

Bath and North East Somerset Council Community Infrastructure Levy Draft Charging Schedule

Statement of Compliance (Planning Act 2008 s.212)

Background

This statement has been produced to demonstrate Bath and North East Somerset Council's compliance with the requirements set out in the Planning Act 2008, the CIL Regulations 2010 (as amended) and DCLG guidance.

Compliance

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 examination of a CIL Draft Charging Schedule are set out in the following section:

The Planning Act (2008) allows for the production of CIL regulations. These are contained in The Community Infrastructure Levy Regulations (2010) as amended by The Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013 and 2014.

The regulations that apply to the processes involved in the progression of a CIL Draft Charging Schedule to examination are as follows:

- Regulation 12 Format and content of 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

	Statement of Compliance	Relevant Document	Availability and Consultation
Planning Act 2008			
Section 211 (2) (4) Criteria that must be had regard to in setting	In setting the rates and preparing the Draft Charging Schedule B&NES Council has had		

<p>rates</p>	<p>regard to: the actual and expected costs of infrastructure; the economic viability of development; other actual or expected sources of funding for infrastructure; the actual or expected administrative expenses in connection with CIL.</p> <p>In line with statutory guidance B&NES Council has consulted with a range of stakeholders in preparing the Draft Charging Schedule. Formal consultations were undertaken as follows: Preliminary Draft Charging Schedule: Between 19th April and 8th June 2012 Draft Charging Schedule: Between 24th July 2014 and 18th September 2014</p>		
<p>Section 212 (1) Appointment of an appropriate examiner</p> <p>(4) declaration that the charging authority has complied with the requirements of this Part and CIL regulations (including the requirements to have regard to the matters listed in section 211(2) and (4)(b) that the charging authority has used appropriate available evidence to inform the draft charging schedule, and .</p> <p>(c) dealing with any other matter prescribed by CIL regulations. .</p> <p>(5) A charging authority must approve the declaration— .</p> <p>(a) at a meeting of the authority, and .</p> <p>(b) by a majority of votes of members present.</p>	<p>The Council expect to use the Planning Inspectorate to appoint an inspector to undertake the Examination of the Draft Charging Schedule. The Inspector would have the appropriate level of experience and expertise and would be independent of the Council.</p> <p>The Draft Charging Schedule and associated documents were considered by the Council's Cabinet on 16th July 2014. The report recommendations were unanimously accepted to approve the draft charging schedule for consultation and delegated authority to submit the draft Charging Schedule for examination.</p>	<p>Submission letter to Planning Inspectorate</p> <p>Refer to Cabinet Report 16th July 2014 and Minute of meeting.</p>	
<p>CIL Regulations 2010 (as amended)</p>			
<p>Reg 12 – Format and content of charging schedules 2)</p>	<p>The Draft Charging Schedule contains the information required by the Regulations including: (a) the name of the Charging Authority; (b) the rates in pounds per square metre at which CIL is to be charged in the authority's area</p>	<p>Draft Charging Schedule (Oct 2014)</p>	<p>Refer Submission of Documents</p>

	<p>(c) an OS map with National Grid lines and reference numbers which identifies the location and boundaries of the charging zones;</p> <p>(d) an explanation of how the chargeable amount will be calculated</p>		
Reg 13 – Differential Rates	B&NES Council's levy rates are compliant with Regulation 13, which enables charging authorities to set differential rates (including nil rates) by location and different intended use of development.	Draft Charging Schedule (Oct 2014)	Refer Submission of Documents
<p>Reg 14 (1) (as amended)– Setting Rates</p> <p>In setting rates (including differential rates) in a charging schedule, a charging authority must strike an appropriate balance between</p> <p>(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 .</p> <p>(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area. .</p>	<p>In setting its levy rates, B&NES Council complied with Regulation 14(1) (as amended),</p> <p>The proposed rates strike an appropriate balance between 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</p> <p>b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.</p> <p>The following appropriate available evidence has informed the Draft Charging Schedule.</p>	<p>BNP Paribas Viability Assessment (28 May 2014)</p> <p>Infrastructure Delivery Programme 2014</p> <p>Infrastructure (Regulation 123) List</p> <p>B&NES CIL Infrastructure Funding Gap Evidence Paper (July 2014)</p> <p>B&NES Core Strategy (Local Plan Part 1) July 2014</p>	Refer Submission of Documents
Reg 15 – Consultation on a Preliminary Draft Charging Schedule 15.	<p>B&NES Council published a CIL Preliminary Draft Charging Schedule for consultation between 19th April and 8th June 2012 in accordance with the Regulations.</p> <p>A copy of the preliminary draft charging schedule was sent to the consultation bodies.</p> <p>A local advertisement was placed in 3 local papers covering the whole of the district</p>	<p>CIL Preliminary Draft Charging Schedule (April 2012)</p> <p>B&NES Community Infrastructure Levy: Viability Study (March 2012)</p> <p>Regulation 15</p>	Refer Website

	Details were published on the Council's website and hardcopies of the Preliminary Draft Charging Schedule were made available at all Council One Stop Offices and libraries for inspection.	Statement of Consultation.	
Reg 16 – Publication of a draft charging schedule	<p>B&NES Council published a CIL Draft Charging Schedule for consultation between 24th July 2014 to 18th September 2014 in accordance with the regulations.</p> <p>The Draft Charging Schedule was published with a statement of the representation procedure, a response form and relevant evidence. Details were published on the Council's website and hardcopies of the Draft Charging Schedule and Statement of Representation Procedure were made available at all Council One Stop Offices and libraries for inspection.</p> <p>A copy of the draft charging schedule and a statement of the representations procedure were sent to the consultation bodies.</p> <p>A local advertisement was placed in 3 local papers covering the whole of the district.</p>	<p>Draft Charging Schedule (July 2014)</p> <p>Statement of Representation Procedure</p> <p>Response Form</p>	Refer Submission
Reg 17 – Representations relating to a charging schedule	Representations from 2 individuals and 33 organisations were received during the statutory Consultation Period	Reg 19(1)(b) (c) Statement of Consultation and Representations	Refer Submission
Reg 18 – Withdrawal of a draft charging schedule	Not applicable	N/A	N/A
<p>Reg 19 – Submission of documents and information to the examiner</p> <p>The charging authority must submit the following to the examiner (in addition to the declaration required under section 212(4) of PA 2008)—</p> <p>(a)the draft charging schedule; .</p>	<p>B&NES Council will submit the following documents to the Examiner / Planning Inspectorate in both paper and electronic form</p> <p>Letter to Planning Inspectorate enclosing submission documents (see schedule of documents set out within letter) including</p>	<p>Regulation 19 Report of Draft Charging Schedule Consultation and Representations (2014)</p> <p>B&NES Draft Charging Schedule</p>	A copy of each documents and statements Regulation 19 (1)— will be sent to the examiner (Planning Inspectorate) in paper form and

<p>(b) a statement setting out— . (i) if representations were made in accordance with regulation 17, the number of representations made and a summary of the main issues raised by the representations, or . (ii) that no such representations were made; . (c) copies of any representations made in accordance with regulation 17; . (d) where the charging authority modified the draft charging schedule after it was published in accordance with regulation 16, a statement of modifications; and . (e) copies of the relevant evidence.</p>	<p>(a) the draft charging schedule; . (b) a statement setting out details of representations, and a summary of the main issues raised by the representations, (c) copies of any representations made (d) a statement of modifications; and . (e) copies of the relevant evidence.</p>	<p>Infrastructure (Regulation 123) List BNP Paribas Viability Assessment (28 May 2014) including Appendices Infrastructure Delivery Programme 2014 B&NES CIL Infrastructure Funding Gap Evidence Paper (July 2014)</p>	<p>electronically. ..</p>
<p>Reg 19 (3) Publication of Documents</p>	<p>Notice of submission has been given. All persons who submitted responses to the CIL Draft Charging Schedule will be notified of the submission</p> <p>B All submitted documents listed can be viewed on the Council's website.</p> <p>The Council website dedicated web page includes a statement of the fact that a copy of the draft charging schedule and of each of the submission documents (Reg 19(1)) are available for inspection on the internet and hard copies of key documents can be viewed at The Council One Stop Shops and all Public Libraries</p>		
<p>Reg 19 (4)- Statement of Modifications</p>	<p>The Statement of Modifications has been sent to</p>	<p>Statement of</p>	

<p>Where the charging authority modified the draft charging schedule after it was published in accordance with regulation 16, the charging authority must—</p> <p>(a) send a copy of the statement of modifications to each of the consultation bodies invited to make representations under regulation 15; and</p> <p>(b) publish the statement of modifications on its website.</p> <p>Reg 19 (4)</p> <p>The charging authority must comply with paragraph (4) before submitting to the examiner the documents mentioned in paragraph 19(1).”</p> <p>Reg 19 (5)</p>	<p>the consultations bodies invited to make representation under reg 15 and has published on the Council’s website.</p>	<p>Modifications</p>	
<p>Reg 21 – CIL Examination: right to be heard</p>	<p>The Council received 13 requests to be heard by the Examiner within the period for making representations to the Draft Charging Schedule.</p> <p>The Council will publish the time and place of the CIL examination and the name of the Examiner on its website and notify all persons who made representations in accordance with Regulation 17. An advert will be placed in the local newspaper stating the time and place of the CIL examination and the name of the examiner.</p>		