

# SOUTH WORCESTERSHIRE **DevelopmentPlan**

## **South Worcestershire Councils**

### **Community Infrastructure Levy Draft Charging Schedule: Examination Submission Documentation**

# **SWCIL02**

# **South Worcestershire Community Infrastructure Levy Draft Charging Schedule Statement of Compliance Regulation 19(1) (b) Statement.**

**South Worcestershire Community Infrastructure  
Levy  
Draft Charging Schedule Statement of Compliance  
Regulation 19 (1) (b) Statement**

**Malvern Hills District Council**

**Worcester City Council**

**Wychavon District Council**

**July 2016**



## 1. Background

1.1 This statement has been produced to demonstrate Malvern Hills District Council, Worcester City Council, and Wychavon District Council (the South Worcestershire Councils) compliance with the requirements set out in the Planning Act 2008 as amended by the Localism Act (2011), the Community Infrastructure Levy 2010 (as amended) and the DCLG guidance (June 2014) as set out in National Planning Practice Guidance (paragraph 1-171 were applicable). Earlier stages of the CIL process were undertaken in accordance with the Government's cancelled CIL guidance of 2010 and 2013.

## 2. Compliance

2.1 The South Worcestershire Councils (SWC) hereby declare in line with Section 212(4) of the Planning Act 2008 that:

- a) As the charging authorities they have complied with the requirements of Section 212(4) of the Planning Act 2008 and the CIL Regulations (as amended) 2010.
- b) That the charging authorities have used appropriate available evidence to inform the draft charging schedule; and
- c) That any other matters prescribed in the CIL Regulations 2010 (as amended) have been dealt with.

2.2 Legislation relating to the introduction of CIL is set out in Part 11 of the Planning Act (2008) as amended by the Localism Act (2011). The provisions relating to the joint examination of a CIL Draft Charging Schedule are set out in the following sections. Table 1 below demonstrates that the SWC have complied with these provisions.

**Table 1**

<b>Planning Act 2008</b>	
<b>Section 211 - Amount</b>	<p>In setting the rates and preparing the Draft Charging Schedule the SWC have had regard to:</p> <ul style="list-style-type: none"><li>• the actual and expected costs of infrastructure;</li><li>• the economic viability of development;</li><li>• the actual or expected</li></ul>

	<p>administrative expenses on connection with CIL; and</p> <ul style="list-style-type: none"> <li>• the statutory guidance.</li> </ul> <p>The SWC has consulted with a range of stakeholders in preparing the Draft Charging Schedule with formal consultations as follows:</p> <ul style="list-style-type: none"> <li>• Preliminary Draft Charging Schedule: 27 September to 8 November 2013</li> <li>• Revised Preliminary Draft Charging Schedule: 16 February to 30 March 2015</li> <li>• Draft Charging Schedule: 1 April to 16 May 2016</li> </ul>
<p><b>Section 212 - Charging Schedule examination</b></p>	<p>The SWC have submitted the CIL Draft Charging Schedule and accompanying evidence to the Planning Inspectorate who will provide an independent examiner to examine the SWC Draft CIL Charging Schedule. The Planning Inspectorate are independent of the SWC and have the appropriate experience and expertise. The examination is being held on a joint charging authority basis covering Malvern Hills District Council, Worcester City Council, and Wychavon District Council.</p> <p>All persons who have submitted representations to the consultation on the Draft CIL Charging Schedule stating that they would like to be heard by the examiner will be given the opportunity to do so.</p>

2.2 The Planning Act (2008) allows for the production of CIL Regulations. These are contained in the Community Infrastructure Levy Regulations 2010 (as amended). The regulations that apply to the process involved in progressing a CIL Draft Charging Schedule to examination are as follows:

- Regulation 12 – Format and content of the charging schedules
- Regulation 13 – Differential rates
- Regulation 14 – Setting rates
- Regulation 15 – Consultation on a preliminary draft charging schedule
- Regulation 16 – Publication of a draft charging schedule
- Regulation 17 – Representations relating to a draft charging schedule
- Regulation 18 – Withdrawal of a draft charging schedule
- Regulation 19 – Submission of documents and information to the examiner
- Regulation 20 – consideration of representations by examiner
- Regulation 21 CIL examination: right to be heard

Table 2 below demonstrates how the SWC have complied with these regulations:

**Table 2**

<b>The Community Infrastructure Levey Regulations 2010 (as amended)</b>	
<b>Regulation 12 – Format and content of the charging schedules</b>	<p>The SWC CIL Draft Charging Schedule contains the information required by Regulation 12 including:</p> <ul style="list-style-type: none"> <li>a) the names of the Charging Authority;</li> <li>b) the rate in pounds per square metre at which CIL is to be charged in the authority’s area; and</li> <li>c) an explanation of how the chargeable amount will be calculated.</li> </ul>
<b>Regulation 13 – Differential Rates</b>	<p>This regulation applies to differential rates. The SWC propose to set</p>

	<p>differential rates.</p> <p>Differential rates are set in relation to the intended use of development for market housing, student accommodation, food retail, retail warehouses.</p> <p>In relation to market housing, the SWC proposes to set differential rates between main urban areas, rural areas and strategic housing sites.</p> <p>This is set out in the CIL Draft Charging Schedule and justified in the accompanying background paper and viability reports.</p>
<p><b>Regulation 14 – Setting Rates</b></p>	<p>In setting the levy rates, the SWC have complied with Regulation 14(1) which requires that it <i>“must aim to strike what appears to the charging authority to be an appropriate balance between the desirability of funding from CIL (in whole or in part) the actual and expected estimate total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area”</i>.</p> <p>This is set out in the following documents:</p> <ul style="list-style-type: none"> <li>• CIL Draft Charging Schedule</li> <li>• SW Infrastructure Delivery Plan 2014; 2016</li> <li>• Viability Study 2014; 2016 update</li> <li>• Other evidence base documents submitted as part of the examination. These documents have been available to view and</li> </ul>

	<p>download from the South Worcestershire Development Plan (SWDP) website since the autumn of 2013.</p>
<p><b>Regulation 15 – Consultation on a Preliminary Draft Charging Schedule</b></p>	<p>An initial 6 week consultation on the CIL Preliminary Draft Charging Schedule was undertaken from 27 September to 8 November 2013. This coincided with the opening of the SWDP examination and Stage 1 hearings.</p> <p>A revised Preliminary Draft Charging Schedule was consulted on from the 16 February to 30 March 2015. This was undertaken in parallel to the reconvening of Stage 2 of the SWDP examination and to reflect the uplift in OAN housing figure for the SWDP resulting from the Inspector’s interim conclusions to the Stage 1 examination.</p> <p>On both occasions the SWC complied with Regulation 15 of the CIL Regulations in terms of the requirements for consultation on the Preliminary Draft Charging Schedule. Regulation 15 sets out that the charging authority must send a copy of the Preliminary Draft Charging Schedule to each of the consultation bodies and invite them to make representations. In addition the consultation also included briefing sessions with interested parties, e.g. agents, developers and parish/town councils.</p> <p>The following methods of consultation were used:</p> <ul style="list-style-type: none"> <li>• Emails were sent out to interested parties, statutory bodies and other organisations held on the SWDP database.</li> </ul>

	<ul style="list-style-type: none"> <li>• A press release was issued providing details of the consultation.</li> <li>• Consultation documents were placed in the contact centres of the SWC offices as well as libraries across the three SWC areas.</li> <li>• Copies of the consultation documents were published on the SWDP website.</li> </ul> <p>The SWC have published a Draft Charging Schedule Statement of Consultation under regulation 19(1) (b) which provides more details of the consultation and representations received.</p>
<p><b>Regulation 16 – Publication of a draft charging schedule and Regulation 17 – Representations relating to a draft charging schedule</b></p>	<p>The CIL Draft Charging Schedule was approved by the SWC in March 2016 and published for 6 weeks consultation between 1 April and 16 May 2016.</p> <p>The CIL Draft Charging Schedule was published on the SWDP website with links from each of the SWC websites together with a Regulation 16 Statement of Representations Procedure, relevant evidence base documents, how to make representations and where hard copies of the documents were available to view.</p> <p>Emails were also sent out to interested parties and organisations held on the SWDP database containing the same information. A press notice was issued providing details of the consultation.</p> <p>Consultation documents were placed in the SWC customer contact centres, as well as libraries across the three SWC</p>

	<p>areas.</p> <p>A total of 28 responses were received from a range of stakeholders statutory bodies and interested parties. The SWC have published a Draft Charging Schedule Statement of Consultation under regulation 19(1) (b) which provides more details of the consultation and representations received.</p> <p>A schedule setting out the details of respondents, representations made and officer responses has been available to view on the SWDP website since 6 July 2016.</p>
<p><b>Regulation 18 – Withdrawal of a draft charging schedule</b></p>	<p>The SWC has not withdrawn its Draft Charging Schedule therefore this regulation does not apply.</p>
<p><b>Regulation 19 – Submission of documents and information to the examiner</b></p>	<p>The SWC submitted the following documents in both paper and electronic format to the Planning Inspectorate for joint examination on 26 July 2016:</p> <ul style="list-style-type: none"> <li>• CIL Draft Charging Schedule</li> <li>• CIL Draft Charging Schedule – Justifying Levy</li> <li>• CIL Viability Study (January 2016)</li> <li>• CIL Viability Study (2014)</li> <li>• A Statement of Compliance</li> <li>• A Statement of Consultation</li> <li>• A Regulation 19 (1) (b) Statement of Representations</li> <li>• Background documents</li> <li>• Copies of relevant evidence</li> </ul> <p>A parallel four week consultation on the</p>

	<p>proposed modifications to the Draft Charging Schedule commenced on 25 July 2016 in accordance with Regulation 19(4).</p>
<p><b>Regulation 20 – Provide Representations to Inspector</b></p>	<p>The DCS and representations to the consultation were submitted to the Planning Inspectorate on 26 July 2016.</p>
<p><b>Regulation 21 – CIL examination: right to be heard</b></p>	<p>The SWC received 13 requests to be heard by the examiner within the period for making representations on the CIL Draft Charging Schedule.</p> <p>The SWC will publish the time and place of the CIL examination hearings and the name of the examiner on the SWDP website and notify all persons who made representations in accordance with Regulation 17.</p> <p>A press advert will be placed stating the time and place of the CIL examination hearings and the name of the examiner at least 4 weeks before the hearings take place.</p> <p>This statement will be updated to include additional information on compliance within Regulation 21.</p>