

Prepared for the Mayor of London and Transport for London

MCIL2 DCS Viability Evidence Base

Viability Evidence Base for the Mayoral Community Infrastructure Levy 2
Draft Charging Schedule
November 2017



Contents

1	Introduction.....	2
2	Our approach to MCIL2	9
3	Residential and commercial values	12
4	Do viability characteristics suggest that a rise in core CIL rates could be accommodated?	18
5	MCIL1 and BCIL.....	21
6	Flat or variable rates	25
7	Other zones considered	26
8	Proposed MCIL2 charging schedule.....	27
9	Assessment of impact on economic viability.....	29
10	MCIL2 Central London charging area.....	35
11	Affordable Housing.....	40
12	MCIL3?.....	43

[Appendix A - Table 6.1 of the London Plan](#)

[Appendix B – Workings for illustrative viability examples](#)

[Appendix C - Summary of updates to Viability Evidence Base between PDCS and DCS stages](#)

Comment [a1]: Need Appendix B to show the changes log between the PDCS viability evidence and the current version

1 Introduction

Comment [a2]: Could we have both a clean and a tracked changes version of the final iteration of the viability evidence base?

1.1 Definitions

1.1.1 For clarity, the Mayoral Community Infrastructure Levy (Mayoral CIL or MCIL), introduced in April 2012 will be referred to as the Mayoral Community Infrastructure Levy 1 (Mayoral CIL 1 or MCIL1) throughout this document. A continuation of MCIL1 is proposed from April 2019, which is referred as Mayoral Community Infrastructure Levy 2 (Mayoral CIL 2 or MCIL2).

1.2 The Current MCIL1 Charging Schedule

1.2.1 As part of the funding arrangements with Government for the Crossrail project, the Greater London Authority (GLA) and Transport for London (TfL) committed to raise £600 million from general property development in London by March 2019. TfL and the GLA are well on track to meet this commitment from the Mayoral Community Infrastructure Levy 1 and the Crossrail Section 106 (S106). MCIL1 is a charge on new development as set out in the CIL regulations. More details can be found in the 'Use of Planning Obligations in the Funding of Crossrail, and the Mayoral Community Infrastructure Levy,' Supplementary Planning Guidance, updated in March 2016.

1.2.2 Before the introduction of MCIL1, JLL, acting as viability consultants to TfL and the GLA, assisted in preparing viability evidence to support the proposed rates and to ensure that the levy did not make development across the capital unviable by placing an undue financial burden on developers. The viability evidence and the draft charging schedules went through the Examination in Public (EIP) in November / December 2011.

Comment [a3]: JLL also provided advice on Crossrail s106 implementation

1.2.3 Mayoral CIL 1 came into force on 1 April 2012 and has raised circa ~~£342-440 million to September 2017Q3~~ ~~2016-17~~. The rates vary by London borough, broadly reflecting the average house prices across three charging bands. The rates, excluding indexation are as follows:

Comment [a4]: Minor point – it might be worth to update the actual receipt figures (both MCIL and s106) to the latest available ones throughout the document. These are almost a year out of date.

- **Band 1 (£50 per sq m)** – Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth
- **Band 2 (£35 per sq m)** – Barnet, Brent, Bromley, Ealing, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, Merton, Redbridge, Southwark, Tower Hamlets
- **Band 3 (£20 per sq m)** – Barking and Dagenham, Bexley, Croydon, Enfield, Havering, Newham, Sutton, Waltham Forest

Comment [a5]: £440m to and including Q2 17/18

1.2.4 When using the term "borough" for convenience we include the City of London. Since the Charging Schedule was adopted two Mayoral Development Corporations have been formed; the OPDC and LLDC. These are collection authorities for CIL purposes and charge MCIL1 at the rates referred to above according to the geography of the underlying borough.

1.2.5 The MCIL1 charging bands have been coloured red, blue and green for ease of analysis and comparison. Table 1 below provides a breakdown of MCIL1 receipts by borough up to December 2016.

Table 1: MCIL1 receipts by borough to Q3 2016-17

Borough/Authorities	Total MCIL1 revenue to Q3 2016-17 (including indexation)
Tower Hamlets	£38,241,100
City of Westminster	£31,177,930
Hammersmith and Fulham	£23,484,321
Southwark	£22,777,993
Wandsworth	£20,635,614
Lambeth	£20,582,965
City of London	£16,023,554
Hackney	£14,567,975
Camden	£13,785,895
Greenwich	£13,485,246
Islington	£13,139,156
Barnet	£12,677,179
Hounslow	£11,222,719
Brent	£10,646,789
Hillingdon	£8,859,294
LLDC	£8,771,795
Kensington and Chelsea	£6,312,413
Haringey	£5,538,333
Bromley	£5,322,620
Lewisham	£5,272,960
Ealing	£4,402,867
Newham	£4,217,633
Harrow	£3,613,860
Merton	£3,558,492
Enfield	£3,385,660
Kingston upon Thames	£3,274,393
Bexley	£2,914,328
Richmond upon Thames	£2,900,316
Croydon	£2,870,503
Waltham Forest	£2,387,147
Sutton	£2,283,702
Barking and Dagenham	£1,206,532
Redbridge	£1,076,479
Havering	£940,107
OPDC	£179,367
Total	£341,737,237

Comment [a6]: Need to update the table for the latest quarters' results – the numbers are 3 quarters out of date
Neil's quarterly update

- 1.2.6 The London boroughs and LLDC (collecting authorities) started collecting MCIL1 on behalf of the Mayor in April 2012. OPDC temporarily devolved the reporting and collection of MCIL1 to its underlying boroughs upon its creation in April 2015.
- 1.2.7 It can be seen that those boroughs which have seen the most development tend to be those where the MCIL1 level is in bands 1 & 2 i.e. the highest and middle levels.
- 1.2.8 The Crossrail S106 charge was introduced in April 2010. Crossrail S106 is charged on commercial development in the Central London Crossrail S106 contribution area. The S106 contribution area is a modified version of the Central Activities Zone (CAZ) and an area covering part of the Isle of Dogs as well as 1km radius zones around all Greater London Crossrail stations (except Woolwich). Since inception, total Crossrail S106, contributions have reached ~~£96106m~~ drawn from around 150 different developments with, we are instructed, no significant issues needing to be addressed in respect of viability implications.
- 1.2.9 The Crossrail Funding S106 policy mitigates the transport impacts of development and runs until early 2019 by which time the Crossrail service is expected to be operational as the Elizabeth line. It is currently anticipated that TfL's target of raising £600 million for Crossrail through both the S106 policy and MCIL1 will be met during the financial year 2018/19. It is proposed to transition from the current Crossrail S106 and MCIL1 arrangements, to only having MCIL2, from 1 April 2019.
- 1.2.10 Following the implementation of MCIL1 in April 2012, the GLA and TfL, supported by JLL, have undertaken two Biennial Reviews, one in 2014 and another in 2016 to ensure that the rates set for MCIL1 continue to be appropriate.
- 1.2.11 Regulation 59(2) as amended by the Community Infrastructure Levy (Amendment) Regulations 2012 states that CIL applied by the Mayor to funding infrastructure must be applied to funding the provision, improvement, replacement, operation or maintenance of roads or other transport facilities, including, in particular, funding for the purposes of, or in connection with, scheduled works within the meaning of Schedule 1 to the Crossrail Act 2008.
- 1.2.12 Regulation 14(1) as amended states that *'in setting rates (including differential rates) in a charging schedule, a charging authority must strike an appropriate balance between (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.'*
- 1.2.13 Policy 6.1 of the London Plan 2016 makes it clear that transport infrastructure is central to the achievement of the wider objectives set out in paragraph 1.53 of the Plan. Paragraph 6.2 of the Plan states *'that transport plays a fundamental role in addressing the whole range of his spatial planning, environmental, economic and social policy priorities. It is critical to the efficient functioning and quality of life of London and its inhabitants. It also has major effects – positive and negative – on places, especially around interchanges and in town centres and on the environment, both within the city itself and more widely. Conversely, poor or reduced accessibility can be a major constraint on the success and quality of places, and their neighbourhoods and communities...particularly committed to improving the environment by encouraging more sustainable means of transport, through a cycling revolution, improving conditions for walking, and enhancement of public transport.'*
- 1.2.14 For any chargeable development permitted before April 2019, but implemented after this date, when Crossrail construction is expected to complete, the GLA and TfL intend to continue collecting a Mayoral CIL, (referred to as MCIL2 for the purposes of this evidence) in order to assist in financing Crossrail 2 or for the funding the

Comment [a7]: Should update the number for the latest figure - £106 million

improvement, replacement, operation or maintenance of roads or other transport facilities across the capital including the projects set out in table 6.1 of the London Plan 2016. See **Appendix A**.

- 1.2.15 Crossrail 2 is widely supported. In their report titled 'Funding Crossrail 2' (February 2014) London First describe Crossrail 2 as 'essential to support London's future growth and competitiveness as it becomes a city of 10 million people in the 2030s. Without Crossrail 2, the projected population and jobs growth will put intolerable pressure on the capital's transport network from the 2020s onwards. This is not just a quality of life point for Londoners: such an outcome would undermine London's productivity and growth in its contribution to both the wider UK economy and the UK's tax base.' (p.11). The report further goes on to describe developer contributions by way of Community Infrastructure Levy and Crossrail Section 106 as being possible sources of funding. In addition, the intensification of development along the new Crossrail 2 route is forecast to provide further economic benefit.¹
- 1.2.16 The National Infrastructure Commission report 'Transport for a World City', published in March 2016, states that: "The Commission's central finding, subject to the recommendations made in this report, is that Crossrail 2 should be taken forward as a priority. Funding should be made available now to develop the scheme fully with the aim of submitting a hybrid bill by autumn 2019. This would enable Crossrail 2 to open in 2033".²
- 1.2.17 GLA and TfL have instructed JLL to provide background viability evidence in support of MCIL2 and to consider proposed changes to the Charging Schedule in light of the "Balance Test" in Regulation 14 and other London Plan priorities.
- 1.3 Considerations when revising the Mayor's Charging Schedule
- 1.3.1 In setting the context for the proposed revisions to the Mayor's Charging Schedule it is instructive to consider the report by Examiner Keith Holland DipTP, MRTPI, MRICS issued on 22nd January 2012 in connection with MCIL1.
- 1.3.2 Mr Holland noted at the outset that because "the London situation is unique in so far as there is provision for both the Mayor and the boroughs to impose a Community Infrastructure Levy."
- 1.3.3 He grouped his responses following the Examination in Public under three headings:
1. The approach adopted by the Mayor,
 2. Viability Issues, and
 3. The Exceptions Policy.
- 1.3.4 Mr Holland accepted that undertaking viability analysis across the entire geography of Greater London presented a unique set of challenges as did the circumstances where MCIL1 would be levied in tandem with BCIL. He considered the basis of undertaking a viability study using residential house prices as a proxy for viability and he accepted the logic that starting with residential, given the quantum of residential development as a proportion of development as a whole, was appropriate. He said, "the approach adopted by the Mayor is logical and reasonable". He also considered the correlation with evidence of retail and office rents and found

¹ See 'Funding Crossrail 2,' London First (February 2014). Retrieved from: http://londonfirst.co.uk/wp-content/uploads/2014/02/LF_CROSSRAIL2_REPORT_2014_Single_Pages.pdf last accessed 20/03/2017

² See: 'Transport for a world city,' National Infrastructure Commission (March 2016). Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/506633/Transport_for_a_world_city_-_100316.pdf last accessed 20/03/2017

that a correlation was sufficiently strong to make the residential value approach suitable for adoption generally across other uses. (Para 12)

- 1.3.5 In considering residential values, the Mayor had put forward evidence based on average house prices and the basis for this (mean vs median) was considered to see if there was another way in which house prices might be judged. Mr Holland concluded *"there is no strong justification on viability grounds for recommending a change in approach."* (Para 22)
- 1.3.6 When considering what levels of MCIL1 might be appropriate the balance test set out in the regulations was referenced. In Paragraph 23 Mr Holland states *"the rate must be based on viability considerations balanced against the part that infrastructure proposed will play in the development of the area. The Mayor takes the legitimate view that although the benefit will not be spread evenly throughout London, Crossrail will be of strategic benefit for the whole of London and that all Boroughs will benefit to some extent."*
- 1.3.7 In Paragraph 42 Mr Holland considers arguments for reducing or setting a nil MCIL1 in Opportunity Areas. In Paragraph 43 he summarises his thoughts in the following way; *"the justification for excluding areas from the Mayor's Crossrail S106 arrangements does not apply when looking at a strategic London wide infrastructure project. I also accept the GLA point that to give the OA the advantage of a low or nil MCIL[1] rate on the grounds of promoting desirable development would run the risk of contravening the State Aid rules."*
- 1.3.8 In concluding on viability matters the Examiner says *"None of the representations were able to convincingly counter the argument advanced by the Mayor that the general impact of this charge would be very modest - in the order of 1% of the value of completed residential units. One percent is within the margin of error for most valuations and cannot be said to generally represent an intolerable burden. On the contrary the evidence presented to the examination strongly points to the MCIL[1] usually being a relatively unimportant factor in relation to viability. Obviously, some marginal schemes might be at risk but that is not the test for the acceptability of the level of the charge"*.
- 1.3.9 In the following sections of his report Mr Holland considers the Mayor's decision not to make use of the exceptional circumstances relief. Having reviewed the legislation the Examiner concluded that *"I am therefore not in a position to make a recommendation that will require the Mayor to change his present stance that relief for exceptional circumstances will not be made available."*
- 1.3.10 Paragraph 55 sets out the conclusion of the examination and what follows is that paragraph in full *"The Mayor has justified the need to raise a MCIL[1] to help to pay for a strategic transport facility for London. In order to assess the implication for the proposed charge for the viability of development in London as a whole the Mayor has adopted an approach which links viability with 2010 house prices. The reasonable assumption has been made that the higher value areas are likely to be the most robust in terms of development viability. A three band charging schedule is justified on the basis of Borough house prices. Given the extreme complexity of London and the SG [Statutory Guidance] about the nature of evidence required to justify charging schedules, the Mayor has sensibly adopted a very basic but fundamentally sound approach. The available evidence is that the charge proposed by the Mayor would represent a very small part of the cost of development and hence would not seriously threaten the economic viability of development across London."*

1.4 Market background for testing MCIL2 viability

1.4.1 Any study of viability must be considered against the wider health of the economy and property markets. Q3 2017 GDP growth was reported at 0.3%, slightly higher than market expectations but still lower than pre-EU referendum growth rates. The labour market continues to improve with strong job creation driving the unemployment rate down to an eight year low.

~~1.4.1 Any study of viability must be considered against the wider health of the economy and property markets. As we enter into 2017 initial estimates are that GDP was 2.4% higher in 2016 than the year before. This is higher than many commentators expected post the Brexit vote. JLL's in-house view is that this level is likely to moderate a little in 2017 partly due to the take-up in employment being hard to repeat due to a reduced available labour pool.~~

~~1.4.2 The Bank of England raised its benchmark short term interest rate from 0.25% to 0.5%, the first such rise in 10 years. The Bank of England followed with an announcement that at least another two rate rises would be needed over the next two years to control inflation. Inflation, which has recently hit 3% was one of the main factors in the Bank of England's decision to raise interest rates.~~

~~1.4.2 Inflation has risen to 1.6% per annum from close to zero with much of the rise attributed to the exchange rate effect that followed the pound depreciating against the dollar after the Brexit vote. Interest rates are rising in the USA and it is likely that UK will follow this trend.~~

1.4.3 Turning to the London property markets:

- ~~**Retail** – There has been no let up in occupier and investor appetite for Central London retail locations. The British Retail Consortium (BRC) reports a year on year increase in footfall for the 3 weeks before Christmas with much of this attributed to an increase in overseas visitors. Looking to the future for business rates re-evaluation which is effective from April 2017 is likely to have a negative effect on Central London locations and the opening of Crossrail will be positive. Outside of Central London the health of the retail market varies on a location by location basis, and is dependent on local market characteristics and competition. Big box retail particularly food stores has been relatively subdued as retailers adjust to changes in consumer preferences. **Retail** – retail spending has benefitted from the depreciation of Sterling, particularly from overseas visitors in the West End, however, costs of imports have also increased as a result. Demand from international retailers is also softening, with many reviewing plans for entry into the UK market. In addition, we have seen a general trend towards shortening lease lengths, however, headline rents appear to be robust. The impact of the business rates re-valuation has become more prominent in the occupier market, however, the pending opening of Crossrail remains a positive influence. Outside of Central London the health of the retail market varies on a location by location basis, and is dependent on local market characteristics and competition. Planning consent was recently granted for a new £1.4bn Westfield Shopping Centre in Croydon and demonstrates developer/investor confidence in the shopping centre format and the emergence of future retail destinations.~~
- ~~**Offices** – The London leasing market has so far remained resilient to slower economic growth. Q3 2017 take-up hit 3.3 million sq ft, bringing the year to date total to 8.1 million sq ft, 18% up on the 2016 total to end Q3 and comfortably ahead of long-term average levels. Take-up has been boosted by the rapid expansion of flexible office space in London, which has accounted for 17% of take-up in the year to date, equating to 1.4 million sq ft. West End vacancy rate falling from 5.0% to 4.4% in Q3. City supply edged up slightly to 4.8%, while supply in East London rose further, with vacancy rising from 6.8% to 8.1%, due to an increase in the level of second hand space available in Canary Wharf. The market was patchy during 2016 but finished relatively strongly. In the City and Docklands/East London there was take up of 6.5 million sq ft and there is 5.6 million sq ft under construction in the City (50% to finish this year and of the remainder approximately 50% is represented by 1 building – 22 Bishopsgate which is due to be delivered in 2019). Active demand is line with the 10-year average in the West End take-up last year amounted to 3.6 million sq ft (ahead of the 10-year average) and active demand is in the order of 3.8 million sq ft with just 2 million sq ft under development.~~
- ~~**Industrial** – Vacancy rates remain low, and there is no sign of this easing in the foreseeable future. 2017 will see continuing pressure on industrial land linked to growing housing need **and the pick-up in demand for leisure uses**. London has been losing its industrial land and as a result we are seeing more~~

Comment [a8]: Given we are now at the end of 2017, is it worth to update the narrative on the performance of the London property market?

interest in the intensification of industrial development. As a result, the intensification of industrial land remains high on the agenda, with proposals for multi-storey warehousing being considered by developers and occupiers. 2017 could see the first proposal for a multi-storey ramped warehouse development for 10 years. There will also be greater demand for local delivery centres and parcel centres in urban areas, driven by online retail and same-day and consolidated delivery services.

Residential— Legislative changes, such as those relating to stamp duty and the uncertainty around Brexit have led to weaker investment demand from overseas as well as from the domestic investment and owner-occupier buyers. In 2017 it is expected that build costs will increase due to the effect of the devalued pound sterling on imports. In addition, the Mayor has continued to push for higher affordable housing contributions. As a result of these factors, in contrast with the nearly 24,000 homes built in London during 2015, 2017 housing supply levels are expected to fall back closer to 16,000. In terms of pricing, Prime Central London is expected to be flat in 2017 with very little house price growth expected across Greater London over the year as the market absorbs the effect of Brexit uncertainty as well as the knock on impacts of higher consumer price inflation.

- Residential – The residential development market is proving more challenging in 2017, however, sales rates have been quite robust, including in central London. Prices have stabilised in 2017, following the discounting that took place in 2016. Demand has remained solid new Central London apartments, particularly at the lower end of the market where there is support from Help to Buy. Development starts, units under construction and completions are all at record levels, although, there is a shrinking in the number of units in the planning pipeline. The JLL published forecasts are for positive growth in house prices with the rate of growth increasing over the next 5 years.

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1.4.4 Overall supply remains tight and most markets show momentum despite political uncertainty.

1.4.5 Over the longer term we expect the cyclical nature of the property market to continue. However the underlying pressure of predicted population growth in London and limited land supply should lead to further value growth provided the underlying economy is healthy.

1.4.51.4.6 We have considered the comments received following publication of the Preliminary Draft Charging Schedule and have updated our evidence in light of these comments. The main changes can be found by referring to Appendix C - Summary of updates to Viability Evidence Base between PDCS and DCS stages.

2 Our approach to MCIL2

2.1 General approach to viability testing for MCIL2

2.1.1 A top down approach to viability testing is preferred for a London-wide viability assessment.

2.1.2 In considering the extant MCIL1 rates Mr Holland stated *“Overall in London the MCIL[1] would result in an average charge equivalent to 0.87% of the value of a house with a range around this mean from 0.48% to 1.13%. The 3 bands result in most boroughs ending up with a charge that is relatively close to the average of 0.87%. Hence the 3 bands represent a reasonable balance between complexity and fairness.”* (Para 19)

2.1.3 We believe this remains a good test to assess a proposed change to the levels for MCIL2. In addition we will take into account:

- changes in values across London since MCIL1 was introduced and whether the allocation of boroughs to the red, blue and green charging bands continues to be appropriate
- the growth in building costs and values since MCIL1 was introduced and whether there is any viability headroom to justify an increase in rates for MCIL2
- the impact of borough CILs on MCIL2 viability
- the impact of affordable housing policy

2.1.4 In the report titled *‘New Approach to Developer Contributions’* published by the CIL Review Team (October 2016) and chaired by Liz Peace, complexity is highlighted as one of the concerns about the way CIL is being implemented, see in particular section 3.8 of the report.³

2.1.5 The CIL Review Team reported that consultees found the system inflexible. However they made an exception for MCIL1. Paragraph 3.3.5 says *‘The only exception seems to be the single rate Mayoral CIL[1] imposed by the Mayor of London covering all development and set at a relatively low level to contribute to the funding for a specific piece of infrastructure, namely Crossrail. Despite some early complaints, this seemed to end up being broadly acceptable to all and indeed was frequently cited as a success story.’* Further, at paragraph 3.4.7 the CIL Review Team goes on to state *‘...the London Mayoral CIL[1] which provides an interesting example of how a relatively low level and simple levy applied across a wider economic area has been able to provide a contribution towards the funding for one large identified piece of infrastructure. It could well be argued that this is closer to how CIL was meant to operate in its simplicity, universal applicability and use than most of the CILs that have been introduced elsewhere.’*⁴

2.1.6 In light of the above, the Mayor proposes retaining a borough wide flat rate with a zero rate for development used wholly or mainly for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner and for development used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education.

2.1.7 However commercial uses, covered by the Crossrail S106 policy, have their own distinctive viability characteristics and developers are accustomed to paying Crossrail S106 contributions. The Mayor proposes to

³ See: *‘A New Approach to Developer Contributions’*, CIL Review Team (October 2016). Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589637/CIL_REPORT_2016.pdf last accessed 17/03/2017.

⁴ *Ibid*

roll these in to the MCIL2 charging regime. At present because of the way the Mayor allows MCIL1 payments in the Crossrail S106 contribution areas in central London and the Isle of Dogs to be set off against Crossrail S106 liabilities, the S106 is effectively a 'top-up' above the prevailing MCIL1 rates. This policy has been running since 2010 and so the overall quantum of payment is well understood and has been absorbed into the development economics in central London.

- 2.1.8 In considering commercial rates we will review the S106 charging area (including zones around stations) and will make proposals to amend or simplify it to reflect current viability characteristics.
- 2.1.9 Having considered the responses at the preliminary draft charging schedule stage there appears to be no appetite to increase complexity by changing the flat rate across the borough approach although inevitably there are parties with particular interests who suggest adverse impacts on particular schemes or geographies.
- 2.1.10 The overall tenor of those respondents that cited potential issues ~~concerned-related to~~ the cumulative impact of Mayor, Borough and other planning policies. Some respondents point specifically to the impacts on Opportunity Areas.
- 2.1.11 The test is whether the proposed rates set an appropriate balance between the need to fund infrastructure and the potential implications in terms of viability.
- 2.1.12 The impact of any levy needs to be assessed at the margin. There will always be schemes that are not viable and will not go ahead regardless of CIL. There will be others where the payment of CIL can easily be afforded. Finally there will be those on the cusp of viability – will these schemes or locations be delayed or cancelled because of MCIL?
- 2.1.13 The preferred approach by many development consultants supporting Borough CIL charging schedules has been to undertake viability testing across a variety of locations and uses usually measuring residual land values against a benchmark of Existing Use Value plus a margin. Buffers have been allowed to avoid Borough rates being set at the limits of viability.
- 2.1.14 Our approach is to consider the operation of the CIL regime in practice. The trend for MCIL1, to this point, has been of continuous annual increases in the amount of MCIL1 collected so far notwithstanding the introduction of Borough CIL during this period and the indexation of the rates charged.
- 2.1.15 Development volumes have commensurately increased. This confirms our opinion that the big factors for development viability economics are trends in values, building costs and confidence in the future and that the cumulative impact of CIL has not been a significant determinant on whether a scheme has proceeded or not.
- 2.1.16 Another way of testing this proposition is to consider the position where both MCIL1 and the Crossrail S106 policy are combined. If the Crossrail S106 obligations (set substantially above the corresponding Borough CIL rates) were impacting development, this would be evidenced by a negotiation of the Crossrail S106 top up. However, based on responses from the Boroughs in question and evidence supplied where "strategic" applications have been referred to the Mayor, very few reductions in the Crossrail S106 contributions have been negotiated, and none in the last three years.

Comment [a9]: This sentence is a bit unclear – replace 'concerned' with 'related to'?

Comment [n10]:

Comment [a11]: Need to check this point with Neil L

Comment [n12]: Fine with me. I probably provided to JLL in an earlier version. This is also consistent with para 1.2.8. Of course, what we can't say is that Crossrail s106 contributions have not had any effect of Affordable Housing provision, or reduced other s106 contributions.

- 2.1.17 This supports the view that the underlying level of MCIL1 has been affordable and in Central London and so have the higher levels of the Crossrail S106 contribution for commercial uses.
- 2.1.18 We will look at this subject further in Section 5.
- 2.1.19 There were concerns raised by some consultees at the PDCS stage about the continued use of a 'top down' approach, with Borough respondees-, citing site or geographically specific viability issues. However, the MCIL1 Borough wide approach was adopted for MCIL2, in order to avoid introducing complexity into the proposed charging schedule. Simplicity of Borough wide rates has to be weighed up against trying to seek a more nuanced approach with considerable complexity.
- 2.1.20 A flat rate MCIL1 charging schedule is embedded into this system and it is this to which the vast majority of Boroughs will have had regard when setting their own CIL. The ~~less-fewer~~ the differences in approach between MCIL1 and MCIL2, the easier it should be for it to be accommodated alongside existing and future Borough CIL charging schedules.
- 2.1.21 The top down approach is also both simpler to understand and to interrogate.
- 2.1.22 By way of example, the 'bottom up' approach seen in the Tower Hamlets Borough CIL Viability Evidence involved in the order of 400 viability appraisals, with the City of Westminster Viability Evidence introducing more than 2,500 viability appraisals, including sensitivities. If we extrapolate a London wide approach undertaken in a similar manner this could result in say 80,000 appraisals, including sensitivities, being required, suitably anonymised. This is a level of complexity that was ruled out by Mr Holland, Chief Examiner, for a London wide approach for MCIL1 and is not appropriate for a simple flat rate borough wide MCIL policy, an approach that was commended by the CIL Review Team⁵.

⁵ See: 'A New Approach to Developer Contributions,' CIL Review Team (October 2016). Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589637/CIL_REPORT_2016.pdf last accessed 10/11/2017.

3 Residential and commercial values

3.1 Residential and commercial development activity

- 3.1.1 In order to estimate the quantum of development activity and the split between residential and commercial uses we have drawn upon a number of data sources.
- 3.1.2 The most reliable data source is the net additional CIL paying floor space since this information is based on MCIL1 receipts at known rates per sq m across the boroughs. However, analysis of this data is complicated by the need to make assumptions to account for indexation and instalment provisions.
- 3.1.3 Analysis of MCIL1 receipts for the full year 2015-16 shows there has been in the order of 2.95 million sq m of net additional gross internal floor area. Data provided by the GLA based on planning applications shows that on average new development shows a circa 100% increase in density on site. This evidence suggests that total development in 2015-16 amounted to circa 5.9 million sq m.
- 3.1.4 Since collecting authorities do not report a breakdown of floor space by use, we have had to make estimates as to how floor area is split between uses drawing on various sources of information including the GLA (housing), CoStar (retail), AM:PM (hotels) and JLL (offices and other uses).
- 3.1.5 We recognise that there is likely to be inaccuracy in our calculations, however, the purpose of calculating the numbers in Figure 1 is not to provide precise data for analysis, but rather to gauge the orders of magnitude in terms of proportion of residential to commercial development.
- 3.1.6 We set out in Figure 1 below our estimate of the split between residential and commercial development activity.

Figure 1: Residential and commercial development activity estimates based on MCIL1 receipts data for FY 2015-16 (estimated)

	Gross Internal Area	
Net additional MCIL1 paying floor space (2015-16 receipts)	2,950,000	sq m
100% net increase (based on GLA data) say	5,900,000	sq m
Less:		
Offices	-809,333	sq m
Retail/Hotels	-404,667	sq m
Other uses say	-200,000	sq m
Total Gross residential floor space	4,486,000	sq m
Net increase in residential floor space say	2,243,000	sq m
Net increase in gross residential floor space incl. affordable housing at 15%	2,638,824	sq m
Net additional Homes (incl. affordable) GLA data (2015) rounded	29,737	homes
Area of each net additional home say	88.74	sq m
Make up of 2.95m sq m net additional area		
Residential CIL paying floor space	2,243,000	sq m
Commercial CIL paying floor space	707,000	sq m
Total	2,950,000	sq m

Source: TfL, GLA, JLL

3.1.7 This analysis suggests that circa 24% of all development in 2015-16 was commercial compared with 76% being residential. We conclude that residential remains the dominant development type in London and therefore continues to be an appropriate starting point for our analysis in setting borough by borough MCIL2 rates.

3.2 Mean vs Median

3.2.1 In the MCIL1 examination arguments were made for and against basing the analysis of house prices on average (mean) prices or using median house price data. The Examiner noted there was little difference whichever approach was taken.

3.2.2 Table 2, below, shows changes in average and median house price growth since the viability evidence for the original MCIL1 was prepared in 2010 to 2016. The Land Registry has since rebased their data since 2010 and so we show this in Table 2 for purposes of comparison.

Table 2: Average and median house price changes by MCIL1 charging bands

Borough	Average House Price (as per HPI data April 2010)	Borough	Average House Price (rebased HPI data April 2010)	Borough	Median House Price (as per ONS data Q1 2010)	Borough	Average House Price (as per HPI data November 2016)	Borough	Median House Price (as per ONS data Q2 2016)
Kensington and Chelsea	£866,295	Kensington and Chelsea	£818,816	Kensington and Chelsea	£700,000	Kensington and Chelsea	£1,303,778	Kensington and Chelsea	£1,200,000
City of Westminster	£623,963	City of Westminster	£590,583	City of Westminster	£525,000	City of Westminster	£1,021,027	City of Westminster	£950,000
Camden	£553,706	Camden	£499,767	Camden	£425,000	Camden	£872,390	City of London	£797,250
Hammersmith and Fulham	£494,064	Hammersmith and Fulham	£488,087	Hammersmith and Fulham	£425,000	City of London	£790,439	Camden	£750,000
City of London	£492,982	City of London	£458,246	City of London	£424,000	Hammersmith and Fulham	£744,965	Hammersmith and Fulham	£745,000
Richmond upon Thames	£430,008	Richmond upon Thames	£417,128	Richmond upon Thames	£387,000	Islington	£673,350	Wandsworth	£605,000
Islington	£423,250	Islington	£393,892	Wandsworth	£359,950	Richmond upon Thames	£650,272	Richmond upon Thames	£600,000
Wandsworth	£373,641	Wandsworth	£379,075	Islington	£350,000	Wandsworth	£609,373	Islington	£599,975
Hackney	£361,035	Barnet	£327,955	Barnet	£300,000	Hackney	£564,536	Hackney	£520,000
Southwark	£355,831	Haringey	£304,766	Tower Hamlets	£297,500	Haringey	£559,173	Southwark	£500,000
Barnet	£345,734	Hackney	£298,084	Lambeth	£285,000	Barnet	£534,221	Lambeth	£488,000
Tower Hamlets	£340,867	Kingston upon Thames	£295,162	Southwark	£285,000	Southwark	£532,071	Barnet	£465,000
Haringey	£333,591	Merton	£294,295	Kingston upon Thames	£280,000	Lambeth	£526,622	Haringey	£462,000
Lambeth	£331,534	Lambeth	£294,294	Hackney	£279,000	Merton	£507,901	Ealing	£459,950
Merton	£318,072	Southwark	£292,880	Brent	£272,250	Brent	£500,605	Merton	£450,000
Ealing	£315,637	Tower Hamlets	£288,964	Ealing	£270,000	Tower Hamlets	£484,861	Tower Hamlets	£446,700
Kingston upon Thames	£311,368	Harrow	£288,144	Haringey	£265,000	Kingston upon Thames	£479,238	Kingston upon Thames	£444,500
Brent	£302,630	Brent	£287,902	Harrow	£265,000	Ealing	£475,704	Brent	£427,250
Redbridge	£286,344	Ealing	£285,639	Merton	£260,000	Harrow	£465,604	Harrow	£425,000
Harrow	£286,017	Bromley	£266,897	Bromley	£250,000	Waltham Forest	£438,294	Waltham Forest	£400,000
Bromley	£283,643	Hounslow	£252,274	Hounslow	£241,475	Bromley	£435,465	Bromley	£399,995
Hounslow	£276,168	Redbridge	£244,146	Redbridge	£235,500	Hillingdon	£407,202	Hounslow	£382,500
Greenwich	£265,237	Hillingdon	£244,122	Hillingdon	£232,500	Lewisham	£404,616	Lewisham	£380,000
Lewisham	£261,444	Enfield	£239,051	Greenwich	£230,000	Redbridge	£397,413	Hillingdon	£375,000
Hillingdon	£259,175	Sutton	£234,859	Enfield	£227,000	Enfield	£395,044	Greenwich	£375,000
Havering	£256,611	Lewisham	£226,054	Lewisham	£220,000	Hounslow	£389,458	Redbridge	£370,000
Enfield	£255,528	Waltham Forest	£225,011	Waltham Forest	£219,500	Sutton	£372,926	Enfield	£360,000
Sutton	£247,133	Greenwich	£222,902	Sutton	£216,500	Newham	£369,236	Sutton	£335,000
Croydon	£245,747	Croydon	£222,847	Croydon	£205,000	Greenwich	£368,226	Newham	£334,500
Waltham Forest	£241,338	Havering	£217,821	Newham	£205,000	Croydon	£367,076	Croydon	£326,500
Bexley	£231,601	Bexley	£202,739	Havering	£204,000	Havering	£358,805	Havering	£314,750
Newham	£221,403	Newham	£202,170	Bexley	£200,000	Bexley	£335,076	Bexley	£310,000
Barking and Dagenham	£213,777	Barking and Dagenham	£162,756	Barking and Dagenham	£160,000	Barking and Dagenham	£288,873	Barking and Dagenham	£265,000

Source: Land Registry, ONS. Latest median house prices published in December 2016 to June 2016 (Q2).

3.2.3 We conclude from this analysis that average house prices remain closely aligned to median price levels and so we continue to use average house prices for present purposes.

3.3 Proposed MCIL2 charging bands

3.3.1 Based on Table 2 (average price changes by MCIL1 charging bands) the Mayor proposes the following changes for MCIL2 bands. In the case of two Mayoral Development Corporation we have considered the rates being proposed for the underlying boroughs and have proposed a unitary rate for each Authority based on our assessment of the characteristics of the part of the borough or boroughs in which it is located.

- **Band 1** – Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth (*no change*)
- **Band 2** – Barnet, Brent, Bromley, Ealing, Enfield Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, LLDC, Merton, OPDC, Redbridge, Southwark, Tower Hamlets, Waltham Forest (*change: Waltham Forest, Enfield, LLDC and OPDC join the band and Greenwich leaves the band*)
- **Band 3** – Barking and Dagenham, Bexley, Croydon, Greenwich, Havering, Newham, Sutton (*change: Waltham Forest and Enfield leave the band and Greenwich joins the band*)

3.4 Are residential values a good lead indicator for high values in other sectors?

3.4.1 In order to establish a workable cross-London proxy for viability we have taken the likely major component of development (residential) and looked at the correlation between residential values and other uses.

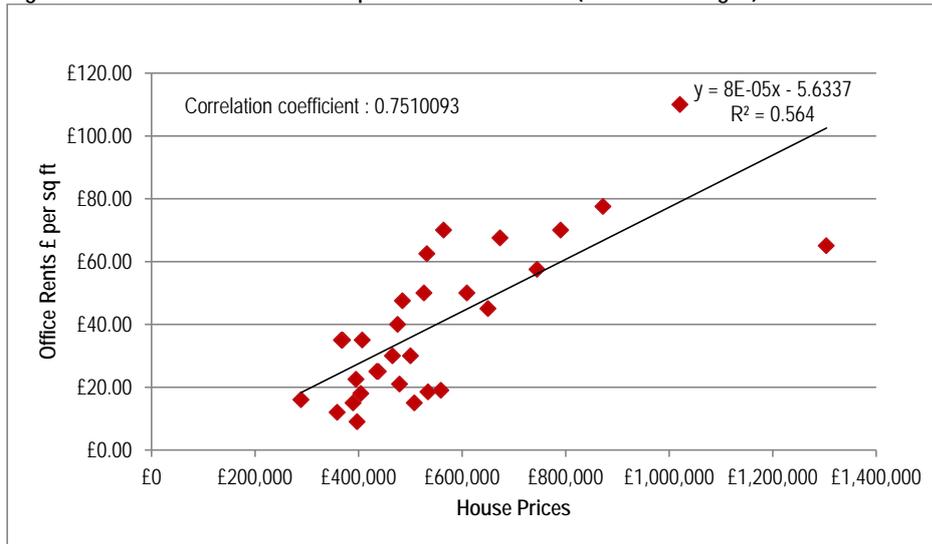
3.4.2 When considering the results of correlation coefficient analysis, the following ranges are typical:

- 0.90 to 1.00 – very high correlation
- 0.70 to 0.89 – high correlation
- 0.50 to 0.69 – moderate correlation
- 0.30 – 0.59 – low correlation
- 0.00 to 0.20 – little, if any correlation

3.4.3 Offices

3.4.4 We have looked at the correlation between residential prices and office rents (where available – see Figure 2 and Table 4). As can be seen, there is a high correlation between office rents and house prices.

Figure 2: Correlation between house prices and office rents (London boroughs)



Source: Land Registry, CoStar, JLL

3.4.5 Retail

3.4.6 Because of the very specific locational characteristics of retail it is more difficult to provide retail evidence on a borough by borough basis with any degree of accuracy. However, observation of letting data confirms that the highest values are found in central London locations such as Kensington and Westminster. There are outlying covered shopping centres in the LLDC (Westfield, Stratford), Hammersmith & Fulham (Westfield London) and Barnet (Brent Cross) for example, that have generally higher rents than boroughs with similar average house prices but without the covered shopping centre provision. There are also significant retail town centres in Richmond, Kingston, Croydon, Bromley, Ealing, Wood Green, Harrow, Romford, Uxbridge, Hounslow, Stratford, Ilford and Sutton for instance, that also have higher retail rents than boroughs with similar average house prices but that lack a focussed retail provision. Nevertheless, with one or two exceptions, boroughs with significant retail provision tend to be in the proposed middle and highest value MCIL2 bands.

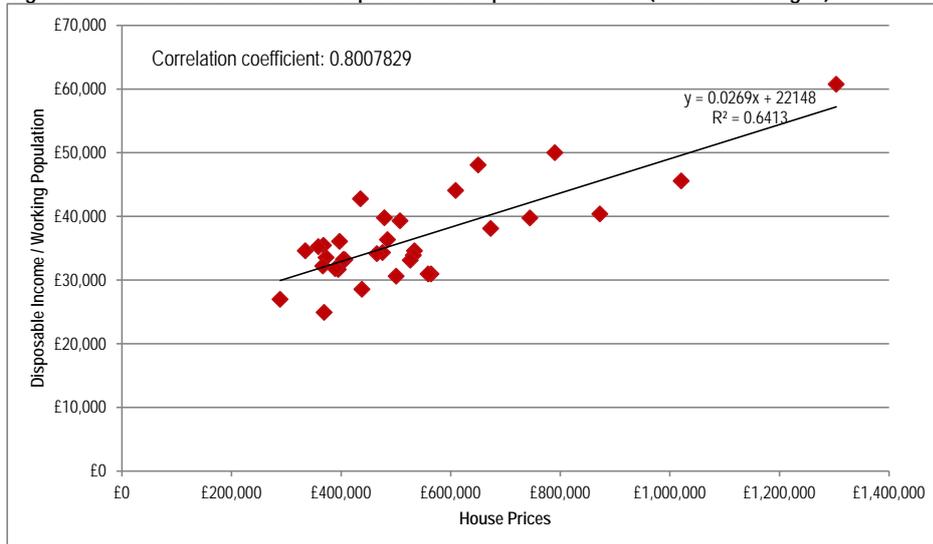
3.4.7 Other Categories

3.4.8 Other categories include buildings such as those used for leisure and transport e.g. football stadia and airport terminal buildings.

3.4.9 High house prices correlate with high disposal income and therefore, all other things being equal, the likely buying power for commercial activities and therefore the likely demand for this type of floor space in a borough.

3.4.10 We have confirmed this by comparing house prices with disposable income per person of working population in Figure 3 and Table 43 below, which shows a high correlation.

Figure 3: Correlation between house prices and disposable income (London boroughs)



Source: Land Registry, Oxford Economics

- 3.4.11 There is no straightforward way of dealing with viability of non-commercial activities. Some will be charities occupying for charitable purposes. The remainder will be mainly public and local government where viability will be a combination of political desire and cost/benefit analysis.
- 3.4.12 For current purposes we continue to assume that viability of non-commercial uses will match viability for commercial uses except in the case of the health and education sectors where the pressures on constrained public resources and their likely effect on viability decisions by the relevant authorities have led the Mayor to be minded to continue to set nil rates for these uses. Had we not made this assumption we conclude that it would be difficult to provide a conclusive view about the effects on economic viability when the rationale for development is not based on economic factors.

Table 3: Comparison of house prices, office rents and disposable incomes (London boroughs)

Borough	Average house Price	Office rents £ per sq ft	Borough	Average house Price	Disposable Income / Working Population
Kensington and Chelsea	£1,303,778	£65.00	Kensington and Chelsea	£1,303,778	£60,759
Westminster	£1,021,027	£110.00	Westminster	£1,021,027	£45,563
Camden	£872,390	£77.50	Camden	£872,390	£40,391
City of London	£790,439	£70.00	City of London	£790,439	£50,004
Hammersmith and Fulham	£744,965	£57.50	Hammersmith and Fulham	£744,965	£39,756
Islington	£673,350	£67.50	Islington	£673,350	£38,093
Richmond upon Thames	£650,272	£45.00	Richmond upon Thames	£650,272	£48,065
Wandsworth	£609,373	£50.00	Wandsworth	£609,373	£44,064
Hackney	£564,536	£70.00	Hackney	£564,536	£30,961
Haringey	£559,173	£19.00	Haringey	£559,173	£30,963
Barnet	£534,221	£18.50	Barnet	£534,221	£34,585
Southwark	£532,071	£62.50	Southwark	£532,071	£33,886
Lambeth	£526,622	£50.00	Lambeth	£526,622	£33,123
Merton	£507,901	£15.00	Merton	£507,901	£39,311
Brent	£500,605	£30.00	Brent	£500,605	£30,610
Tower Hamlets	£484,861	£47.50	Tower Hamlets	£484,861	£36,356
Kingslon upon Thames	£479,238	£21.00	Kingslon upon Thames	£479,238	£39,779
Ealing	£475,704	£40.00	Ealing	£475,704	£34,324
Harrow	£465,604	£30.00	Harrow	£465,604	£34,134
Waltham Forest	£438,294	£25.00	Waltham Forest	£438,294	£28,564
Bromley	£435,465	£25.00	Bromley	£435,465	£42,757
Hillingdon	£407,202	£35.00	Hillingdon	£407,202	£33,200
Lewisham	£404,616	£18.00	Lewisham	£404,616	£33,248
Redbridge	£397,413	£9.00	Redbridge	£397,413	£36,061
Enfield	£395,044	£22.50	Enfield	£395,044	£31,653
Hounslow	£389,458	£15.00	Hounslow	£389,458	£31,782
Sutton	£372,926	N/M	Sutton	£372,926	£33,535
Newham	£369,236	£35.00	Newham	£369,236	£24,930
Greenwich	£368,226	£35.00	Greenwich	£368,226	£35,448
Croydon	£367,076	£35.00	Croydon	£367,076	£32,212
Havering	£358,805	£12.00	Havering	£358,805	£35,256
Bexley	£335,076	N/M	Bexley	£335,076	£34,581
Barking and Dagenham	£288,873	£16.00	Barking and Dagenham	£288,873	£26,983

Source: Land Registry, Oxford Economics, CoStar, JLL

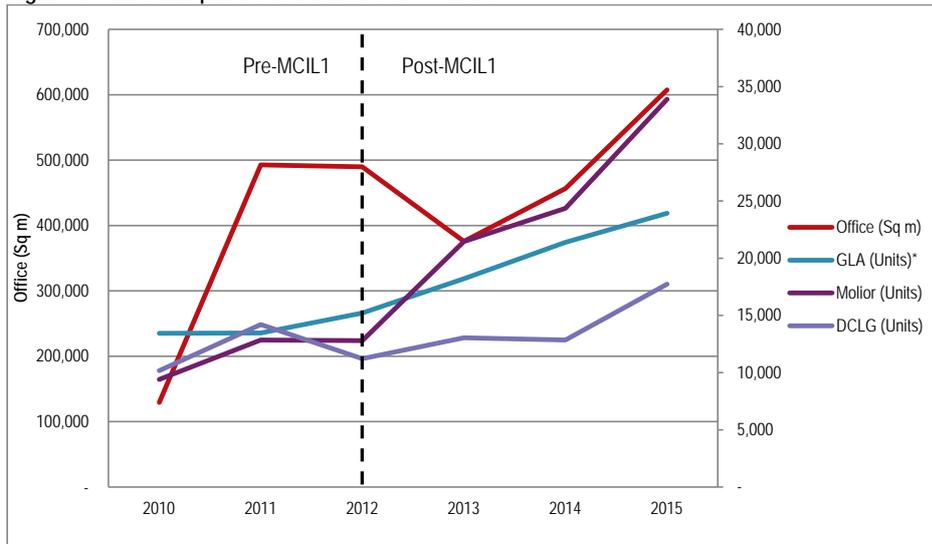
3.5 Conclusion

- 3.5.1 Residential values are still a good proxy for viability characteristics of non-residential uses.
- 3.5.2 The average house price per Borough (mean) is still appropriate for assessing viability characteristics.

4 Do viability characteristics suggest that a rise in core CIL rates could be accommodated?

4.1.1 As a start to answering this question we first look at the impact of MCIL1 on development activity since its introduction.

Figure 4: Office and private residential starts on site



*GLA completion data used to avoid double counting in start on site data when multiple and duplicate consents are implemented. Source: JLL, GLA, Molior, DCLG

4.1.2 Development has not been hampered since the introduction of MCIL1 in 2012, with office and residential trending upwards.

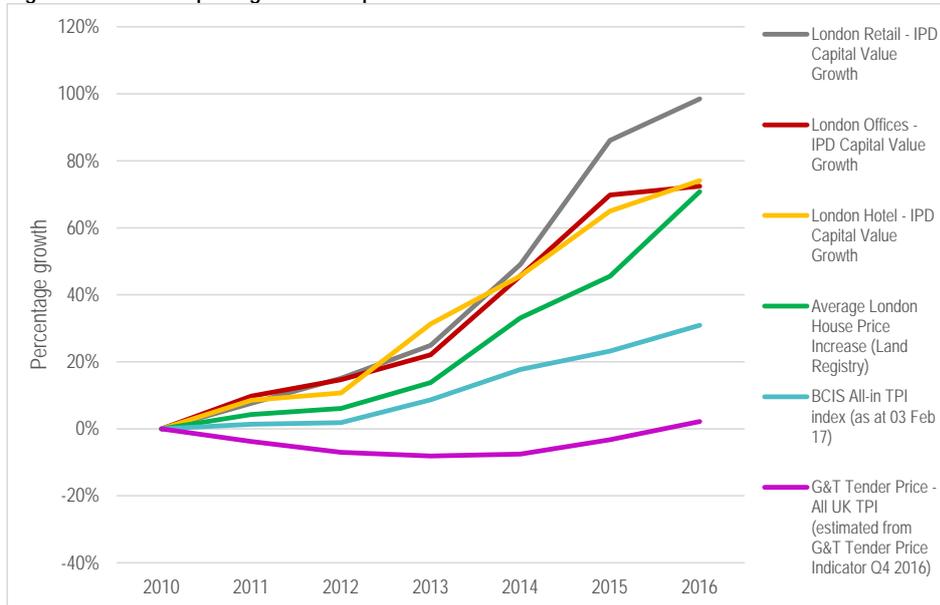
4.1.3 Whether the gap between value and cost has widened since the evidence used to support the introduction of MCIL1 will be an important indicator of the likelihood of the ability for higher MCIL2 rates to be absorbed within development appraisals. BCIS and G&T report tender price growth but their conclusions are markedly different.

Table 4: Average house price growth compared with build cost growth 2010-2016

Borough	Average House Price Growth (as per rebased HPI data April 2010 to November 2016)	BCIS All in TPI Growth (Nov 2010- Nov 2016) as at 03 Feb 2017	Excess House price growth over BCIS building costs	G&T Tender Price - All UK TPI 2010-2016 (estimated from G&T Tender Price Indicator Q4 2016)	Excess House Price growth over G&T building costs
Waltham Forest	95%	31%	64%	2%	93%
Hackney	89%	31%	58%	2%	87%
Haringey	83%	31%	53%	2%	81%
Newham	83%	31%	52%	2%	80%
Southwark	82%	31%	51%	2%	80%
Lewisham	79%	31%	48%	2%	77%
Lambeth	79%	31%	48%	2%	77%
Barking and Dagenham	77%	31%	47%	2%	75%
Camden	75%	31%	44%	2%	72%
Brent	74%	31%	43%	2%	72%
City of Westminster	73%	31%	42%	2%	71%
Merton	73%	31%	42%	2%	70%
City of London	72%	31%	42%	2%	70%
Islington	71%	31%	40%	2%	69%
Tower Hamlets	68%	31%	37%	2%	66%
Hillingdon	67%	31%	36%	2%	65%
Ealing	67%	31%	36%	2%	64%
Bexley	65%	31%	34%	2%	63%
Enfield	65%	31%	34%	2%	63%
Greenwich	65%	31%	34%	2%	63%
Havering	65%	31%	34%	2%	63%
Croydon	65%	31%	34%	2%	63%
Bromley	63%	31%	32%	2%	61%
Barnet	63%	31%	32%	2%	61%
Redbridge	63%	31%	32%	2%	61%
Kingston upon Thames	62%	31%	31%	2%	60%
Harrow	62%	31%	31%	2%	59%
Wandsworth	61%	31%	30%	2%	59%
Kensington and Chelsea	59%	31%	28%	2%	57%
Sutton	59%	31%	28%	2%	57%
Richmond upon Thames	56%	31%	25%	2%	54%
Hounslow	54%	31%	23%	2%	52%
Hammersmith and Fulham	53%	31%	22%	2%	50%

4.1.4 Whether using BCIS or G&T data the conclusion we draw is that house price inflation has exceeded building cost inflation by a very considerable degree. We have established earlier that there is a reasonable correlation between commercial and residential values. However, to be sure that commercial values have outgrown building costs we have looked at this relationship.

Figure 5: Value and price growth compared with build cost inflation



Source: MSCI/IPD, Land Registry, BCIS, G&T, JLL

4.1.5 Central London retail, office and hotel values have grown at an even greater rate than residential.

5 MCIL1 and BCIL

5.1 Borough CILs

5.1.1 In the previous chapter we concluded that the gap between cost and value has grown considerably since 2010. This applies to both residential and commercial uses. However during the same period many boroughs have adopted their own charging schedules so in this chapter we consider the impact of this additional imposition.

5.1.2 We have reviewed the residential Borough CIL rates and have looked at the relationship between the 2016 average house price and Borough CIL rates.

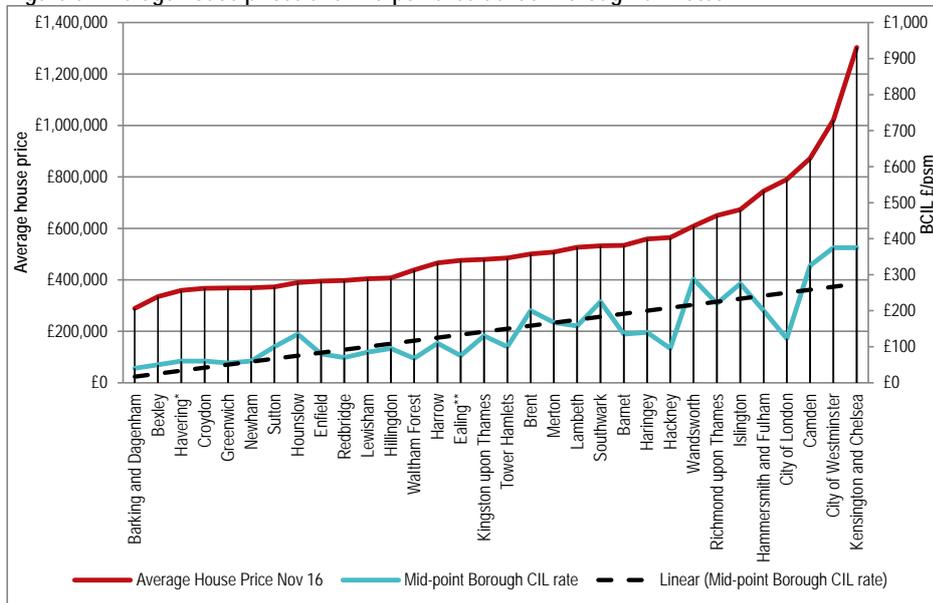
Table 5: Average house price and residential BCIL rates

Borough	Average House Price November 2016	Low Residential BCIL £ per sq m	High Residential BCIL £ per sq m	Mid-point Residential BCIL £ per sq m
Kensington and Chelsea	£1,303,778	£0	£750	£375
City of Westminster	£1,021,027	£200	£550	£375
Camden	£872,390	£150	£500	£325
City of London	£790,439	£95	£150	£123
Hammersmith and Fulham	£744,965	£0	£400	£200
Islington	£673,350	£250	£300	£275
Richmond upon Thames	£650,272	£190	£250	£220
Wandsworth	£609,373	£0	£575	£288
Hackney	£564,536	£0	£190	£95
Haringey	£559,173	£15	£265	£140
Barnet	£534,221	£135	£135	£135
Southwark	£532,071	£50	£400	£225
Lambeth	£526,622	£50	£265	£158
Merton	£507,901	£115	£220	£168
Brent	£500,605	£200	£200	£200
Tower Hamlets	£484,861	£0	£200	£100
Kingston upon Thames	£479,238	£50	£210	£130
Ealing**	£475,704	£100	£50	£75
Harrow	£465,604	£110	£110	£110
Waltham Forest	£438,294	£65	£70	£68
Hillingdon	£407,202	£95	£95	£95
Lewisham	£404,616	£70	£100	£85
Redbridge	£397,413	£70	£70	£70
Enfield	£395,044	£40	£120	£80
Hounslow	£389,458	£70	£200	£135
Sutton	£372,926	£100	£100	£100
Newham	£369,236	£40	£80	£60
Greenwich	£368,226	£40	£70	£55
Croydon	£367,076	£0	£120	£60
Havering*	£358,805	£70	£50	£60
Bexley	£335,076	£40	£60	£50
Barking and Dagenham	£288,873	£10	£70	£40

Source: Land Registry, JLL, Bromley is excluded – no PDCS or DCS currently available. *Ealing BCIL rates as per Draft Charging Schedule (March 2015)

**Havering BCIL rates as per Preliminary Draft Charging Schedule (February 2015)

Figure 6: Average house prices and mid-point residential Borough CIL rates



Source: Land Registry, JLL, Bromley is excluded – no PDCS or DCS currently available. *Havering BCIL rates as per Preliminary Draft Charging Schedule (February 2015) **Ealing BCIL rates as per Draft Charging Schedule (March 2015)

- 5.1.3 Boroughs have, as predicted when the MCIL1 evidence was scrutinised, built into their charging schedules rates more targeted to their local geography. Wandsworth for example have adopted a residential rate of £574 per sq m in the 'Nine Elms Residential Area A' reflecting high residential values along the Thames, £265 per sq m in 'Nine Elms Residential Area B' in the part of the Vauxhall/Nine Elms area which is set back from the river, with £250 per sq m across the rest of the borough with the exception of the 'Roehampton Charging Area' which is set at zero, reflecting varying development viability characteristics in different parts of the borough.
- 5.1.4 However as might be anticipated the general trend is that BCIL rates rise as house prices increase. See figure 6 above.
- 5.1.5 We next consider whether the imposition of MCIL1 development activity has impacted development volumes. In order to calculate approximate levels of additional floor space we have removed indexation from the MCIL1 receipts shown earlier in Table 1. By examining the data in Table 6 below it can be seen that the green boroughs paying the lowest MCIL1 per sq m, are substantially in the bottom third of a list of boroughs/authorities.
- 5.1.6 For the green boroughs, relatively low levels of MCIL1 has not led to greater development activity, leading to the conclusion that other factors are having a greater viability influence on viability than the prevailing MCIL1 charging rates.

Table 6: MCIL1 receipts (excl. indexation) by revenues and net additional GIA in sq m to Q3 2016-17

Borough	Total MCIL1 revenue excluding indexation to Q3 2016-17	MCIL1 rate per sq m (excluding indexation)	Net additional development (GIA sq m) to Q3 2016-17
Tower Hamlets	£33,226,940	£35	949,341
Southwark	£20,134,067	£35	575,259
City of Westminster	£27,853,421	£50	557,068
Lambeth	£18,463,412	£35	527,526
Hammersmith and Fulham	£20,516,892	£50	410,338
Hackney	£12,847,714	£35	367,078
Wandsworth	£18,308,958	£50	366,179
Greenwich	£12,015,455	£35	343,299
Barnet	£11,391,709	£35	325,477
City of London	£14,506,765	£50	290,135
Hounslow	£10,046,845	£35	287,053
Brent	£9,547,160	£35	272,776
Camden	£12,476,615	£50	249,532
Islington	£11,729,324	£50	234,586
Hillingdon	£7,680,248	£35	219,436
LLDC	£7,639,096	£35/£20	218,260*
Newham	£3,780,260	£20	189,013
Enfield	£3,037,537	£20	151,877
Haringey	£4,787,390	£35	136,783
Bromley	£4,743,828	£35	135,538
Lewisham	£4,587,054	£35	131,059
Bexley	£2,619,413	£20	130,971
Croydon	£2,533,527	£20	126,676
Ealing	£3,995,905	£35	114,169
Kensington and Chelsea	£5,588,604	£50	111,772
Waltham Forest	£2,143,309	£20	107,165
Sutton	£1,994,814	£20	99,741
Merton	£3,184,001	£35	90,971
Harrow	£3,136,808	£35	89,623
Kingston upon Thames	£2,859,849	£35	81,710
Barking and Dagenham	£1,078,069	£20	53,903
Richmond upon Thames	£2,523,974	£50	50,479
Havering	£832,889	£20	41,644
Redbridge	£974,009	£35	27,829
OPDC	£149,473	£50/£35	4,271*
Totals	£302,935,337		8,068,538

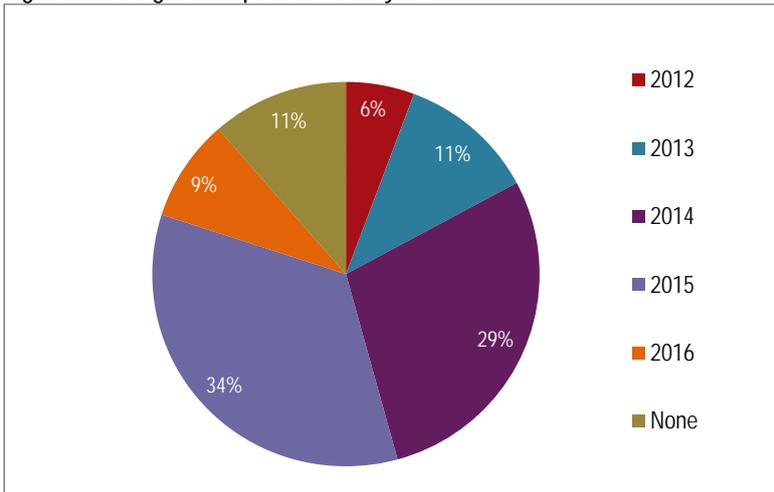
*For the purposes of this calculation we have assumed an MCIL1 rate of £35 per sq m for LLDC and OPDC. The area may be slightly overstated/understated as a result.

- 5.1.7 Finally, for completeness we look at when BCIL charging schedules were introduced. The majority came into effect in the years 2014 and 2015 based on evidence that pre-dated their introduction. Marked increases in value over cost occurred in 2015 and 2016 (see Figure 5, above). It is likely that viability characteristics will have improved since the evidence for most BCIL charging schedules was compiled.
- 5.1.8 Consultees at the PDCS stage noted that the cumulative impact of CIL, S106, affordable housing etc. could result in development being put at risk.
- 5.1.9 By reference to Tables 5 and 6, above, the Red and Blue boroughs (the middle and higher MCIL1 rates) have for the most part achieved the greatest development volume and average house prices in these Boroughs are in the range between £389,458 (in Hounslow) to £1,303,788 in Kensington and Chelsea.
- 5.1.10 The evidence to date is that for the most part the boroughs with the highest development volumes are the boroughs where basic development economics are good (high values relative to cost of development), and where development ~~volumes are high where~~ opportunities are available. Evidence that lower MCIL rates

Comment [a13]: I think the sentence is fine without this final bit – it doesn't seem to fit with the flow of the thought.

encourage more development cannot be shown from the data. In fact the reverse is true. In response to the concerns of the British Property Federation, regarding the cumulative impact of MCIL and Borough CIL, MCIL is now being collected in much higher quantities since the introduction of Borough CILs than prior to their introduction.

Figure 7: Borough CIL Implementation by Year



Data includes LLDC and OPDC

Table 7: Borough CIL Implementation by Year

Year	Total Boroughs/Authorities
2012	2
2013	4
2014	10
2015	12
2016	3
None*	4

*Bromley, Havering, Ealing and OPDC have not commenced charging (PDCS consultation ran October/November 2016).

6 Flat or variable rates

- 6.1.1 There is a trade-off between not importing unfairness into the MCIL2 charging schedule whilst still keeping the regime simple to understand and to operate.
- 6.1.2 When the MCIL1 schedule was introduced the Mayor adopted low flat rates across all uses allowing boroughs to reflect specific viability issues within their boroughs by reflecting varied rates with their borough charging schedules. For commercial uses in Central London and the Isle of Dogs there was the additional consideration of the S106 policy which runs in tandem with MCIL1.
- 6.1.3 This policy has worked well and informal consultation through the MCIL1 collection group (Mayor and boroughs/authorities) and with developers suggests that this clear and easy to understand regime is welcomed so we have continued this idea in considering proposals for MCIL2. This conclusion is corroborated by the findings of the CIL Review Team in their report.⁶
- 6.1.4 We considered the following:
1. Consolidating the extant MCIL1 and Crossrail S106 policy approach resulting in borough rates with additional charges in Central London and the Isle of Dogs for offices, retail and hotels;
 2. Removing all Central London and Isle of Dogs rates and relying totally on Borough rates;
 3. Removing the distinction between the Isle of Dogs and the remainder of Central London but retaining differential rates for commercial uses in Central London/Isle of Dogs above the borough rates; and
 4. Unifying all residential and commercial rates in Central London/Isle of Dogs, ignoring underlying borough rates, with borough rates to have effect only outside of Central London/Isle of Dogs.
- 6.1.5 We had to balance the preference for simplicity against significant changes to the existing cumulative impact of the CIL/S106 policies on viability, particularly for retail and hotel uses where sharp changes in MCIL2 rates at this stage could cause issues.
- 6.1.6 Our recommendation for Central London is for the Mayor to retain differential rates. These should apply to office, retail and hotel uses and apply across the proposed MCIL2 Central London charging area, including part of the Isle of Dogs, where rents for offices, for example, are typically at or below West End and City levels. All other uses to be charged at the borough rates.

⁶ See: 'A New Approach to Developer Contributions,' CIL Review Team (October 2016). Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589637/CIL_REPORT_2016.pdf last accessed 17/03/2017.

7 Other zones considered

7.1.1 The Mayor considered the possibility of including station zones for MCIL2 around the stations anticipated to be on the Crossrail 2 route. The Mayor decided not to take this approach at this stage for the following reasons:

- It would increase the complexity of the MCIL2 charging schedule.
- Crossrail 2 is still being worked up and therefore station locations cannot be predicted with certainty.
- The Mayor is exploring proposal for land value capture with could contain other mechanisms for capturing value outside of the CIL regime.⁷

7.1.2 The Mayor also considered continuing with the 1km zones around Crossrail stations in outer London that were established in the S106 policy. He has considered differential charges within these zones for office and/or residential uses. However, in the interest of simplicity reinforced by the CIL Review Team in their report, we do not recommend imposing such zones for MCIL2 purposes.⁸

⁷ See: 'Memorandum of Understanding on further devolution to London,' Department of Communities and Local Government, HM Treasury, The Rt Hon Philip Hammond MP and Gavin Barwell MP (8 March 2017) as part of the Spring Budget 2017. Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597291/London-Devolution-MoU.pdf last accessed 22/03/2017

⁸ See: 'A New Approach to Developer Contributions,' CIL Review Team (October 2016). Retrieved from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589637/CIL_REPORT_2016.pdf last accessed 17/03/2017.

8 Proposed MCIL2 charging schedule

8.1.1 We have established that there should be room for some increases in MCIL2 rates above the present levels and that based on high level analysis this should not impact significantly on development volumes.

8.1.2 We set out below in Table 8 the proposed core rates for MCIL2 to be operative from April 2019.

Table 8: Proposed MCIL2 charging rates from April 2019

Charging band	Boroughs	Proposed MCIL2 rate from April 2019 per sq m
Band 1	Camden, City of London, City of Westminster, Hammersmith and Fulham, Islington, Kensington and Chelsea, Richmond-upon-Thames, Wandsworth	£80
Band 2	Barnet, Brent, Bromley, Ealing, Enfield, Hackney, Haringey, Harrow, Hillingdon, Hounslow, Kingston upon Thames, Lambeth, Lewisham, LLDC, Merton, OPDC, Redbridge, Southwark, Tower Hamlets, Waltham Forest	£60
Band 3	Barking and Dagenham, Bexley, Croydon, Greenwich, Havering, Newham, Sutton	£25

8.1.3 At the PDCS stage London Borough Waltham Forest suggested the introduction of a fourth band, effectively splitting band 2 in half. There is no obvious break point for splitting band 2 (see Table 5) and this would add additional complexity.

8.1.4 For comparison purposes we set out in Table 9 these proposals rates together with the existing rates including indexation.

Table 9: Proposed MCIL2 charging rates from April 2019 compared to existing MCIL1 rates including indexation

Proposed MCIL2 charging band	Current rates - no indexation (per sq m)	Current rate + indexation to Q3 2016 (per sq m)*	Current rate + indexation to Q3 2016 + forecast to Q2 2019 (per sq m)*	Proposed MCIL2 rate from April 2019 (per sq m)
Band 1 - current and proposed core CIL rates	£50.00	£64.57	£65.25	£80.00
Band 2 - current and proposed core CIL rates	£35.00	£45.20	£45.67	£60.00
Band 3 - current and proposed core CIL rates	£20.00	£25.83	£26.10	£25.00

*Indexation as per BCIS All-in TPI (as at 03 February 2017)

8.1.5 In the proposed MCIL2 Central London charging area (which incorporates a modified version of the CAZ and an area of the Isle of Dogs) the Mayor proposes differential rates as part of the combination of the S106 and MCIL1

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into one MCIL2 regime. The 1km zones around the outer London Crossrail stations included in the current S106 policy are not incorporated into the proposals to aid simplicity and due to the relatively small additional amounts yielded by the policy. The boundaries of the proposed MCIL2 Central London charging area are considered further in chapter 10.

8.1.6 As a result the Mayor proposes the following MCIL2 rates per sq m in Central London:

Comment [a14]: spacing

Table 10: Proposed Central London MCIL2 charging rates from April 2019

Use	Proposed Central London MCIL 2 rate (per sq m)
Office	£185.00
Retail	£165.00
Hotel	£140.00
Residential/other uses	MCIL2 borough rate (£80.00 / £60.00)

8.1.7 These rates are applied to the chargeable net area floor space as set out in the CIL Regulations.

8.1.8 For the purposes of comparison we present the current MCIL1 and S106 rates including indexation and the proposed Central London MCIL2 rates for commercial uses in the table below.

Table 11: Proposed Central London MCIL2 charging rates from April 2019 compared to existing MCIL1 and Crossrail S106 rates including indexation

	Central London				Isle of Dogs			
	Current rates - no indexation (per sq m)	Current rate + indexation to Q3 2016 (per sq m)*	Current rate + indexation to Q3 2016 + forecast to Q2 2019 (per sq m)*	Proposed MCIL2 rate (2019) to preserve existing relativities (per sq m)	Current rates - no indexation (per sq m)	Current rate + indexation to Q3 2016 (per sq m)*	Current rate + indexation to Q3 2016 + forecast to Q2 2019 (per sq m)*	Proposed MCIL2 rate (2019) to preserve existing relativities (per sq m)
Offices								
S106 rate / Central London MCIL2 rate	£140.00	£153.77	£162.09	£185.00	£190.00	£208.69	£219.98	£185.00
Retail								
S106 rate / Central London MCIL2 rate	£90.00	£98.85	£104.20	£165.00	£121.00	£132.90	£140.09	£165.00
Hotel								
S106 rate / Central London MCIL2 rate	£61.00	£67.00	£70.62	£140.00	£84.00	£92.26	£97.25	£140.00

*Indexation as per BCIS All-in TPI index and forecasts (as at 03 February 2017) for MCIL1 rates and as per CPI for the Crossrail S106 rates (Oxford Economics forecasts)

9 Assessment of impact on economic viability

9.1 Testing the impact of the proposed MCIL2 rates

9.1.1 Our way of responding to this question is to look at the size of CIL in the context of the other “moving parts” in the development appraisal.

9.2 Original MCIL1 as a percentage of highest and lowest average house prices within each charging band

9.2.1 For the purpose of considering this question in setting the original MCIL1 rates in 2011-12, we analysed the CIL payable on a typical residential unit of 83.33 sq m in size as a percentage of the highest and lowest average house prices within each charging band (i.e. £50, £35 and £20 per sq m). We undertook this analysis adopting a net increase assumption between 73% and 100% of gross internal area. Although our analysis of planning application data suggests a unit size of 88.74 sq m, this data includes affordable and specialist housing types and so for the purposes of considering the impact of MCIL2 we have continued to use a ‘typical’ residential unit of 83.33 sq m to aid comparability with the previous MCIL1 evidence.

9.2.2 We present the findings from the original viability evidence below in Tables 12 and 13.

Table 12: MCIL1 payable on a typical residential unit of 83.33 sq m GIA at 73% and 100% net increase in GIA (2011-12)

Band	MCIL1 rate per Sq M	MCIL1 payable at 73% net increase in GIA	MCIL1 payable at 100% net increase in GIA
Band 1	£50	£3,050	£4,167
Band 2	£35	£2,135	£2,917
Band 3	£20	£1,220	£1,667

Table 13: MCIL1 as a percentage of highest and lowest average house prices by band assuming 73% and 100% net increase in GIA, as per original evidence (2011-12)

Band	Borough	Average House Price (as per HPI data April 2010)	MCIL1 payable (no indexation) assuming 73% Net increase in GIA	MCIL1 as percentage of highest and lowest average house price in each band assuming 73% net increase in GIA	MCIL1 payable (no indexation) assuming 100% Net increase in GIA	MCIL1 as percentage of highest and lowest average house price in each band assuming 100% net increase in GIA
Band 1 highest average house price	Kensington and Chelsea	£866,295	£3,050	0.35%	£4,167	0.48%
Band 1 lowest average house price	Wandsworth	£373,641	£3,050	0.82%	£4,167	1.12%
Band 2 highest average house price	Hackney	£361,035	£2,135	0.59%	£2,917	0.81%
Band 2 lowest average house price	Hillingdon	£259,175	£2,135	0.82%	£2,917	1.13%
Band 3 highest average house price	Havering	£256,611	£1,220	0.48%	£1,667	0.65%
Band 3 lowest average house price	Barking and Dagenham	£213,777	£1,220	0.57%	£1,667	0.78%

9.2.3 Since the original MCIL1, current planning application data provided by the GLA suggests that 100% net increase is more appropriate so our analysis concentrates on this assumption.

9.3 Testing MCIL2 proposals as a percentage of highest and lowest average house prices within each charging band

9.3.1 We have undertaken the same analysis to test the current MCIL2 proposals and our findings are presented in Tables 14 and 15:

Table 14: Proposed MCIL2 payable on a typical residential unit of 83.33 sq m GIA at 100% net increase in GIA

Band	Proposed MCIL2 rate per Sq M	Proposed MCIL2 payable at 100% net increase in GIA
Band 1	£80	£6,667
Band 2	£60	£5,000
Band 3	£25	£2,083

Table 15: Proposals for MCIL2 as a percentage of highest and lowest average house prices by band at 100% net increase in GIA

Band	Borough	Average House Price (as per HPI data November 2016)	Proposed MCIL2 payable (no indexation) at 100% Net increase in GIA	Proposed MCIL2 as percentage of highest and lowest average house price in each band at 100% net increase in GIA
Band 1 highest average house price	Kensington and Chelsea	£1,303,778	£6,667	0.51%
Band 1 lowest average house price	Wandsworth	£609,373	£6,667	1.09%
Band 2 highest average house price	Hackney	£564,536	£5,000	0.89%
Band 2 lowest average house price	Hounslow	£389,458	£5,000	1.28%
Band 3 highest average house price	Sutton	£372,926	£2,083	0.56%
Band 3 lowest average house price	Barking and Dagenham	£288,873	£2,083	0.72%

9.4 Analysis of proposed MCIL2 rates

9.4.1 MCIL2 proposals do in some cases exceed 1.00% (but no higher than 1.28%) of average house prices.

9.4.2 In all cases payments in the order of 0.51% - 1.28% are relatively modest and might, for example, be compared with stamp duty land tax of between 1% and 12% of purchase price when transactions occur.

9.4.3 Major movements in building costs and values over the development cycle are likely to have far greater impacts on viability than a proposed MCIL2 at the levels suggested in this paper.

9.4.4 Across the charging bands the percentage of the proposed MCIL2 payable on a typical unit is broadly in line with MCIL1. For the borough with the lowest average house prices in band 2 however, the proposed MCIL2 payable increases modestly from 1.13% on the original rates of the average house price to 1.28%, assuming a 100% net increase in the developable area over existing area.

- 9.4.5 To test the viability headroom, we have undertaken an illustrative appraisal based on Hounslow's borough CIL viability evidence because they have the lowest average house prices in our proposed middle band for charging purposes.
- 9.4.6 Hounslow's viability evidence was published in 2014. The Council's viability consultants undertook notional residual appraisals to benchmark residual land values against an existing use value plus margin and set the borough's CIL rates at a level leaving a 'buffer' of circa 30%. On their lowest charging rate of £70 per sq m, the buffer equates to £35 per sq m.
- 9.4.7 We have taken the value and cost for the lowest value area in Hounslow as per the Council's 2014 viability evidence (residential values of £290 per sq ft (£3,122 per sq m) and made the assumption that a 20% developer's profit on cost would be required. To replicate the approach taken in the Council's evidence we have provided an illustrative appraisal based on 1 sq m of floor space and assuming a 100% net increase in GIA. The 2014 scenario we have undertaken calculates the amount available for total development costs, including land, fees and finance, after the borough CIL and Mayoral CIL allowances have been deducted, with a viability buffer of £35 per sq m remaining (see [Table 16](#), below).
- 9.4.8 The Land Registry House Price Index shows an increase in average house prices in Hounslow in the order of 27% between 2014 and 2016. The BCIS All-in TPI index shows a cost increase in the order of 17% over the same period.
- 9.4.9 We have reproduced the appraisal to reflect values and cost changes since the borough's viability evidence was prepared by increasing the value by 27% and the total development costs by 17%, (including land, fees and finance), after the borough CIL and proposed Mayoral CIL 2 allowances have been deducted. Our findings (see [Table 17](#) below) show that the differential between cost and value growth over the period since the Council's viability evidence was undertaken now provides for a significantly higher buffer of £305 per sq m even after accounting for the increased proposed MCIL2. On this basis, notwithstanding that on a typical unit the proposed MCIL2 rates equate to 1.28% of the average house price as at 2016 (see [Table 15](#) above) there is enough buffer to be able to cater for the level of proposed increase.

Table 16: Hounslow viability and buffer analysis – 2014-2016

Appraisal inputs	2014 (per sq m)	2016 (per sq m)
Value per sq m	£3,122	£3,966 (+27% average price increase)
Developer's profit at 20% on cost	£520	£661
Total amount available for development costs including CIL	£2,601	£3,305
BCIL (including indexation)	-£70	-£70
MCIL1 (2014) / proposed MCIL2 (2016)	-£42,533	-£60,00
Amount left for total development costs including land and 'buffer'	£2,496	£3,170
Amount left for total development costs including land	£2,454	£2,870 (+17% BCIS All-in TPI increase)
Buffer	£35	£305

Comment [a15]: Indexation on BCIL needed?

Inflation assumptions: Land Registry HPI Average Price November 2016 (£389,458) and March 2014 (£306,569) reflects an increase of 27% in value.

BCIS All-in TPI index as at 03 February 2017: November 2016 index (288) and February 2014 (247) reflects an increase of 17% in [build costs](#). [BCIS All-in TPI indexation has been applied to the BCIL/MCIL from the November prior to the charging schedules taking effect and the November prior to the calculation date.](#)

9.4.10 The proposed increase to MCIL2 above the indexed MCIL1 figures is in the order of £15 per sq. m for Red Boroughs, or less than 0.15% of average house prices in the Red charging band. In the Blue charging band the proposed MCIL2 rate is the order of £14 per sq m higher than the indexed MCIL1 figure, or less than 0.25% of average house prices in the band. It is unlikely that a change of this magnitude will alter the go/no go decision for a developer.

9.5 Testing commercial viability

9.5.1 For the most part the higher rates in the proposed MCIL2 Central London charging area – for boundaries see the following chapter - (Central London and the Isle of Dogs) are a consolidation of the MCIL1 and S106 policies. However, the rates for retail and hotel have been increased to reflect a better fit with viability (the S106 policy was set relative to the adverse impacts of congestion on the transport network). In order to consider the possible impacts of the increased levels of the proposed Central London MCIL2 (compared to the Crossrail S106 liability) we have considered borough CIL viability evidence in Westminster, the City of London and Tower Hamlets which make up the majority of the proposed Central London MCIL2 Central London charging area.

9.5.2 Westminster’s borough CIL viability was prepared by BNP Paribas Real Estate in June 2015 ahead of the examination in public. We consider in particular the amount of ‘buffer’ between the maximum rates and the adopted rates for retail and hotels. The ‘buffer’ left after BCIL is detailed in their table 1.14.2 (inserted as Table 17 below). For retail, the proposed increase in MCIL2 over the extant S106 policy moves the current rate (including indexation) of £104.20 up to £165.00 per sq m. The hotel rate increases from £70.62 to £140.00 per sq m.

9.5.3 The increase of circa £60.80-£69.38 per sq m compares to the buffer identified for the Fringe area in the Westminster CIL viability analysis (see below) of between circa £400 (hotel) and £1,025 (retail) per sq m. This suggests that the proposed increase in MCIL2 can be absorbed in the development economics of the Fringe area which has the lowest values in Westminster and is a relatively small part of the borough compared to the size of the core and prime areas.

Table 17: Westminster viability and buffer analysis (Maximum CIL rates – commercial) June 2015

Development type	Area	Maximum CIL rate £s per sq m	Suggested rate after buffer £s per sq m	Viability ‘buffer’
Offices	Prime	£3,100	£200	94%
	Core	£2,569	£150	94%
	Fringe	£1,996	£50	97%
Retail (A-class uses, SG retail, nightclubs and casinos)	Prime	£3,407	£200	94%
	Core	£3,880	£150	96%
	Fringe	£1,075	£50	95%
Hotel	Prime	£3,289	£200	94%
	Core	£2,036	£150	93%
	Fringe	£454	£50	89%

Source: Table 1.14.2 titled ‘Maximum CIL rates – commercial’ Community Infrastructure Levy: Viability Assessment prepared for Westminster City Council (June 2015), BNP Paribas Real Estate (p.6)

- 9.5.4 In compiling our London Retail Development Map 2017, JLL identified key retail areas, other retail areas and development schemes. Of the 76 development schemes we recorded the vast majority were in Westminster and of these a substantial majority are mixed use. It is likely therefore that most retail schemes will in fact be mixed use where the other uses are key factors in assessing viability. Typically these other uses are offices, residential and occasionally hotel.
- 9.5.5 This view is shared by Gerald Eve, who in preparing the City of London CIL viability assessment state at paragraph 7.12 that *'as retail units predominantly comprise a small element of larger office, residential or hotel schemes in the City we have not separately appraised retail development but incorporated it as the ground floor use in other schemes.'*⁹
- 9.5.6 Gerald Eve further comment on both retail and hotel development at 10.14 *"given the limited amount of development in isolation of these uses, they are usually either as part of mixed use schemes or ancillary to the predominant use. Either way, it is considered, after viability testing in both isolation and as part of a scheme, that these uses should have a rate similar to that of offices."*¹⁰
- 9.5.7 We are content that retail and hotel uses are for the most part likely to be within mixed use schemes where the viability of other uses will be the major determinant of the viability of the scheme in question. We therefore conclude that increases in retail and hotel MCIL2 rates are unlikely to affect significantly the viability of schemes with retail or hotel content.
- 9.5.8 Turning to the Isle of Dogs area, we have reviewed the borough CIL viability evidence prepared by BNP Paribas Real Estate in March 2013.¹¹ On page 7, the summary of possible maximum borough CIL rates in North Docklands (which is comparable with the proposed Isle of Dogs charging area for MCIL2) for retail uses (A1-A5) is £150 per sq m and for convenience based supermarkets, superstores and retail warehousing is £310 per sq m borough-wide. In practice Tower Hamlets are not charging the maximum rates, combined with retail likely supporting a mixed use scheme, should mean that MCIL2 rates at the level proposed can be absorbed into development appraisals without impeding delivery of development.
- 9.5.9 Concerns were also raised at the PDCS stage by, in particular, Westminster City Council about the inclusion of the S106 policy into the MCIL rates. The City of London referred to possible impacts on City office development viability.
- 9.5.10 An office building in the City might typically be appraised at capital value £13,791 psm of net internal area (£65 psf/4.75%) after allowance for purchaser's costs. On a gross internal area basis the equivalent figure is approximately £10,344 psm.
- 9.5.11 The proposed increase for MCIL2 is approximately £23 psm (gross internal area) or £30.66 psm (net internal area). The increase in MCIL as a proportion of the likely end value of the completed investment is 0.22%. The overall CIL charge is less than 2% of the capital value.
- 9.5.12 For retail the position is usually that the viability characteristics are masked to some extent by other uses within the development. Only in selected prominent shopping streets is retail value likely to be the principal factor

Comment [R16]: Footnote to be added to show calculation in full.

⁹ See 'Community Infrastructure Levy: Economic Viability Study on behalf of: The City of London Corporation,' Gerald Eve (January 2013)., Retrieved from <https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/planning-policy/local-development-framework/Documents/CIL-viability-assessment.pdf> last accessed 17/03/2017.

¹⁰ *Ibid*

¹¹ See 'Community Infrastructure Levy: Viability Study prepared for London Borough of Tower Hamlets,' BNP Paribas Real Estate (March 2013). Retrieved from <http://www.towerhamlets.gov.uk/Documents/Planning-and-building-control/Development-control/Planning-obligations/ED1.2-LBTH-CIL-Viability-Study.pdf> last accessed 17/03/2017.

when considering viability. We have extracted details of rent levels and pricing that relates to the sale of 190 Oxford Street in early 2017. Rent levels are between £550 and £672 In Terms of Zone A or between £141 psf and £181 psf overall. The yield achieved was 3.3% net of purchaser's costs.

Comment [R17]: Footnote to be added to explain from JLL glossary of terms

9.5.13 Using £160 psf/£1722.22 psm and a 3.3% yield the capital value is in the order of £48,864 psm, net of purchaser's costs.

Comment [R18]: Footnote to be added to show calculation in full

9.5.14 The CIL increase of £60.80 psm gross or say £70 psm net represents approximately 0.15% of capital value psm.

9.5.15 Finally, we look at the sale of the 4 star Doubletree Hotel by Hilton in John Islip Street, SW1P 4DD. This 464 room hotel has a reported area of 233,112 sq ft/21,657 sq m or c.500 sq ft/46.43 sq m GIA per room. The reported sale in January 2017 at £187.5m breaks back to £8,657.70 psm capital value. The CIL increase of £69.38 psm equals approximately 0.80% of the capital value.

9.5.16 Overall the increased MCIL proposed represents between 0.15% - 0.80% of the capital value of the completed investment assuming a bare site and so no net off for existing floor area. Taking the worst case a fall of 0.8% of the value on a scheme that otherwise would have produced 20% profit on costs (including land) would reduce the projected profit on cost to 19% which is unlikely, in our opinion, to be of sufficient significance to change the decision on whether to proceed or not.

Comment [a19]: I think this section needs a bit more work. We discussed moving the detailed calculations into a footnote with Richard Jones at the CILSG last week

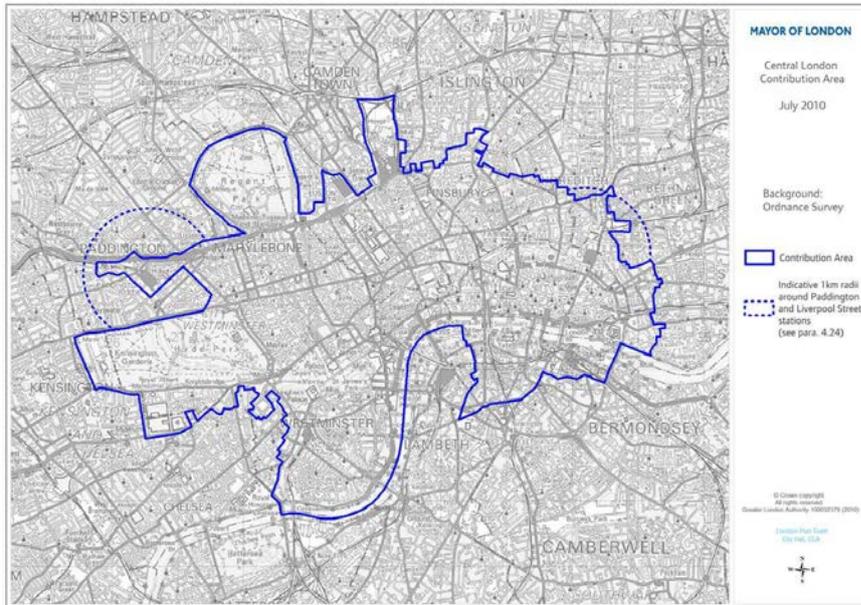
9.5.17 Consultees at the PDCS stage raised concerns relating to the treatment of sports and leisure uses and build to rent residential but no viability evidence was given in support.

9.5.18 In conclusion, in our opinion the rates proposed for offices, retail and hotels in the proposed MCIL2 Central London charging area should be capable of absorption within development appraisals without hindering to any material extent the amount of development constructed.

~~9.5.18~~ 9.5.19 Workings for the illustrative examples in paragraphs 9.5.10 to 9.5.16 are shown in Appendix B.

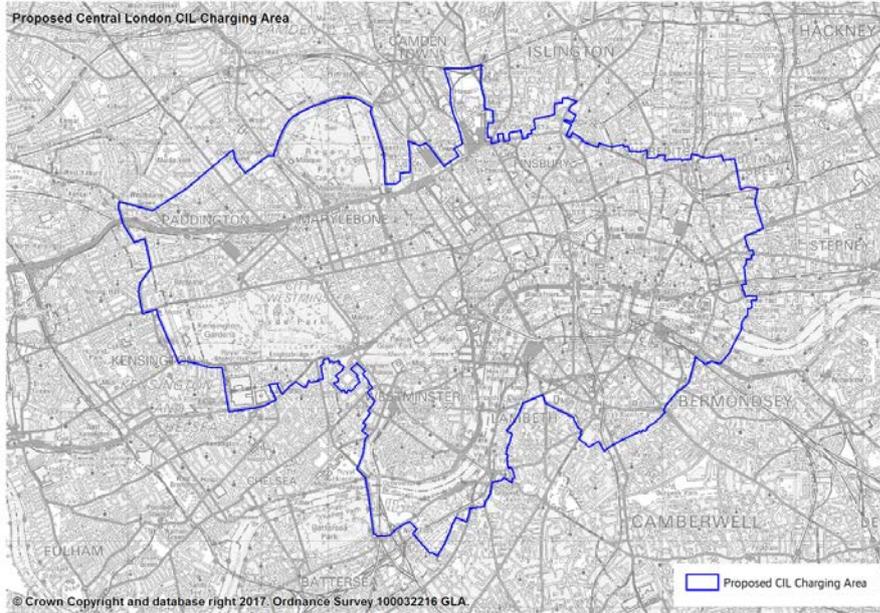
10 MCIL2 Central London charging area

Figure 8: Current Central London Crossrail S.106 contribution area (excluding Isle of Dogs)



- 10.1.1 The current Crossrail S106 boundary (excluding the Isle of Dogs) is an amended version the Central Activities Zone (CAZ) defined in the London Plan. The boundary was modified during the examination process to remove areas of Lambeth and Wandsworth due to viability concerns at the time. 1 kilometre radii around Crossrail stations at Paddington and Liverpool Street based on impact of development on congestion are edged dashed blue.
- 10.1.2 As part of the MCIL2 viability analysis we have proposed an MCIL2 Central London charging area that reinstates part of Lambeth, Wandsworth and Southwark as per the London Plan CAZ boundary and that incorporates the 1km zones around Paddington and Liverpool Street stations along natural road boundaries to avoid situations where parts of buildings are captured. A consolidated boundary for MCIL2 purposes (excluding the Isle of Dogs) is presented in Figure 9.
- 10.1.3 The inclusion of the parts of the CAZ south of the river that are currently excluded reflects the very significant commercial developments taking place in this area. Of particular significance is the major pre-letting of much of the office content of the Battersea Power Station development to Apple as well as the commercial content of the Shell Centre redevelopment. The levels of rent/value in these south of the river locations demonstrate that these are now properly part of Central London for viability purposes.

Figure 9: Proposed MCIL2 Central London charging area (excluding Isle of Dogs)



Comment [PS20]: New plan needed (Spk to Ryan)

Comment [a21]: Ryan, do you have the maps or should Pete resend to you?

Comment [R22]: New map to be inserted

Comment [GR23]: New map still outstanding.

- 10.1.4 In a similar manner we have sought to rationalise and simplify the boundaries of the Isle of Dogs area by using roads and river as boundaries rather than a circular zone around the Canary Wharf Station. The existing and proposed boundaries are shown in Figures 10 and 11.
- 10.1.5 In response to consultees we have removed two small parts of the Royal Borough of Kensington and Chelsea and the City of Westminster that were within the proposed boundary to remove unnecessary complexity.
- 10.1.6 We have also modified the Isle of Dogs MCIL2 Central London charging area to reflect concerns raised by the London Borough Tower Hamlets.
- 10.1.7 Issues were raised relating to northern boundary in London Borough of Westminster ~~and in the London Borough of Camden,~~ but on analysis the concerns seemed to the move about the Central Activities Zone (CAZ) boundary which was the starting point. If the CAZ boundary is changed in the current London Plan update we suggest that the Examiner might be asked to consider further representations at the Examination in Public.
- 10.1.8 The London Borough of Southwark and Lend Lease raised concerns about the implication of including Elephant & Castle within the proposed MCIL 2 Central London Charging Area and, in particular, the impact on offices. In our opinion there is little office development likely to be built in Elephant & Castle in any event and to avoid complexity we have chosen to stick to our CAZ base position.
- 10.1.9 The London Boroughs of Lambeth, Wandsworth ~~(Battersea Power Station)~~ and others requested that Waterloo and Vauxhall should be removed the charging area (see 10.1.2 and 10.1.3 above). We are strongly of the view that viability evidence does not support such removal.
- 10.1.10 London Borough of Hammersmith & Fulham raised the issue of consistency with their rate on the Old Oak & Park Royal Development Corporation Rate in the north of the Borough. Development at White City and house prices generally suggest that the case is not made and in any event this will need a move away from the single Borough rate.

Comment [a24]: Does the updated map show the Westminster boundary change?

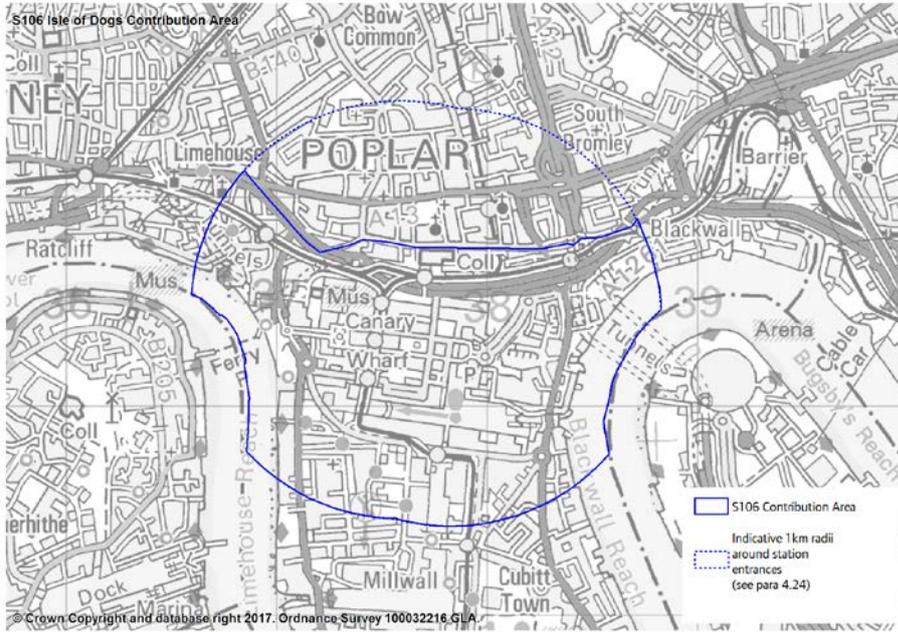
Comment [R25]: CIL team to review this wording

Comment [a26]: Not sure I follow what this paragraph is saying

Comment [a27]: BPS are in LB Wandsworth – either remove completely or dedicate a separate paragraph to issues raised by LBW.

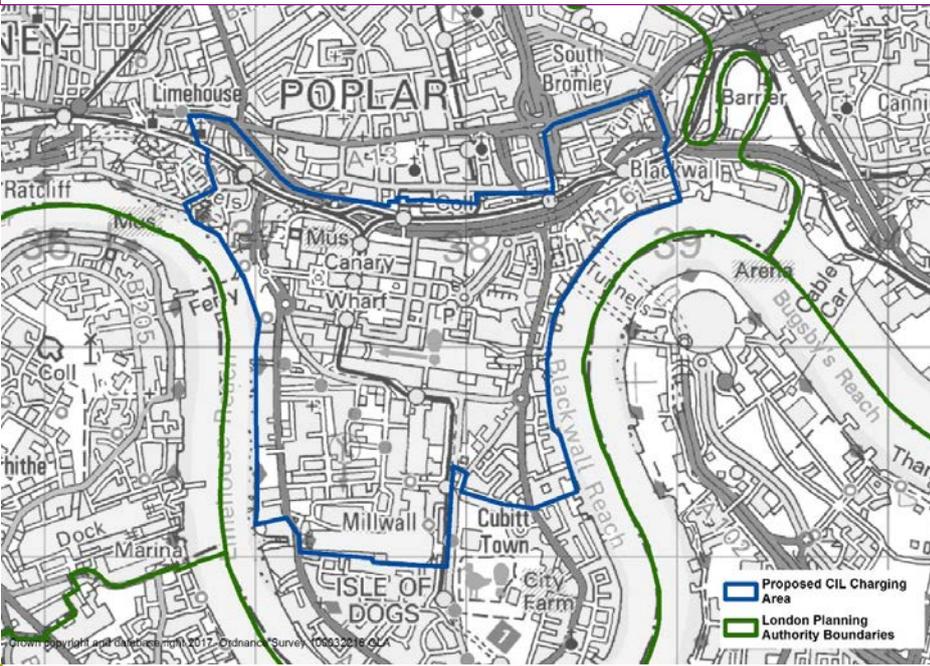
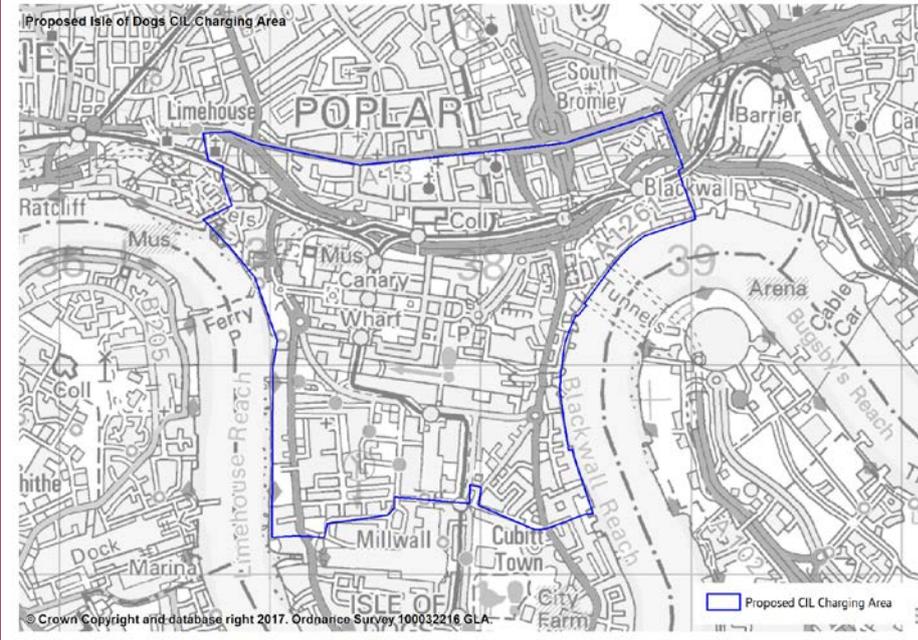
Comment [a28]: Crucial!

Figure 10: Current Isle of Dogs S.106 contribution area



Comment [R29]: New map to be inserted

Figure 11: Proposed Isle of Dogs MCIL2 Central London charging area



Comment [PS30]: New Map being produced to include DLR Depot and Commercial to the North East. Pete Heath to action.

Comment [a31]: Ryan, do you have the updated map?

Comment [R32]: New map to be inserted

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11 Affordable Housing

- 11.1.1 A review of borough Affordable Housing Policies (see Table 18, below) shows that the vast majority of boroughs have 35% or more affordable housing as their target which is consistent with the Mayor's policy aspirations. The reality is that when looking at past data to create a proxy for affordable housing procured through S106 Agreements it seems that much less than 35% has been achieved. There may be many reasons for this but the most likely of these are reduction in affordable housing grant, funding or similar which might otherwise be used to help bridge the gap between cost and value for deeply discounted products such as affordable rented units, high existing use values which would otherwise deter change of use, and the application of viability in planning decisions which has meant developers may not have taken affordable housing and other policy requirements fully into account when bidding for sites. The Mayor's recent draft, Affordable Housing and Viability Supplementary Planning Guidance, seeks to address some of these issues with a view to increasing the amount of affordable housing delivered through the planning system.
- 11.1.2 Whatever changes are made to the MCIL2 rates, as a percentage of overall development costs MCIL2 remains a very small element. Whilst in some instances where underlying viability is an issue an increased MCIL2 rate might make matters marginally worse, there will be many other instances where additional MCIL2 can easily be accommodated within development economics, demonstrated by the "buffer analysis" undertaken in chapter 9, above. Overall we suggest that actual affordable housing percentages achieved are likely to be much more dependent on housing policy, the grant regime and the cost of construction rather than the proposed MCIL2 rates. Therefore we conclude that the impact raising MCIL2 will have is likely to be minor.

Table 18: Affordable Housing Policy by borough

Borough	Borough Policy Target % (or practice as at 2002)	Borough Policy Target In 2010	Adopted Borough Policy Target As At December 2015 (Numerical / Percentage)	Emerging Borough Policy Target
Barking & Dagenham	None	None, use London	Use London Plan Policy	n/a
Barnet	30	50%	40% (Sept 2012)	n/a
Bexley	25	35%	50% and a minimum of 35% of units to be affordable	n/a
Brent	30-50	50%	50% (July 2010)	n/a
Bromley	20	35%	35% (March 2008)	Plan currently being reviewed
Camden	50 Proposed	50% for >50 dwellings 10-50% for <50 dwellings	50% for >50 dwellings, 10-50% for <50 Dwellings (Nov2010)	Between 1 and 24 additional homes – starting at 2% for 1 home, increasing by 2% for each added housing capacity. >25 Dwellings - 50%
City of London	None	50%	30% on site and 60% off site (Jan 2015)	n/a
Croydon	40	40-50%	50% (April 2013)	Plan currently being reviewed (50%)

Comment [PH33]: Policy approach in LBWF needs adding

RG: Rows were hidden in formatting - now fixed

Borough	Borough Policy Target % (or practice as at 2002)	Borough Policy Target In 2010	Adopted Borough Policy Target As At December 2015 (Numerical / Percentage)	Emerging Borough Policy Target
Ealing	50	50%	50% (April 2012)	n/a
Enfield	25	40%	40% (Nov 2010)	n/a
Greenwich	35	35% min	35% minimum (July 2014)	n/a
Hackney	25	50%	50% (Nov 2010)	n/a
Hammersmith & Fulham	65	50%	40% (Oct 2011)	Plan currently being reviewed (min 40% 2015)
Haringey	30	50%	50% Affordable Housing on site (March 2013)	Plan currently being reviewed (40% 2016)
Harrow	30	London Plan	40% (Feb 2012)	n/a
Havering	None	50%	50% (2008)	Emerging
Hillingdon	25	365u/pa (50%)	35% (Nov 2012)	Plan currently being reviewed (35% Oct 2015)
Hounslow	50	445 u/pa	40% (Sept 2015)	n/a
Islington	25	45%	50% (Feb 2011)	n/a
Kensington & Chelsea	33	Min of 200 units per an from 2011/12 with site specific policy of 50% affordable by Floor area	50% (Dec 2010)	Plan currently being reviewed (50% Jul 2015)
Kingston upon Thames	50	35%	50% (April 2012)	n/a
Lambeth	35-50	40% (50% With grant)	50% when public without (Sep 2015)	n/a
Lewisham	30	35%	50% (June 2011)	Emerging
London Legacy Development Corporation			35% minimum (July 2015)	n/a
Merton	30	London Plan	40% (July 2011)	n/a
Newham	25	London Plan	50% (Jan 2012)	n/a
Redbridge	25	50%	50% (March 2008)	Emerging
Richmond				
Southwark	25	50% overall (40% in CAZ, 35% in E&C and suburban zones)	35% (April 2011)	Plan currently being reviewed (35%)
Sutton	25	50%	50% (Dec 2009)	Emerging

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Borough	Borough Policy Target % (or practice as at 2002)	Borough Policy Target In 2010	Adopted Borough Policy Target As At December 2015 (Numerical / Percentage)	Emerging Borough Policy Target
Tower Hamlets	25-33	50% overall, 35-50% on individual sites	50% overall (Sept 2010)	Emerging
Waltham Forest	40	50%	50% (March 2012)	n/a
Wandsworth	None	Min 373 units per an (to be reviewed on adoption of the LP)	33% minimum (Oct 2010)	Currently being reviewed (on individual sites at least 33%, in Nine Elms at least 15%)
Westminster	-	50% overall	30% (Nov 2013)	Emerging

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Source: London Plan Annual Monitoring Report 12, 2014-15, July 2016 Update, Greater London Authority, p96102-10498

12 MCIL3?

- 12.1.1 The following is not evidence for the Preliminary Draft Charging Schedule. However, the Mayor appreciates that property development may take many years between inception and completion and so wishes to assist the property industry by providing some forward guidance on possible MCIL3 rates and approaches assumed to take effect in 2024 subject to viability and the outcome of a further EiP.
- 12.1.2 MCIL2 is a transitional charging schedule where viability issues are judged not only on fundamentals but also on what the market has factored into its thinking as a result of the combination of MCIL1 and the Crossrail S106 regimes.
- 12.1.3 MCIL3 is likely to be a simpler proposition. We would envisage one Central London area with one set of rates applying to all chargeable development within its boundary (Table 19) regardless of the underlying borough and another set that will apply to Outer London (Table 20).
- 12.1.4 It is likely that a rationalising of the residential rate and emerging new commercial locations will bring with them a review of the boundary of Central London. Areas that might be added could include Kensington & Chelsea, Belgravia, Victoria/Pimlico and areas north of the Euston Road.
- 12.1.5 Other possibilities include having a single commercial charge for all uses in Central London and inclusion of Crossrail 2 station zones. We can see the attraction of one single rate at say £150 per sq m applied to all uses in Central London. The position will be monitored. However, for the purposes of providing this guidance we have adopted variable rates in Central London reflecting the fact that CIL must live alongside the Affordable Housing Policy.
- 12.1.6 In proposing possible rates for MCIL2, the Mayor has chosen to keep rates low to encourage development and protecting affordable housing percentages in the boroughs with the lowest house prices. The MCIL3 rates, if adopted, would restore the relativities to those in the current Charging Schedule.

Table 19: Proposed Central London MCIL3 charging rates from April 2024

Use	Proposed MCIL2 Central London rate		Proposed MCIL3 Central London rate
	At Q2 2019 (per sq m)	At Q2 2024 including indexation*	At Q2 2024
Office	£185.00	£206.62	£210.00
Retail	£165.00	£184.28	£185.00
Hotel	£140.00	£156.36	£150.00
All other uses	£80.00/£60.00	£89.35/£67.01	£100.00

*BCIS index forecast to Aug-21 as at 03 February 2017. JLL have extrapolated at trend to Nov-2023 (preceding November to Q2 2024 anticipated MCIL3 charging date)

Table 20: Proposed MCIL3 charging rates for Outer London from April 2024

Charging band	Proposed MCIL2 Outer London rate		Proposed MCIL3 Outer London rate
	At Q2 2019 (per sq m)	At Q2 2024 including indexation*	At Q2 2024
Band 1	£80.00	£89.35	£100.00
Band 2	£60.00	£67.01	£70.00
Band 3	£25.00	£27.92	£40.00

*BCIS index forecast to Aug-21 as at 03 February 2017. JLL have extrapolated at trend to Nov-2023 (preceding November to Q2 2024 anticipated MCIL3 charging date)



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