree with the assertion that the proposed CIL rates "strangle" small developer ambition or render small sites unviable. Viability testing undertaken for the Charging Schedule demonstrates that residential schemes of fewer than 10 dwellings remain viable across both greenfield and brownfield sites, even where affordable housing contributions are required in RDAs. These schemes are primarily influenced by build costs, sales values, and proportionate Section 106 contributions, rather than CIL. The SWC therefore considers that paragraph 7.6 is not fundamentally incorrect when read in the context of national policy and guidance, and that the proposed CIL rates are reasonable, justified, and compliant with both local and national policy objectives. Affordable housing contributions for these typologies were included in the viability testing, and this shows that the proposed CIL rates can be supported. The SWC will consider whether a minor modification is necessary to paragraph 7.6 in light of the representations received to clarify this. The Charging Schedule does not unfairly penalise small developers and has been expressly prepared to avoid outcomes that would undermine SME participation in housing delivery or the Government's small sites objectives. The SWC also recognises the cumulative impact of CIL alongside other policy requirements, including affordable housing, biodiversity net gain, ecological surveys and pre-commencement conditions. The CIL framework does, however, provide certain statutory flexibilities, including instalment policies to assist cashflow and, where circumstances meet the regulatory tests, the potential for relief. These mechanisms are intended to help manage viability pressures within the limits of the regulations. Matters relating to housing supply, market conditions and the overall delivery of the development plan are influenced by a wide range of factors beyond CIL alone. The Regulations do not require CIL rates to ensure that all development remains viable in all circumstances, but rather that the Charging Schedule, taken as a whole, does not put overall plan delivery at serious risk.
General comment	I am opposed to 'developers' doing ANY new building in the already over-developed Malvern Hills area. The only reason for building here is the failure of national governments in the last 20 years to control immigration and keep the population at a sustainable level. There should therefore be no building on any sites, much less greenfield and brownfield.	The Draft CIL Charging Schedule is not a plan-making document and does not determine whether development should or should not take place, nor does it allocate sites or set housing numbers. National planning policy requires local authorities to plan positively to meet objectively assessed needs for housing, employment and supporting infrastructure while protecting sensitive landscapes, including the Malvern Hills National Landscape. Decisions about the scale and location of development are made through the development plan, including the adopted South Worcestershire Development Plan Review, which are prepared in accordance with national planning policy and subject to statutory examination. The purpose of the CIL Charging Schedule is limited to setting how developer contributions are calculated where development is permitted through the planning system. CIL is intended to help fund infrastructure needed to support growth that is already planned for, not to promote or restrict development in principle.

		As such, while the SWC notes the respondent's opposition to further development, these comments are outside the scope of the Draft CIL Charging Schedule and cannot be addressed through changes to CIL rates or exemptions. The representation is therefore noted but does not raise matters directly relevant to the setting of the Charging Schedule.
General comment	The infrastructure is in desperate need of improvement, CIL is needed at a sensible level, not a token level I would consider thus a minimum level and increase in accordance to location	The SWC agrees that CIL plays an important role in contributing towards the delivery of infrastructure needed to support new development. In setting CIL rates, however, the SWC is required by the CIL Regulations 2010 (as amended) to strike an appropriate balance between: • Securing funding to support infrastructure delivery; and • Ensuring that the overall viability of development is not put at serious risk. The Draft Charging Schedule has been informed by independent viability evidence and seeks to set CIL rates at a level that can generate infrastructure funding while remaining deliverable across South Worcestershire. CIL rates are already differentiated by development type and location, reflecting variations in viability and market conditions, as required by national guidance. The Regulations do not permit the SWC to simply apply minimum or arbitrary rates, nor to increase charges without reference to robust viability evidence. Rates must be justified, proportionate and supported by evidence demonstrating that development can still come forward. The SWC notes the respondent's support for CIL in principle and their view that it should be set at a sensible level.
Impact on SME Developers	The CIL should not exist. It is a stealth tax that has crept in via the back door. This tax will be passed onto the consumer and therefore will increase house prices, making it more difficult for first time buyers and causing the housing market to stagnate further. If we accept that we have the CIL here to stay, a reasonable increase would be in line with inflation - not what you propose. The existence of CIL, and the payment timescale connected with CIL, has caused my business to delay construction of a residential home that could have been brought to market much sooner. I would like to see evidence that all CIL monies are actually spent on Community Infrastructure.	The SWC notes the respondent's views regarding Community Infrastructure Levy (CIL), including concerns that it operates as a "stealth tax", may be passed on to purchasers, and could affect market activity and delivery times. CIL is a nationally established mechanism, introduced through legislation, and local authorities that adopt it are required to operate within the framework set by the CIL Regulations 2010 (as amended). Its purpose is to help fund infrastructure needed to support development, alongside other mechanisms such as Section 106 planning obligations, public funding and service provider investment. The SWC cannot unilaterally remove CIL once adopted, nor can it operate outside the statutory framework. In setting CIL rates, the SWC is required to strike an appropriate balance between: • Securing funding to support infrastructure delivery; and • Ensuring that development viability is not put at serious risk. CIL rates cannot be set arbitrarily, solely by reference to inflation, nor can they be designed to maximise revenue. The Draft Charging Schedule has therefore been informed by independent, areawide viability evidence, which assesses the capacity of development to contribute towards infrastructure over the lifetime of the Charging Schedule. The proposed rates reflect changes in market values and costs since CIL was last adopted and are not intended to function as a general tax increase. The SWC notes the concern that CIL and its associated payment timescales can affect development cashflow and timing. The CIL framework does, however, allow for flexibility to help manage these issues, including: • Instalment policies, which enable payments to be phased over time rather than paid in full on commencement; and • Relief mechanisms in qualifying circumstances, where the statutory tests are met.

		These measures are intended to support development delivery while remaining compliant with the Regulations. With regard to the spending of CIL receipts, the SWC is required to ensure that all CIL monies are spent on infrastructure, as defined in the Regulations. Transparency is provided through the annual Infrastructure Funding Statement (IFS), which sets out: • CIL and Section 106 income collected; • Funds allocated and spent; and • Infrastructure projects or types of infrastructure that CIL is intended to support. The IFS is published annually and is publicly available, providing accountability for how developer contributions are used. The SWC recognises that wider housing market conditions and delivery challenges are influenced by a range of factors beyond CIL alone, including finance costs, build costs, regulatory requirements and market demand. While the views expressed regarding the overall operation of CIL are noted, the SWC considers that the Draft Charging Schedule has been prepared in accordance with statutory requirements and seeks to set rates at a level that supports infrastructure delivery without putting overall plan delivery at serious risk.
Impact on SME Developers	Paragraph / Clause 7.6 in particular includes a fundamentally incorrect statement - with almost all of the land around Wychavon and Malvern Hills being RDAs, affordable housing contributions are made on all developments. Sites of 1-9 dwellings in all villages in Wychavon and Malvern Hills must contribute to affordable housing, either through an off site contribution of £12,797 per unit for schemes of 1-4 dwellings, or on-site provision for schemes of 5-9 dwellings. The proposed CIL charges appear unfairly balanced to the detriment of small developers of housing schemes for 9 or less dwellings - whether on green or brown field sites. I find the proposed strangulation of small business ambition to be abhorrent. The proposed CIL charges will make it very difficult for small developers to operate, will reduce land values to the detriment of local people and businesses, and will harm the delivery of dwellinghouses.	The SWC acknowledges that, within Designated Rural Areas in Wychavon and Malvern Hills, adopted policy provides for affordable housing contributions on developments below the major development threshold. SWDPR Policy 19: *Meeting Affordable Housing Needs* allows for either commuted sums or onsite provision on schemes of 1–9 dwellings in RDAs, subject to defined thresholds. Paragraph 7.6 of the consultation document is intended to reflect national policy principles rather than to negate the existence of locally specific rural exception thresholds. National guidance, including the Planning Practice Guidance and the Written Ministerial Statement of 19 February 2024, is clear that charging authorities should not seek to compensate for the absence of affordable housing obligations on nonmajor development by applying higher CIL rates to those schemes. This principle applies irrespective of the presence of local rural policies and seeks to protect the viability and delivery of small sites and SME led development. The Draft Charging Schedule does not apply higher residential CIL rates to developments of 9 dwellings or fewer in order to reflect affordable housing exemptions or reduced policy burdens. Where differential rates are applied, they are based on location, land type (greenfield or brownfield), and robust viability evidence, rather than site size alone. While the SWC viability appraisals indicate that small sites can, in purely theoretical terms, demonstrate higher residual values due to reduced policy burdens, national policy expressly advises that this should **not** be used as justification for higher CIL charges on nonmajor development. The Draft Charging Schedule has been prepared in full compliance with this guidance. The SWC does not agree with the assertion that the proposed CIL rates “strangle” small developer ambition or render small sites unviable. Viability testing undertaken for the Charging Schedule demonstrates that residential schemes of fewer than 10 dwellings remain viable across both greenfield and brownfield sites, even where affordable housing contributions are required in RDAs. These schemes are primarily influenced by build costs, sales values, and proportionate Section 106 contributions, rather than CIL.

		The SWC therefore considers that paragraph 7.6 is not fundamentally incorrect when read in the context of national policy and guidance, and that the proposed CIL rates are reasonable, justified, and compliant with both local and national policy objectives. Affordable housing contributions for these typologies were included in the viability testing, and this shows that the proposed CIL rates can be supported. The SWC will consider whether a minor modification is necessary to paragraph 7.6 in light of the representations received to clarify this. The Charging Schedule does not unfairly penalise small developers and has been expressly prepared to avoid outcomes that would undermine SME participation in housing delivery or the Government's small sites objectives.
Impact on SME Developers	Proposed uplifts in charging are outside of government guidelines in respect of inflation and cost of living control. Proposed fees are unjustified and will discourage the wider range of development size necessary to meet new house building targets. Unjustified, too high and counter productive. The proposal, if adopted will be damaging the SME's in this country who are the most able to contribute to solving the housing supply crisis.	The SWC notes the concerns raised regarding the scale of the proposed CIL uplifts, their relationship to inflation and cost-of-living pressures, and the potential impacts on development viability, particularly for small and medium sized developers (SMEs). CIL rates are not required, nor permitted, to be set solely by reference to general inflation or cost-of-living indices. Under the CIL Regulations and national guidance, charging authorities must instead rely on robust, areawide viability evidence to determine the level of CIL that development can reasonably support, while ensuring that infrastructure funding can be secured to support growth. The Draft Charging Schedule has therefore been informed by independent viability assessment, reflecting changes in values, costs and policy requirements since the existing Charging Schedules were adopted. The SWC does not accept that the proposed rates are unjustified or arbitrary. They have been derived through detailed appraisal of different development typologies and locations across South Worcestershire and are intended to strike the balance required by the Regulations between: • Securing meaningful contributions towards infrastructure; and • Ensuring that the overall delivery of development is not put at serious risk. The SWC recognises the important role that SME developers play in housing delivery, particularly in bringing forward small and windfall sites and supporting local supply chains. The potential impacts of CIL on SMEs and smaller schemes have been raised consistently through the consultation and are therefore carefully noted. However, CIL charging schedules must be informed by areawide evidence, rather than tailored to the circumstances of individual operators, and cannot be used to selectively favour or disadvantage particular developer types. It is also important to note that CIL operates alongside a range of statutory flexibilities intended to mitigate impacts on development delivery, including instalment policies to assist cashflow and, in qualifying cases, relief mechanisms provided for by the Regulations. The Regulations do not require the Charging Schedule to ensure that development remains viable in all circumstances, nor to eliminate commercial risk. They require that, taken in the round, the proposed rates do not threaten the overall delivery of the development plan. The viability evidence indicates that, across South Worcestershire, this balance has been achieved.
CIL Viability Report Evidence Base	The conclusions are followed through. The baseline profit for 10-49 houses with an affordable content of 40% provides a combined baseline percrntage of 14%.This is after charging the £54.70 CIL. There is considerable margin for increasing the CIL to £120 for greenfield sites. Table 10.1For sites of 50 or more on greenfield land ,with a baseline of 14% there is margin also to increase. the rate to above £157 .	The SWC notes the representation expressing support for the approach taken in the Draft Charging Schedule and the view that the conclusions of the viability evidence have been appropriately followed through. The viability evidence demonstrates that, for greenfield residential schemes, particularly those in the 10–49 dwelling range with a policy compliant level of 40% affordable housing, development can achieve a baseline developer return of around 14%, inclusive of the proposed CIL rate of £54.70/m^2. Similarly, the

		evidence indicates that larger greenfield schemes (50+ dwellings) also show a margin above the baseline return assumption, even once CIL liabilities are taken into account. The SWC acknowledges the respondent's conclusion that these margins could suggest capacity for higher CIL rates on certain greenfield developments. However, it is important to clarify that the purpose of the Charging Schedule is not to capture the maximum theoretical surplus shown in individual appraisals. Under the CIL Regulations, the SWC must instead set rates that strike an appropriate balance, ensuring that: • Development across the area remains deliverable over the life of the plan; • Viability is not undermined by cumulative policy requirements, market variability, or changes in economic conditions; and • A range of site sizes, locations and developer types, including SMEs and more marginal schemes, can continue to come forward. While some site typologies may show headroom above the assumed profit benchmark, the viability evidence must be considered in the round, recognising that not all schemes achieve average or above average outcomes. The Charging Schedule also needs to remain robust to future cost increases, market softening and policy burdens, rather than being calibrated only to the strongest greenfield scenarios. The proposed rates therefore reflect a prudent and evidence led judgement, rather than the maximum rates suggested by individual appraisals. The SWC considers that the Draft Charging Schedule appropriately reflects the conclusions of the viability evidence while maintaining flexibility and resilience across the housing market.
Infrastructure Provision	The CIL should be spent on specific projects such as increasing the inpatient beds at Worcester Royal, cycle paths between Worcester and Evesham and Malvern certainty of foul water systems, improvement in community green space for both new communities and for existing settlements (community orchards, playing fields) and uniformity in school admissions ages.	The SWC notes the suggestions made regarding the types of infrastructure that CIL funding should support, including healthcare provision, active travel routes, wastewater infrastructure, community green space and education matters. CIL is intended to contribute towards a wide range of infrastructure required to support planned growth, as defined in the CIL Regulations. This can include healthcare facilities, transport and active travel infrastructure, green infrastructure and community facilities, where these are identified as priorities and are CIL compliant. The examples cited by the respondent may therefore fall within the broad categories of infrastructure that CIL could support, subject to evidence of need, deliverability and the availability of funds. However, CIL is a strategic and pooled funding mechanism, and it is not tied to individual developments or guaranteed to fund specific projects. Decisions on how CIL is allocated and spent are made by the relevant councils through its governance arrangements and are informed by the Infrastructure Delivery Plan, engagement with infrastructure providers, and evidence of need across South Worcestershire. Some infrastructure matters raised, such as hospital capacity, strategic transport corridors and wastewater systems, require coordination with statutory providers (for example the NHS, highways authorities and water companies) and are often funded through a combination of developer contributions, public investment and provider capital programmes. Education admissions policy sits outside the scope of CIL and is determined by the relevant education authority rather than through developer contributions. Transparency on infrastructure funding is provided through the annual Infrastructure Funding Statement (IFS), which sets out CIL and Section 106 income and expenditure and identifies infrastructure projects or

		types of infrastructure that CIL is intended to support. Future IFS documents may include additional or updated infrastructure priorities as needs and funding opportunities evolve.
CIL Viability Report Evidence Base	CIL Viability Report Dec 2025 (Aspinall Verdi): Recommendations – para 10.3 - Small schemes of <10 units should easily be able to contribute these CIL rates as they have no affordable housing, but this is subject to the Written Ministerial Statement (WMS) of 19 February 2024, which makes it clear that charging authorities should not apply higher CIL rates to non-major residential development on the basis that these schemes are not required to deliver affordable housing. This is to not undermine the objective of the Government's small sites policy, which is intended to support SME developers and improve housing delivery on minor sites. This is fundamentally incorrect. Almost all of Wychavon and Malvern Hills districts are designated rural areas, where affordable housing contributions are payable on even a single dwelling. The recommendations of this report which the proposed CIL increase are based on, is fundamentally incorrect. Sites of 1-9 dwellings in all villages in Wychavon and Malvern have to contribute to affordable housing, either through an off site contribution of £12,797 per unit for schemes of 1-4 dwellings, or on-site provision for schemes of 5-9 dwellings.	The SWC acknowledges that, within Designated Rural Areas in Wychavon and Malvern Hills, adopted policy provides for affordable housing contributions on developments below the major development threshold. SWDPR Policy 19: *Meeting Affordable Housing Needs* allows for either commuted sums or onsite provision on schemes of 1–9 dwellings in RDAs, subject to defined thresholds. Paragraph 7.6 of the consultation document is intended to reflect national policy principles rather than to negate the existence of locally specific rural exception thresholds. National guidance, including the Planning Practice Guidance and the Written Ministerial Statement of 19 February 2024, is clear that charging authorities should not seek to compensate for the absence of affordable housing obligations on nonmajor development by applying higher CIL rates to those schemes. This principle applies irrespective of the presence of local rural policies and seeks to protect the viability and delivery of small sites and SME-led development. The Draft Charging Schedule does not apply higher residential CIL rates to developments of 9 dwellings or fewer in order to reflect affordable housing exemptions or reduced policy burdens. Where differential rates are applied, they are based on location, land type (greenfield or brownfield), and robust viability evidence, rather than site size alone. While the SWC viability appraisals indicate that small sites can, in purely theoretical terms, demonstrate higher residual values due to reduced policy burdens, national policy expressly advises that this should not be used as justification for higher CIL charges on nonmajor development. The Draft Charging Schedule has been prepared in full compliance with this guidance. Viability testing undertaken for the Charging Schedule demonstrates that residential schemes of fewer than 10 dwellings remain viable across both greenfield and brownfield sites, even where affordable housing contributions are required in RDAs. These schemes are primarily influenced by build costs, sales values, and proportionate Section 106 contributions, rather than CIL. The SWC therefore considers that paragraph 7.6 is not fundamentally incorrect when read in the context of national policy and guidance, and that the proposed CIL rates are reasonable, justified, and compliant with both local and national policy objectives. Affordable housing contributions for these typologies were included in the viability testing, and this shows that the proposed CIL rates can be supported. The SWC will consider whether a minor modification is necessary to paragraph 7.6 in light of the representations received to clarify this. The Charging Schedule does not unfairly penalise small developers and has been expressly prepared to avoid outcomes that would undermine SME participation in housing delivery or the Government's small sites objectives.
CIL Viability Report Evidence Base	Proposed changes to more than double the CIL costs for small-medium developers exclusively. On Greenfield Sites, the charge is going from currently £54.70 per sq.m (risen with inflation from original £40 per sq.m charge) to £120 per sq.m for sites of 1-9 units. As an example, today a scheme of 4 x 250sq.m houses would pay a CIL charge of £54,700. Under the proposed CIL charges, this same scheme would now have to pay £120,000. However, on sites of 10-49 units on Greenfield land, the CIL charges stay at current levels, no proposed increase for these larger schemes.	The Draft Charging Schedule proposes differentiated rates by site size and location, reflecting the findings of the independent viability evidence. This evidence indicates that viability can vary significantly between: • Smaller and larger schemes; • Greenfield and brownfield land; and • Different development typologies and delivery models. The SWC acknowledges that the proposed CIL rate of £120/m^2 for greenfield sites of 1–9 dwellings appears a substantial increase compared with the current indexed rate. However, this rate is derived from updated viability testing which indicates that very small greenfield schemes typically benefit from lower

	Housing on Brownfield sites are current £0 CIL. But now proposed at £120 per sq.m just for small sites of 1-9 units, any major scheme for 10no. units + (typically the national housebuilders) would still be £0.	infrastructure requirements, simpler delivery, and higher sales values per unit, and therefore may be capable of supporting a higher CIL contribution in viability terms. By contrast, schemes of 10–49 dwellings are proposed to remain at £54.70/m^2, reflecting evidence that these schemes often face greater cumulative policy and infrastructure costs, more complex delivery, and higher exposure to market risk. The differentiation is therefore not intended to favour larger developers, but to reflect different viability characteristics identified in the evidence base. Similarly, the proposed differentiation on brownfield sites reflects the evidence that small brownfield schemes may benefit from strong values relative to size, while larger brownfield schemes frequently incur significant abnormal costs, remediation and infrastructure requirements that affect viability. The continued zero-rating of larger brownfield schemes reflects these constraints. It is important to emphasise that the Regulations do not require the SWC to apply uniform rates across all site sizes or to ensure that each category increases in the same proportion as historic charges. Rather, the SWC is required to balance: • The need to secure funding to support infrastructure; and • The requirement that CIL does not put the overall delivery of development at serious risk. CIL rates are therefore not set by reference solely to comparison with previous rates or individual illustrative schemes. The Regulations also do not permit the SWC to vary CIL on a case by case basis. The SWC recognises the important role of SME developers in housing delivery and the concerns raised about the cumulative impact of CIL alongside other policy requirements. These matters have been raised by multiple respondents and will be considered carefully in reviewing the Draft Charging Schedule. It should also be noted that the CIL framework includes statutory flexibilities, including instalment policies to assist cashflow and relief mechanisms in qualifying circumstances, which are intended to mitigate impacts on development delivery within the confines of the Regulations. The SWC does not accept that the proposals are designed to "exclusively" penalise SME developers. The proposed rates reflect areawide viability evidence rather than developer type, and seek to ensure that CIL contributions are aligned with the capacity of different forms of development to contribute, while maintaining overall housing delivery.
CIL Process and Spend	The council's have not been spending the millions of CIL monies they have been collecting over the past 8 and half years. Infrastructure Funding Statement – Wychavon 2024/25 Main Headlines from the IFS In 2024/25 the headline figures are: Community Infrastructure Levy a. £642,288.22 collected in total. b. £239,152.57 of which is allocated to parishes for their share. c. No CIL had been allocated or spent in previous years and none identified in 2024/25. Of the three South Worcestershire Councils, Wychavon and Malvern Districts have not yet spent any Community Infrastructure Levy (CIL) monies collected to date. However, Worcester City has utilised its CIL receipts, spending £144,000 during the 2024/25 monitoring year. Overall, the	The SWC confirms that the figures cited from the Wychavon 2024/25 IFS are correct and accurately reported in accordance with the statutory requirements. The SWC are required to publish an annual IFS to provide transparency on CIL and Section 106 income, expenditure and balances, and this has been done consistently by all three South Worcestershire Councils. It is important to clarify the nature and purpose of CIL. CIL is a strategic, pooled funding mechanism, and it is not unusual for receipts to be held and accumulated over several years before being allocated or spent. This reflects the fact that many infrastructure projects: • Are largescale and require sufficient pooled resources before delivery can commence; • Depend on coordination with statutory infrastructure providers and delivery partners; • Require detailed scoping, design, approvals and procurement prior to funding commitment. The absence of CIL spend in a given monitoring year does not indicate that funds are unnecessary, unused indefinitely, or being withheld inappropriately. Rather, it reflects the timing and scale of infrastructure delivery, which often does not align neatly with annual financial reporting periods.

	amount of CIL estimated to be collected from development in accordance with the adopted SWDP is judged to be approximately £6 million over the entire plan period.	The position across South Worcestershire also reflects differences in: • The volume and timing of CIL receipts; • Local infrastructure delivery models; and • The extent to which infrastructure has continued to be secured directly through Section 106 obligations, particularly for large and strategic sites. While Worcester City Council has begun allocating and spending CIL receipts, Wychavon and Malvern Hills have until recently relied more heavily on Section 106 agreements to deliver infrastructure. As CIL receipts continue to grow and infrastructure priorities are finalised, allocations are expected to increase, and this will be reflected in future Infrastructure Funding Statements. In the 2024/25 IFS Wychavon District Council has identified public realm improvements in Evesham as a suitable infrastructure project to spend CIL receipts. Malvern Hills District Council has also identified the delivery of Areas of Informal Recreation (AIRs) as a suitable infrastructure project for their CIL spend in the 2024/25 IFS. The estimate that approximately £6 million of CIL may be collected over the SWDP plan period represents a long-term cumulative figure, not an annual spending target. CIL is intended to supplement, not replace, other funding sources and does not equate directly to total infrastructure costs or immediate delivery requirements. The SWC recognises the importance of maintaining public confidence in the operation of CIL. Transparency is provided through the IFS, and future statements will continue to identify: • Infrastructure projects or types of infrastructure intended to be funded; • Funds allocated and spent; and • CIL balances retained for future delivery. The SWC considers that historic patterns of CIL expenditure do not undermine the justification for updating the Charging Schedule, which must be based on current and forward-looking viability evidence, rather than historic spending levels alone.
Impact on SME Developers	Therefore, when setting and revising CIL rates, charging authorities should consider the impact of such rates on small and medium sized developers. Rate setting in this context must be considered alongside the small sites policy and its aim to support small and medium sized developers particularly. As set out in the Written Ministerial Statement of 19 February 2024, higher residential CIL rates should not be set for developments which are not major developments on the grounds that these sites are not required to provide affordable housing contributions, because doing so erodes the underlying policy objective of the small sites policy. - Paragraph: 024 Reference ID: 25-024-20240219. The proposals run entirely contrary to this, incorrectly claiming that small sites within Wychavon and Malvern Hills are not liable for affordable housing provision when they are, and then setting higher CIL rates for smaller sites, but not larger sites.	The SWC acknowledges that, within Designated Rural Areas in Wychavon and Malvern Hills, adopted policy provides for affordable housing contributions on developments below the major development threshold. SWDPR Policy 19: *Meeting Affordable Housing Needs* allows for either commuted sums or onsite provision on schemes of 1–9 dwellings in RDAs, subject to defined thresholds. Paragraph 7.6 of the consultation document is intended to reflect national policy principles rather than to negate the existence of locally specific rural exception thresholds. National guidance, including the Planning Practice Guidance and the Written Ministerial Statement of 19 February 2024, is clear that charging authorities should not seek to compensate for the absence of affordable housing obligations on nonmajor development by applying higher CIL rates to those schemes. This principle applies irrespective of the presence of local rural policies and seeks to protect the viability and delivery of small sites and SME led development. The Draft Charging Schedule does not apply higher residential CIL rates to developments of 9 dwellings or fewer in order to reflect affordable housing exemptions or reduced policy burdens. Where differential rates are applied, they are based on location, land type (greenfield or brownfield), and robust viability evidence, rather than site size alone. While the SWC viability appraisals indicate that small sites can, in purely theoretical terms, demonstrate higher residual values due to reduced policy burdens, national policy expressly advises that this should

		not be used as justification for higher CIL charges on nonmajor development. The Draft Charging Schedule has been prepared in full compliance with this guidance. Viability testing undertaken for the Charging Schedule demonstrates that residential schemes of fewer than 10 dwellings remain viable across both greenfield and brownfield sites, even where affordable housing contributions are required in RDAs. These schemes are primarily influenced by build costs, sales values, and proportionate Section 106 contributions, rather than CIL. The SWC therefore considers that paragraph 7.6 is not fundamentally incorrect when read in the context of national policy and guidance, and that the proposed CIL rates are reasonable, justified, and compliant with both local and national policy objectives. Affordable housing contributions for these typologies were included in the viability testing, and this shows that the proposed CIL rates can be supported. The SWC will consider whether a minor modification is necessary to paragraph 7.6 in light of the representations received to clarify this. The Charging Schedule does not unfairly penalise small developers and has been expressly prepared to avoid outcomes that would undermine SME participation in housing delivery or the Government's small sites objectives.
Impact on SME Developers	We disagree with "Recommendations – para 10.3 - Small schemes of <10 units should easily be able to contribute these CIL rates as they have no affordable housing, but this is subject to the Written Ministerial Statement (WMS) of 19 February 2024, which makes it clear that charging authorities should not apply higher CIL rates to non-major residential development on the basis that these schemes are not required to deliver affordable housing. This is to not undermine the objective of the Government's small sites policy, which is intended to support SME developers and improve housing delivery on minor sites." This is fundamentally incorrect. Almost all of Wychavon and Malvern Hills districts are designated rural areas, where affordable housing contributions are payable on even a single dwelling. The recommendations of this report which the proposed CIL increase are based on, is fundamentally incorrect. Sites of 1-9 dwellings in all villages in Wychavon and Malvern have to contribute to affordable housing, either through an off site contribution of £12,797 per unit for schemes of 1-4 dwellings, or on-site provision for schemes of 5-9 dwellings.	The SWC acknowledges that, within Designated Rural Areas in Wychavon and Malvern Hills, adopted policy provides for affordable housing contributions on developments below the major development threshold. SWDPR Policy 19: *Meeting Affordable Housing Needs* allows for either commuted sums or onsite provision on schemes of 1–9 dwellings in RDAs, subject to defined thresholds. Paragraph 10.3 of the consultation document is intended to reflect national policy principles rather than to negate the existence of locally specific rural exception thresholds. National guidance, including the Planning Practice Guidance and the Written Ministerial Statement of 19 February 2024, is clear that charging authorities should not seek to compensate for the absence of affordable housing obligations on nonmajor development by applying higher CIL rates to those schemes. This principle applies irrespective of the presence of local rural policies and seeks to protect the viability and delivery of small sites and SME led development. The Draft Charging Schedule does not apply higher residential CIL rates to developments of 9 dwellings or fewer in order to reflect affordable housing exemptions or reduced policy burdens. Where differential rates are applied, they are based on location, land type (greenfield or brownfield), and robust viability evidence, rather than site size alone. While the SWC viability appraisals indicate that small sites can, in purely theoretical terms, demonstrate higher residual values due to reduced policy burdens, national policy expressly advises that this should not be used as justification for higher CIL charges on nonmajor development. The Draft Charging Schedule has been prepared in full compliance with this guidance. Viability testing undertaken for the Charging Schedule demonstrates that residential schemes of fewer than 10 dwellings remain viable across both greenfield and brownfield sites, even where affordable housing contributions are required in RDAs. These schemes are primarily influenced by build costs, sales values, and proportionate Section 106 contributions, rather than CIL. The SWC therefore considers that paragraphs 7.6 and 10.3 is not fundamentally incorrect when read in the context of national policy and guidance, and that the proposed CIL rates are reasonable, justified, and compliant with both local and national policy objectives. Affordable housing contributions for these typologies were included in the viability testing, and this shows that the proposed CIL rates can be supported. The SWC will consider whether a minor modification is necessary to paragraph 7.6 in light of

		the representations received to clarify this. The Charging Schedule does not unfairly penalise small developers and has been expressly prepared to avoid outcomes that would undermine SME participation in housing delivery or the Government's small sites objectives.
Accessibility of consultation	The consultation document is highly technical and difficult for a layperson to understand. It relies heavily on jargon and acronyms, many of which are not clearly explained. Parish councils are largely run by volunteers without specialist planning expertise. Consultation materials should therefore be accessible and clearly explain how the proposals affect local communities. The document would have benefited from a plain-English summary and practical examples showing how CIL will operate. Without these, it is difficult for parish councillors to confidently identify the key implications of the policy and represent their communities effectively.	The SWC acknowledges the concerns raised regarding the technical nature of the Draft CIL Charging Schedule and recognises that parish councils are often run by volunteers without specialist planning expertise. The importance of ensuring consultation materials are accessible and enable meaningful engagement from local communities is fully recognised. The Draft Charging Schedule is, by necessity, a technical statutory document, as it must comply with detailed requirements set out in the Community Infrastructure Levy Regulations and be supported by viability evidence. As a result, the use of specific terminology, acronyms and technical language cannot be entirely avoided within the formal document itself. However, to support lay readers and nonspecialists, the SWC provided a plain language CIL Information Sheet alongside the consultation materials. This Information Sheet was specifically prepared to: • Explain the purpose of CIL in clear, nontechnical terms; • Summarise the proposed changes to CIL rates; • Outline how CIL operates alongside Section 106 obligations; and • Assist parish councils and community representatives in understanding the potential implications for their areas.
Neighbourhood Planning	The proposed arrangements appear to significantly disadvantage parish councils without a Neighbourhood Development Plan, as parishes with an NDP receive 25% of CIL, whereas those without receive just 15%. Many smaller parish councils do not have the resources or capacity to prepare a neighbourhood plan (at least a two-year commitment). No advance notice appears to have been given that the introduction of CIL would create this disparity in funding. Consideration should therefore be given to transitional arrangements, additional support for neighbourhood planning, or mechanisms to ensure that parishes most affected by development are not disadvantaged. It is patently unfair that Whittington, one of the parishes most impacted by the Wychavon Town proposals will receive far less CIL funding than other parishes with more modest impacts.	The proportion of CIL passed directly to parish and town councils is set out in national legislation, not by the local authority. Under the Community Infrastructure Levy Regulations, parishes with an adopted neighbourhood plan are entitled to receive 25% of CIL receipts, while those without an adopted plan receive 15%, subject to any applicable caps. These arrangements are intended by Government to incentivise neighbourhood planning and reflect the enhanced role that neighbourhood plans play within the statutory development plan framework. It is important to clarify that the decision to prepare, progress and adopt a neighbourhood plan rests entirely with each individual parish council, not with the charging authority. The SWC cannot require a parish to undertake neighbourhood planning, nor can it vary the statutory CIL percentages or introduce transitional arrangements that would override the Regulations. The SWC recognises that preparing a neighbourhood plan can represent a significant commitment, particularly for smaller parish councils reliant on volunteers. However, funding and technical support are available to assist any parish that wishes to commence neighbourhood planning, and each SWC council provides advice and procedural support throughout the process for those that choose to do so. The Draft CIL Charging Schedule does not introduce the neighbourhood proportion arrangements, nor does it alter how they operate. These arrangements have applied nationally since CIL was introduced and are not discretionary. While the SWC notes the concern that some parishes without neighbourhood plans may be significantly affected by development, the Regulations do not allow for differentiated CIL passthrough arrangements based on impact alone. In addition to the neighbourhood portion retained by parishes, the SWC will continue to allocate the strategic portion of CIL it retains in a way that seeks to address infrastructure needs arising from growth, including in communities most directly affected by development. Decisions on such spending are reported transparently through the annual Infrastructure Funding Statement.

		The comments regarding Whittington parish and the impacts associated with the Wychavon Town proposals are noted. These issues relate to the future allocation and prioritisation of infrastructure funding rather than the setting of CIL rates, and will continue to be considered through infrastructure planning and the Infrastructure Funding Statement process. For direct mitigation related to impacts on the area as a result of Wychavon Town, these will be secured through S106 Agreements and onsite infrastructure provision, as set out in Policy SWDPR 55 Worcestershire Parkway, the Worcestershire Parkway IDP, the Wychavon Town SPD, and consultation at planning application stage.
CIL Process and Spend	Greater clarity is required regarding how CIL funds will be allocated and managed. In particular: • How will the South Worcestershire councils ensure that CIL generated by development is spent on infrastructure related to the communities affected by that development? • Can other areas or authorities access CIL funding generated locally? • How will decisions be made about which projects are prioritised? • When do developer contributions actually become available? • How and when can parish councils apply for funding? • Who decides which projects are funded and when? For communities directly affected by development, it is important that funding generated locally is used to mitigate local impacts. A clear and simple guide explaining the process for parish councils would be very helpful. In relation to Whittington parish specifically, CIL funding should therefore support local measures such as green buffers between residential areas (Pershore Road) and new commercial development, as well as community green space and recreational facilities.	CIL is intended to address the cumulative impact of development and is a strategic, pooled funding mechanism. While CIL is not required to be spent on the exact site or parish from which it is generated, the Councils seek to ensure that spending supports infrastructure needs arising from growth, including in communities most directly affected. Local impacts are an important consideration when identifying and prioritising infrastructure projects. CIL receipts are retained by the relevant charging authority (Wychavon District Council, Malvern Hills District Council, or Worcester City Council). Funds may only be spent on infrastructure within the authority's administrative area, or on infrastructure outside the area where it directly supports development within it. CIL cannot be freely transferred to unrelated areas or authorities. Decisions on which projects are funded and when are informed by: • The Infrastructure Delivery Plan and other evidence of infrastructure need; • Growth priorities arising from the South Worcestershire Development Plan Review; and • The availability and timing of CIL receipts. Funding decisions are made through the Councils' established governance and delegated decision-making arrangements. CIL becomes payable on commencement of development, in accordance with the approved Instalment Policy, where applicable. As a result, funding becomes available incrementally over time as development comes forward, rather than in advance. A proportion of CIL receipts (the neighbourhood portion) is automatically passed directly to parish and town councils in accordance with the CIL Regulations. Parish councils can use these funds to support local infrastructure priorities. Where CIL is retained by the charging authority, parish councils may put forward suggested projects or local priorities for consideration, although final decisions rest with the relevant Council. Transparency is provided through the annual Infrastructure Funding Statement (IFS), which sets out CIL and Section 106 income, expenditure, and the types of infrastructure intended to be funded. The SWC recognise that a clearer and simpler guide for parish councils would be helpful and will continue to consider how guidance and communication on CIL processes can be improved. The comments regarding Whittington parish, including the need for green buffers, community green space and recreational facilities, are noted. Such infrastructure may be capable of being funded through CIL where it meets regulatory requirements and has been identified as a priority. These matters relate to future CIL spending decisions, rather than the setting of CIL rates, and will be considered through infrastructure planning and the IFS process. For direct mitigation related to impacts on the area as a result of Wychavon Town, these will be secured through S106 Agreements and onsite infrastructure provision, as set out in Policy SWDPR 55 Worcestershire Parkway, the Worcestershire Parkway IDP, the Wychavon Town SPD, and consultation at planning application stage.

General Comment	Infrastructure Delivery and Consistency There appear to be inconsistencies between different consultation materials. For example, references to early delivery of the proposed Boulevard appear to conflict with other consultation information suggesting development of the Pershore Road area may not occur for many years. The supporting 'Worcestershire Parkway Infrastructure Delivery Plan 2024' also identifies significant infrastructure constraints, including limited water management capacity that must be addressed before development begins. However, there is currently little detail on how this infrastructure will be delivered.	The Draft CIL Charging Schedule consultation is limited in scope to the setting of proposed CIL rates and does not set out site-specific infrastructure schemes, delivery phasing or detailed design proposals. There are no references to the proposed Boulevard at Wychavon Town within the draft CIL Charging Schedule. References to infrastructure such as the proposed Boulevard and the timing of development along Pershore Road arise from separate processes, including the draft Wychavon Town Supplementary Planning Document (SPD), developer-led planning consultations, and supporting infrastructure evidence. These documents serve different purposes and are consulted on independently. Any apparent differences in timing or emphasis reflect their distinct roles rather than inconsistencies within the CIL Charging Schedule itself. The Worcestershire Parkway Infrastructure Delivery Plan (IDP) 2024 identifies a range of infrastructure constraints, including water management capacity, that must be addressed to support development. The IDP is a strategic document that will be updated regularly and identifies infrastructure needs and constraints but does not always specify funding sources, delivery mechanisms or phasing in detail. The resolution of such matters is typically progressed through: • Planning applications and associated Section 106 agreements; • Direct infrastructure provision by developers; • Investment programmes of statutory providers such as water utilities; and • Public sector funding where appropriate. Wychavon Town as a strategic allocation in the SWDPR is proposed to be exempt from CIL in the draft Charging Schedule. CIL is intended to operate as a strategic, pooled funding mechanism, contributing towards the cumulative infrastructure needs arising from development over time. It does not replace the need for site-specific infrastructure planning or detailed delivery arrangements, which are addressed through other elements of the planning system. The SWC recognises the importance of infrastructure being delivered in a timely and coordinated manner and will continue to work with developers, statutory infrastructure providers and other partners to address constraints identified in the IDP as proposals come forward. Updates on infrastructure priorities, funding and delivery will be reported through the Infrastructure Funding Statement, which provides transparency on how developer contributions are being used. The comments raised are noted; however, the issues identified relate to wider infrastructure planning and delivery matters rather than to the setting of CIL rates within the Draft Charging Schedule.
CIL Viability Report Evidence Base	There should be no situation where Greenfield is the same as Brownfield, such as 'Housing Greenfield (10-49 units)' where it stays at £54.70 as this makes up a huge section of developments and should be increased to £120/sqm. Brownfield should still be increased to the £54.70 for the same sized developments and other sizes as well. We also take exception to Build to Rent Accommodation being set at £0 as this should be separated into two categories where Social Rent properties for Councils and HAs should remain at £0, but any private Build to Rent should be charged at £120/sqm, otherwise it looks like a tax dodge for those who are buying up housing for personal gain.	The SWC acknowledges the view that greenfield and brownfield developments should not be subject to the same CIL rates and that greenfield schemes may, in some circumstances, demonstrate stronger viability. The Draft Charging Schedule, however, has been informed by independent, area-wide viability evidence, which assesses a range of development typologies, sizes and locations and considers viability in the round. For residential development in the 10–49 dwelling category, the evidence shows variability in viability across both greenfield and brownfield sites, reflecting differences in land values, remediation costs, infrastructure requirements and market conditions. While some greenfield schemes may be capable of supporting higher CIL rates, others—particularly those with abnormal infrastructure costs or policy

		burdens—may be more marginal. The SWC is therefore required under the CIL Regulations 2010 (as amended) to adopt rates that strike a balance between securing infrastructure funding and ensuring that overall housing delivery is not put at serious risk. The Regulations do not require Charging Schedules to capture the maximum theoretical capacity of the strongest sites, nor to differentiate solely on the basis of land type where the evidence supports a more cautious approach. The SWC considers that maintaining the proposed rates for this band reflects the need to support delivery across a wide range of sites and developer types, including SMEs. The SWC notes the objection to Build to Rent (BtR) accommodation being zero-rated and the suggestion that a distinction should be made between affordable or publicly delivered rental housing and private BtR schemes. The proposed treatment of BtR within the Draft Charging Schedule is informed by the viability evidence and national policy considerations. BtR schemes typically operate on different business models, with longer investment horizons, stabilised yields rather than upfront sales values, and distinct cost and financing structures. The evidence indicates that applying CIL to BtR in the same way as build-for-sale housing could adversely affect scheme viability and the delivery of professionally managed rental housing, which forms part of the wider housing mix supported by national planning policy. CIL legislation does not permit the SWC to differentiate rates based on the ownership intent or perceived profit motive of development, nor to apply differential charges within a single use class in the way suggested. Any differentiation must be supported by viability evidence and applied in a consistent and transparent manner across the charging area. The SWC considers that the proposed residential and Build to Rent rates set out in the Draft Charging Schedule are evidence-led, proportionate and compliant with the CIL Regulations. While the respondent's preference for higher rates on certain forms of development is noted, the Charging Schedule must reflect viability across the whole market rather than targeting individual development types perceived to generate higher returns.
Accessibility of consultation	Councillors should have had a meeting with the Authors of the document to go through and discuss it with them, and ask questions. Why did this not happen? The documents are large and we are not experts, so not sure how we are supposed to know if it is all legal or not. That should be a question for the Council Legal Department.	The draft Charging Schedule was taken to the Joint Advisory Panel within the SWC on 14 January 2026 for discussion and to give officers and councillors opportunity to provide comments and ask questions. It was then taken to the below committee and council sessions to allow councillors to scrutinise the documents, ask questions, and for the SWC to seek authority to consult, make minor modifications, and to submit for Examination: • Full Council at Malvern Hills District Council – 20 January 2026 • Place and Economic Development Committee at Worcester City Council– 26 January 2026 • Special Council at Wychavon District Council – 21 January 2026