

Mr Keith Holland BA (Hons) DipTP MRTPI ARICS
Director and Independent Examiner
Intelligent Plans and Examinations

C/O Mr Ian Kemp, Programme Officer
By email only to ian@localplanservices.co.uk

Our ref: NJ/1119/114/3
Date: 17 September 2025

Dear Mr Holland,

Re: City of York Council – Community Infrastructure Levy (CIL) Draft Charging Schedule Examination – Representations on behalf of British Sugar Plc

We write on behalf of our client, British Sugar Plc, to submit our further representations in respect of the following information produced by the Council further to the examination hearing session on 2 September 2025:

- SD 7 - Benchmark Land Values - June 2025

Having reviewed this information, it does not include any further site-specific assessment or viability evidence in relation to our site (British Sugar, ST1) which would support or justify the proposed CIL charge of £100 psm.

The SD7 BLV note includes reference (at para 4) to Local Plan Examination Document *SD127 - Local Plan and Community Infrastructure Levy Viability Assessment (2017)*. Whilst this 2017 report does include a high-level assessment of our site, it is important to note that this document **was not** included within the documents consulted on as part of the Council's CIL consultations in Spring 2023, Winter 2023, or Summer 2025. It cannot therefore be relied upon for the purposes of justifying a CIL charge for the British Sugar site.

Nevertheless, we are aware of this document from our involvement in the Council's draft Local Plan consultations, and have documented in our previous Local Plan representations, and indeed our previous CIL representations (*see Rapleys CIL representations 27 March 2023 - ID121 - Response 1a, page 3*) our serious concerns about the shortcomings of this SD127 report, and its conclusions as they relate to the British Sugar site.

Our previous representations in relation to the SD127 report identified that *'with specific reference to the viability and delivery of the British Sugar site, there are extant planning permissions informed by a bespoke site-specific viability assessment which demonstrate that the assumptions adopted by the Council in the Plan viability testing for this particular site are not accurate, particularly in respect of site preparation costs'*.

The SD127 report predates the detailed work on viability that was undertaken for the 2018 public inquiry regarding the outline permission for our site (ref 15/00524/OUTM as amended by s73 permission ref 23/02302/FUL). Consequently, the SD127 report does not take account of the known site costs for our development, which are significantly in excess of the assumed, generic, site costs that, as was confirmed at the hearing, the Council has used to prepare the draft charging schedule.

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It is clear that applying these known site costs would erode any 'headroom' that may have been assumed by the Council in arriving at the currently proposed CIL charge for our site.

Therefore, on the basis that the SD7 BLV note does not provide any further evidence to justify the proposed £100psm rate for our site, we maintain our strong objection to the draft CIL charging schedule.

The guidance on viability testing for local plan making, including CIL tariffs, is clear, when it comes to the appropriate assessment of strategic sites, as set out below (Rapleys emphasis):

Can authorities set different rates for strategic sites?

Differential rates for geographic zones can be used across a charging authority's area. Authorities may wish to align zonal rates for strategic development sites. Viability guidance sets out the importance of considering the specific circumstances of strategic sites ('Why should strategic sites be assessed for viability in plan making?'). This includes the potential to undertake site specific viability assessments of sites that are critical to delivering the strategic priorities of the plan.

Charging authorities may want to consider how zonal rates can ensure that the levy compliments plan policies for strategic sites. This may include setting specific rates for strategic sites that reflect the land value uplift their development creates. Low or zero rates may be appropriate where plan policies require significant contributions towards housing or infrastructure through planning obligations and this is evidenced by an assessment of viability.

Paragraph: 026 Reference ID: 25-026-20190901

Revision date: 01 09 2019

Why should strategic sites be assessed for viability in plan making?

It is important to consider the specific circumstances of strategic sites. Plan makers can undertake site specific viability assessment for sites that are critical to delivering the strategic priorities of the plan. This could include, for example, large sites, sites that provide a significant proportion of planned supply, sites that enable or unlock other development sites or sites within priority regeneration areas. Information from other evidence informing the plan (such as Strategic Housing Land Availability Assessments) can help inform viability assessment for strategic sites.

Paragraph: 005 Reference ID: 10-005-20180724

Revision date: 24 07 2018

It is evident that the Council has failed to undertake a suitable site-specific assessment, considering the known site costs that are in the public domain (see the s106 agreement for planning permission ref site 15/00524/OUTM as amended by s73 permission ref 23/02302/FUL).

The further information included in the SD7 - Benchmark Land Values - June 2025 note does not rectify this.

Therefore, in light of the above commentary, and consistent with our representations to date, there is a clear justification for the inclusion of the British Sugar Strategic Site (ST1) within the list of 'exception sites' identified for a £0 per sqm CIL rate. The British Sugar site ST1 should therefore be included within this list of 'zero rated' sites.

We kindly request that these representations are duly taken into account in your consideration of the draft charging schedule and your recommendations to the Council.

Yours sincerely,

[Redacted Signature]

[\[Redacted Email Address\]](#) (07:27 GMT+1)

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cc: Alison Cooke – Head of Strategic Planning Policy CYC
Local Plans Team – CYC