

South Worcestershire Councils  
(Malvern Hills District, Worcester City and Wychavon District)  
Community Infrastructure Levy [CIL]

Examination of Draft Charging Schedule

**Examiner's guidance notes**

**The Examiner**

1. Roger Clews BA MSc DipEd DipTP MRTPI has been appointed to examine the Draft Charging Schedule for the South Worcestershire Councils' Community Infrastructure Levy [CIL] under Section 212(2) of the Planning Act 2008 (as amended).

**The Programme Officer**

2. The Programme Officer for the Examination is Helen Wilson, who acts as an impartial officer and not as an employee of the Councils. She is assisting the Examiner with procedural and administrative matters. Her role is to liaise between all parties, acting as the channel of communication between the Examiner, the Councils and those who made representations on the Draft Charging Schedule.
3. Helen maintains the Examination webpage and library and ensures that all relevant documents are distributed promptly. She is the first point of contact for any queries regarding the Examination.
4. The contact details for the Programme Officer are:

Helen Wilson  
32 Pennyford Close  
Brockhill  
Redditch  
Worcestershire  
B97 6TW  
Tel: 01527 65741 / 07879 443035  
Email: [progofficer@aol.com](mailto:progofficer@aol.com)

**The scope of the Examination**

5. The Examiner's task is to consider whether or not the statutory drafting requirements for the Draft Charging Schedule have been met and make recommendations accordingly [section 212(4) & (7) of the *Planning Act 2008*].

6. The Examiner will consider whether or not:
  - the Councils have complied with the procedural requirements set out in the Act and associated Regulations;
  - the Draft Charging Schedule is supported by appropriate available evidence;
  - the proposed rates are informed by and consistent with evidence on economic viability;
  - evidence has been provided to show that the proposed rates would contribute towards the implementation of the Councils' relevant plan(s) and support development across the borough.
7. Please note that the original Draft Charging Schedule [SWCIL01], published for consultation in April 2016, has been amended by the Statement of Modifications [SWCIL04] that was published for consultation in July 2016. It is the Draft Charging Schedule as amended by the Statement of Modifications that is the subject of the Examination.
8. Regulation 12 of the *Community Infrastructure Levy Regulations 2010* as amended [SI 2010/948] sets out what a Draft Charging Schedule must contain. This does not include any list of relevant infrastructure prepared under Regulation 123, or any instalment policy prepared under Regulation 69B.
9. Accordingly, the Examiner is not required to make recommendations on the Regulation 123 List and its Accompaniment at Appendix A to the Councils' Draft Charging Schedule Consultation Document, or on the instalment policy set out in section 7 of that document. Notwithstanding that representations have been made on the content of the Regulation 123 List and the instalment policy, they will not be discussed at the hearing except insofar as they are relevant to the matters listed in paragraph 6 above.

### **Format of the Examination**

10. The Examiner will consider the evidence submitted by the Councils in support of the Draft Charging Schedule. He will take account of the written representations made on both the Draft Schedule and the Statement of Modifications, any further written submissions made during the Examination, and discussion at a hearing.
11. A hearing has been arranged for **Tuesday 29 and Wednesday 30 November 2016, starting at 9.30am each day**. The hearing will be held in

The Guildhall  
High Street  
Worcester  
WR1 2EY

12. The hearing is open to the public to observe. However, as well as representatives of the Councils, only those who made representations about the Draft Charging Schedule or the Statement of Modifications within the specified periods and requested to be heard at that time have a right to participate at the hearing. The invited participants are listed on the hearing agenda.
13. The hearing will take the form of a round-table discussion, led by the Examiner. The discussion will focus on the main issues and questions identified by the Examiner and circulated with these guidance notes.
14. The hearing is programmed for two days in order to ensure that there is sufficient time to complete the scheduled business. Invited participants should make sure they are available on both days.
15. Following the close of the hearing, the Examiner will prepare a report to the Councils. The report will recommend that the Draft Charging Schedule be approved, rejected, or approved with modifications, and will set out reasons for the recommendation.

#### **Further written submissions**

16. The Councils should submit a written statement addressing the main issues and questions identified by the Examiner. There is no need to include extracts of submitted documents or documents already in the public domain. This includes any material already provided by the Councils in response to the Examiner's initial questions. Cross-referencing will suffice.
17. Those who have made representations on the Draft Charging Schedule or the Statement of Modifications – including those attending the hearings – are expected to rely on their original representations. Additional written statements will only be accepted if (a) they are relevant to the original representation(s) and (b) provide essential additional information that is not in the original representation(s).
18. Any written statements must be submitted by **5pm on Tuesday 15 November 2016** at the latest. Two paper copies and an electronic copy must be submitted to the Programme Officer by the deadline.
19. Once the deadline for these written statements has passed, no additional written material will be accepted unless specifically asked for by the Examiner.

#### **Procedural requirements**

20. The Councils have submitted a Statement of Compliance with the procedural requirements set out in the 2008 Act and associated Regulations [SWCIL02]. They will be asked to confirm compliance with those requirements verbally at the start of the hearing.

## **Availability of documents**

21. All documents relevant to the Examination are available via –  
the Councils' CIL webpage -  
[http://www.swdevelopmentplan.org/?page\\_id=11266](http://www.swdevelopmentplan.org/?page_id=11266)  
and the Examination webpage -  
[http://www.swdevelopmentplan.org/?page\\_id=12967](http://www.swdevelopmentplan.org/?page_id=12967)
22. The Programme Officer is also maintaining an Examination Library.  
Copies of documents are available on request to the Programme  
Officer.