



22/4/2014.

RCT. Community Infrastructure Levy Examination.  
FTAO. Mr Simon Gale Director of Planning.

Dear Mr Gale,

Thank you for attending the meeting called by Mr Lucas, The Director of Legal Services, to try and eradicate some of the problems and issues I have over the suggested modification of The Draft Document, ie the decision to place Tonyrefail from Zone 3, to Zone 2.

I am of the opinion to submit this modification at such a late stage, is at variance with The C.I.L. regulations, particularly as it is not supported by an up to date, and appropriate, evidence base.

I cannot agree your ethos, nor interpretation of the purpose of C.I.L.

You stated that C.I.L. was no more than a roof tax. This is a populist belief adopted, in the main, by developers. It is a skewed approach.

My own thoughts are that C.I.L. is what it says on the tin, a levy against development/s to fund infrastructure needed to qualify that particular development/s, suitability within a community.

I am also extremely disappointed that basic questions posed to your department, which relate to me representing my Ward in this C.I.L. process, are still outstanding.

1.

It became clear that my input was largely accepted, as you commented to Mr Lucas, that we could re-visit my issues in two years time. It now becomes clear to me, that C.I.L. is designed to “ride” with The Local Plan, and that Plan period does not expire until 2021. I accept that C.I.L. will be monitored annually, but that does not alter the material fact that Tonyrefail has’nt now, or at any other time in its history, been anything other than in The South of The County. It is separate and distinctly different to any other area of RCT. This

suggested modification will be harmful to my Community, and the rest of RCT.

I did my own survey of rateable values of 7000 properties in The South. The differences are stark. Which is no surprise, as our own recently adopted Local Plan, makes the same conclusions, as to how distinct The North is from The South of RCT. Tonyrefail is evidenced to be the 4<sup>th</sup> highest rateable valued area, to equate Council tax, in the whole of the County.

70% of the property is in Band A, in Zone 1 & 2, whilst the only properties in Band A, in Tonyrefail, are the old ex-Council estates.

2 :

The simplest of questions I have asked to your staff are still outstanding, this disappoints me. I likewise have 2 F.O.I.s placed, as the C.I.L. documentation lacks transparency, another breach of The C.I.L. Act.

The C.I.L. process, should be published, ie meetings held, and the people who attended those meetings, and should mirror the transparency evidenced by The LDP process.

You alluded to the fact that I have not paid attention to The C.I.L. process thus far, by saying, “after all, this[ sic CIL Consultation] has been kicking around now for a long time”.

I was aware of The Draft C.I.L. Proposals, gleaned from a letter sent to me, around 2012, along with all the original proposals by yourself. They were, and are, still acceptable to me.

However, I did not know anything about the modifications made to C.I.L., ie the moving of my Electoral Ward of Tonyrefail into Zone 2, until I received my Council Agenda for 26<sup>th</sup> Feb 2014 Council Meeting, some 5 days before.

### 3.

I take a particular interest in matters relating to development in my Ward, and their consequences on my Community. As such I am in a position, at local level, to comment on the input of The Draft Document Consultation provided by Savilles. A company that is paid by others, to persuade you[ and many of The County Councils in The United Kingdom] of the unviability facets of C.I.L., to enable discounted build rates for those clients. In this

instance for a cartel of 4 Developers in South Wales.

They make inputs, in the main wildly sweeping generic statements, all unqualified or checked out, for had they been, your report would have been somewhat different.

At no time does it get recorded that all 4 Developers within this cartel, present a different quality product, and approach the housing market differently.

As in every walk of life, you get what you pay for, and whilst some of the developers mentioned carry and maintain quality teams of trades people, others pick off the market as and how they need operatives for a specific development.

This renders their provided figures for build per sq foot flawed, as on quality, you can only measure “like for like” products.

The equation used within The District Valuers report, is a good and accurate way of formulating prices per area, and in coming to conclusions over profits and overheads.

However, he is not given accurate key material facts, as he assumes them to be checked by RCT and submitted correctly. Therby making his formulae totally flawed.

An example being the 20% Affordable Housing Policy of The South of RCT.

That maybe the Policy, but RCT does not apply it. We have the most recent application within my Ward[The South] having an allocation of 10%, on 150 dwellings.

This practice also operates on other such new developments within The South.

### 4.

Not all developers purchase the land.

So how can the residual values be quantified properly, when Legal Options to build apply.

How can that be, the largest component of that investment, is the purchase of the land they build on? : an expense not encountered, and only paid for when sales are achieved.

5.

As I understand it, this Examination is to examine, Caerphilly, Merthyr and R.C.T. C.I.L. documentation jointly.

The Local Government ( Wales ) Measure ( 2009 ) sets out that Local Authorities have a general duty to make arrangements to secure continuous improvements in the exercise of their functions, which means :-

**“ more than just quantifiable gains in service output or efficiency, or the internal effectiveness of an organisation. Rather it should mean anything that enhances the sustainable quality of life and environment for local citizens and communities”.**

The C.I.L. process, requires consistency, transparency and a requirement to work with The Council. [The Act]

Due process, has been undertaken at Merthyr and Caerphilly,s C.I.L. Draft Document Compilation. By this I mean it has undergone Scrutiny as per The W.A.G. requirements at both those Councils CIL is recorded properly within their Scrutiny process, and to make sure, I spoke with Councillors from both Councils, who confirm this. Cardiff & Bridgends websites are much the same.

The stated process thus far in RCT Draft CIL, states meetings have been held with Developers and other parties. There is no recorded incidences of who was spoken with, where or when.

The C.I.L process has undergone no Scrutiny by Members within RCTCB Council. Yes, it went to Full Council 26<sup>th</sup> Feb 2014, but 5.4 of Agenda No 8 tells you, all the information necessary to co-relate facts and to glean an understanding of this report....are not in The Council Chamber, they are in fact[two copies] placed in the windowcill of The Members Lounge....so in Chamber, there is nothing to relate to....transparency?????

The lack of transparency here gives me rise for serious concerns, as the largest benefactor in terms of a discount of C.I.L. in Tonyrefail, if Zone 2 should apply, uses a Planning Agency consisting of ex-RCT Senior Principle Planning Management Staff. For me this highlights obvious concerns, heightened in, that individual worked directly with both of the staff at RCT, charged with compiling this modified final report. However I am grateful to The Wales Audit Office who agree with my thoughts on a lack of Scrutiny at RCT. As following a feed back from WAO, RCT has now having to undergo some changes in their approach to Scrutiny.

6.

The Community Infrastructure Levy Draft Charging Schedule Report of Comments and Responses, Dated October 2013. [the document]

I refer to Page 48, HDF Consortium.

Page 49, point 1.2, is clearly a threat by this Cartel. 1.3, likewise.

The cartel, just like myself, are aware you and your department are under constant

pressure to build dwellings. Part of your brief is to maintain the housing land supply of 5 years, under W.A.G,s land policy, and maintain it. At present it stands at just over 4 years.

I am of an opinion, you have succumbed to these threats. This to the detriment of my Community of Tonyrefail, and RCT as a whole.

**Page 50 :** Items 3.1, 3.2 and 3.3 allude to the most recent and up to date information being introduced. It isn't, they are historic. This being "inappropriate" regarding The C.I.L. Act.

#### **Item 3.4 .**

##### **Redrow@ Dan-y-bryn.**

Redrow have created a superb development. It is of the highest quality, and priced as such. The property sold very quickly, and yes they operated a part exchange process. It is a system they have used successfully over The UK for many years, it represents part of their sales strategy.

Likewise it should be noted, they offer very low part exchange prices. The potential purchaser is then left to decide.

The houses at Dan-y-Bryn, are now selling for the 2<sup>nd</sup> time around now.

##### **Davies Homes@Nant-y-fron.**

The "recent phase" being referred to, was early 2012. This following the breaking up of the main site set up. The Builders Storage/Works Area, was having the building of the last tranche of detached houses built there. The Developer transferred the majority of his long term gang of labour, to The Cynon Valley, to start a very large development[still being built].

A skeleton team of 3 men was purposely left to complete this tranche of 14 quite small houses. This has no bearings whatsoever, on the viability issue of Tonyrefail.

What is not recorded, is that Nant-y-Fron[50 properties] was the 2<sup>nd</sup> Phase to the highly successful Dan-Y-Fron [50 properties] of executive dwellings, and town houses. It sold very quickly. All built by Davies Homes own staff.

Nant-y-fron conjoins with Dan-y-fron, and the land occupied is adjacent to a Butterfly Sanctuary, ie its in the countryside. The plots are large, at a density of 25DPH.

Nant-y-fron sales of executive houses, were sold/reserved quickly.

Most of the executive homes were sold off plan, for up to £250,000.

My own Daughter bought there in 2012.. For £234,000. The plot I wanted was sold.

The 14 that are given as an example, have gardens very very steep, quite difficult to walk on, and most back on to a sawmill, in operation from 8am, till 5pm daily.

Desirable?

Likewise they were priced at a very similar price, circa £100,000, to terraced property in Tonyrefail which are larger dwellings, and had large gardens.

This extra 14, was never planned to be a stand alone site, what it did was maximise every single part of the land purchased. In effect good business, he knew they would

sell sometime.

None of this site is

committed to social housing. Which added to its popularity.

Dan-y-fron, and Nant-y-fron are highly desirable parts of Tonyrefail, it is a flat site with houses symmetrical. The developer has delivered a very high quality development.

### **Llanmoor @ Padfield Court.**

This input serves to indicate as to how in-accurate this whole report is.

Planning consent was given end of March 2012 [app No 11/1335]. Up to July 2012, there was still no sales literature, prices nor general information available. This was a cleared site, banked up with all the old overdig, factories etc.....it looked like a bombsite!.

Parked off road affronting the pavement was a steel Sales portacabin, seldom manned. This was hardly likely to attract anyone to buy. The prices are now set at prices being achieved regularly in Tonyrefail 4 bedroom houses at £225,000. This on a density of 35 plus DPH, ie quite small plots compared to Davies Homes next door.

The first Phase is built, with sales at "the expected" level. My information of the site is, 14 sold, with reservations taken for Phase 2. It is, and always was a 4 year Planned project.

The 2<sup>nd</sup> Phase is progressing very well, even though the muck and mess they are making on the strategic highway and surrounding area is appalling.

I have communications, as a potential buyer, from Llanmoor dated 19<sup>th</sup> Feb 2012, which sets out their position clearly.

There is a high proportion of social housing planned on this development. This will add to the problems they encounter in marketing this development.

**Item 3.6 :** just does not offer "like for like" comparisons, and when Land Registry records are examined, Tonyrefail shows to be more popular with buyers, who are offered better quality, at more reasonable cost, and in a more sustainable area. That is not unviability, this is pure consumer choice. It must become clear to anyone doing the most minimalistic of research, the market in Llanharan has been seriously affected by the reneging of promises & over zealous projects offered, at the planning application/approval stage.

**Item 3.8 :** The evidence base shows, Tonyrefail was no more sluggish than any other area of RCT, given these "facts" relate to the end of 2011. Tonyrefail is more buoyant than many areas of The South of RCT. This is also at odds with The CIL regulations, as a consistent approach on prices & sales across The County, has not been adopted.

## **7.**

Much weight seems to be placed on The R.I.C.S organisation evidence base.

Evidence placed on record by R.I.C.S., in 2013, states, the lack of build in Wales is primarily due to a lack of tradesmen, lack of confidence in the builders supplies industry who are limiting credit to many builders/developers, and the lack of mortgages being granted by the financial institutions.....nowhere in their reports do

they state that, the success of Rhondda Cynon Taff,s building industry, will be solved if Tonyrefail, is placed out of The South of RCT, and into Zone 2..

**8.**

Persimmon Homes are on record for 27<sup>th</sup> September 2012 announcing they have decided not to build any more in The South Wales Valleys, by saying :-

**“ the sales do not make enough profit North of Pontypridd”....no mention of Tonyrefail !!!**

Followed by:-

**“We also blame The W.A.G,s red tape which added a further £3000 to the cost of building a house ie, sprinklers”**

However, a Director of a local housebuilding company based in RCT, on public record, says the reason for this move is that Persimmon overprice their new homes he said :-

**“ it shows they have not got confidence in the valleys, and South Wales probably because they have over expected on figures. They have always been known to try and get ABOVE MARKET values....he went on to say, “ Persimmon should have done their research”.**

**8.**

I agree with The District Valuer who says it all for me in his Study of Viability Report [glossy] on **Page 21, para 4.12.**

This theme is emulated right throughout The New LDP, which we should note was only adopted in March 2011. Every single property placed from The Candidate Sites Register, to The Draft Document and finally The Adopted List of land to be built on, shows it **ALL** to be unconstrained, buildable with dates and schedules agreed, and most importantly every single applicant, stated their sites to be viable.

This all agreed by The Councils own stated and nominated Viability Assessors, in a period where the industry was weaker than it is now, and agreed by MrDPMellor, as being a “sound Plan”. All the evidence shows we are in a different, more buoyant market place at the present.

**Tonyrefail** has been/is popular, because it enjoys such good access to The A4119, and the few miles to Junction 34 of The M4. Likewise its 5 minutes to the commercial outlets of Talbot Green., and 15 minutes from McArthur Glen at Bridgend.

**We have our** own Community Council, with 10 elected Members.

**There is no** direct public transport service into Zone 2 from Tonyrefail.

**It is noticeable**, most new property is placed with Peter Allan, or Nicholas & Michael. They are traditionally the selling Agents most associated with The South of RCT. Is it a coincidence Property Plus has made their base in Tonyrefail?

The prices in Miskin are overinflated, so is it any wonder the house market in Tonyrefail has had such an unprecedented success, being just a few minutes up the road? Likewise where else do/can they build in Miskin? : Tonyrefail becomes an obvious choice as the alternative.

However, the infrastructure in Tonyrefail, has not enjoyed such a success story. RCT commissioned an infrastructure report by Hyder, for The LDP. The press report I attaché, the report can be easily reached via google..

<http://www.walesonline.co.uk/news/local-news/regeneration-for-tonyrefail-2346829>

This whole ethos emulated by The Member of Parliament and The Assembly Member in;-

<http://www.walesonline.co.uk/news/local-news/leading-voices-tonyrefail-meet-discuss-2034473>

Nothing has happened here. This Authority has invested nothing, even though a large s.106 payments received from Developers in this area have been gained for infrastructure.

Part of The Educational Facility within Tonyrefail has been closed, our Library. The 1 and only Doctors Surgery has over 9000 people using it, a minimum of 3 weeks for an appointment. The Primary Schools are in chaos!!!

We are desperate for car-parking facilities to regenerate our Town Centre.

I was of the opinion C.I.L. was, in part, set up to address such issues, before we got to such situations with further developments???

9.  
I agree with The District Valuers report insofar as he tends to urge caution in his INTRODUCTION to his REPORT OF COMMENTS AND RESPONSES, within No 1.

Where he points out, RCT,s original study was published some 12 months ago.

That report held evidence which was over 12 months old, making that evidence which was published 2 years old.

10.  
There is one area in which I absolutely agree with Savilles input on:-

Page 49 within 1.6 :-

**“The Consortium therefore considers that it is imperative that the evidence supporting CIL provides an up to date, consistent and well informed evidence base”.....**

This view accords with the requirements of The C.I.L. Act, insofar as the Act demands that :-

**The Legislation ( section 212 (4) (b) ) requires a charging authority to use appropriate available evidence to” inform the draft charging schedule”.**

The modifications introduced regarding Tonyrefail, are flawed.

The legislation provided for due Examination process states:-

- **The Charging Authority should comply with the requirements as set out in Part 11 of The Planning Act and The Community Infrastructure Levy Regulations.**

- The charging authority,s draft charging schedule is supported by background documents containing appropriate available evidence.
- The proposed rates are informed by and consistent with, the evidence on economic viability across the charging authorities area
- Evidence has been provided that shows the proposed rate would not threaten delivery of the relevant Plan as a whole.

**Bullet point 1 :** RCT is a Member led County Council, clearly emphasis is placed on the public. The publics voice is their elected Member. As the elected Member for Tonyrefail, I was not consulted, nor approached on the modification of The C.I.L Draft Document, this submission does not satisfy the criteria in Part 11. Neither is it consistent in the way Caerphilly, Merthyr, Cardiff and many others have consulted Members on C.I.L.

**Bullet point 2:** The evidence base is historic and takes no account for the current change in the marketplace. The evidence base is neither appropriate, nor is in consideration of the evidence base which is available.

**Bullet point 3:** We have 75 RCT Ward Members, and are the 2<sup>nd</sup> largest Authority in Wales. With Tonyrefail being singled out for special treatment regarding viability. This is neither consistent, nor fair. There are clear examples across this Authority, which show Tonyrefail is best placed as one of the Principle Towns in RCT, to recover from, the then, downturn in demand for housing.

**Bullet point 4 :** Evidence is submitted by 1 consultation, and the whole Draft Document modified on that response, supposedly referring to the whole of The County, are we really to believe if Tonyrefail is not placed in Zone 2, this would threaten the whole of the relevant Plan of C.I.L.?....there are 3000 empty houses in The County!!!

11.

### Regulation 123 submission.

To understand how historical the whole of this submission is one only has to examine how this submission has changed so dramatically.

### **Education Projects.**

The submission for Y- Pant. There has recently been an announcement of £24.1m of aid via W.A.G for this submission.

The Trane Farm Primary submission. I attended a presentation for this whole project at The Gilfach Goch centre.

The exhibitors stated to me, that there was now no requirement for such a project at this proposed site, as the council wanted money provided to another school in Tonyrefail instead.



The Planning Agent provided me with drawings which substantiated his claims. However he was unaware I was the elected Member for Tonyrefail. A letter sent to me by a concerned resident gives a similar account.....

**“Paul...There is supposed to be a school and retail facilities on this site, but the planning agent from \*\*\*\*\* has said that RCT don't want a school. They want a few million quid to put towards a school elsewhere in Tonyrefail”**

I likewise have concerns as to the connections between your Staff, and Staff of Planning Agents, as they were previously work colleagues at RCT. My concerns are heightened when it can be seen that it is those developments, which they represent, would be the largest benefactors of any discounted C.I.L. rate in Tonyrefail.

Clearly this document is as much out of date as the rest of the evidence base. This exhibition took place 9<sup>th</sup> May 2012.....the Regulation 123 document is dated April 2013.

However, the modification made to The Draft CIL Document placing Tonyrefail into Zone 2, was made **after** the date recorded on the Regulation 123 list, why wasn't this list modified, at the same time? This indicates that the proposals are not informed by a consistent means, and as such not in keeping with the tenets and principles of The CIL Act.

## 12.

Absolutely no mention has been made to The Help to Buy Scheme, a £170m scheme placed by WAG. Redrow, Llanmoors and all other developers, including The Home Builders Federation Planning and Policy advisor, all think it will revolutionise the building activity in Wales, and are on record as saying so.

It is not the fault of the Community of Tonyrefail, that WAG introduced this CIL 4 years later than England, and have loaded new development costs in Wales with a £3000 extra over bill, with their sprinkler demands. If Tonyrefail is unviable, then so is everywhere else in RCT.

## 13.

Tonyrefails access to The A4119, and our closeness to Jct 34 M4 for East/West Wales is the envy of most areas within RCT. Likewise the strategic site we have for potential industry at Coedely Colliery.

Circa 40,000 residents out migrate daily to work, from RCT. Many use the A4119, to access The M4 Jct 34 East/West. This has been one of the major factors of Tonyrefails present, and future, popularity and success.

We take many of the sales from Llantrisant/Pontyclun. We take most of the sales of people who desire their first move, to a new home, out of The North of RCT, for there are virtually none being built there, so they move “down” here, ie South.

Many 2<sup>nd</sup> time buyers in Tonyrefail “move up” to a new home...this is an undisputable fact!!

If Tonyrefail really is an unviable place to build, why has The WAG ploughed Tax payers money into loans, to developers to build circa 300 homes at Eiren Parc, stating that site, to be 1 of the 8 new Development Areas in Wales?

#### 14.

The LDP gives us a figure of circa 14,500 dwellings to be built between now and 2021, in RCT. Tonyrefail will produce around 1500 of those dwellings.

The revenue lost to this Community, will be significant and will affect our sustainability objectives. I urge you please to reject this modification to move Tonyrefail, out of Zone 3, where it traditionally belongs.

#### Conclusion.

The Draft CIL consultation reached over 700 stakeholders and other interested parties.

In the main, 21 respondents replied, virtually all with vested interests of profitability, as there are absolutely no suggestions from any of them as to how development overloads Communities, and it is then down to that Community to try and deal with the fallout of increase,s in the existing...full...services.

How would those 700 consultees have reacted if Tonyrefail was originally proposed to be out of Zone 3 ? : Clearly by the non-response they were comfortable with it as it was.

As Local Member I thought, the Draft Document was reasonable, and did not affect Tonyrefail any more than any other area of RCT.

Had it been otherwise, my name would have been appended to The Consultation Document.

Caerphilly Council,s response is, “no change,s required”, ie they agree with The Draft Document, yet they also had the surfeit of submissions from the Cartel so successful in persuading RCT to modify the Document. That is totally inconsistent, either by Caerphilly, or RCT. It also beggars the question, how does Caerphilly CBC feel about the modifications now that the original Draft Document has been changed?

The regulations are quite clear for The C.I.L process, insofar as :-

#### Modifications to the draft charging schedule after publication.

“The intention in publishing the draft charging schedule is to allow delivery partners and the local community to make representations on what the charging authority considers to be its firm proposals for The Community Infrastructure Levy. Consultations will already have taken place during preparation of the draft schedule and charging authorities should avoid

making substantive modifications between the publication of the draft, and submission to the examiner. Substantive changes should always be avoided, unless they have been consulted on”.

I look forward to providing additional, relevant and up to date evidence to The Public Meeting in May.

I object very strongly to Tonyrefail being placed in Zone 2 of The County.

Yours Sincerely.

RCT County Borough Councillor. Paul Wasley.