

Please return this form with your representations to Planning Services by **5pm on Thursday 18th September 2014** either by email to [cil@bathnes.gov.uk](mailto:cil@bathnes.gov.uk) post to PO Box 5006, Bath, BA1 1JG

**This form has two main parts:**  
**Part A** – Personal Details  
**Part B** – Your representations(s)

Please fill in Part A once, and a separate sheet for each representation you wish to make on Part B.

**Please note all names and comments will be made publically available.**

### Part A

\* If an agent is appointed, please complete only the Title, Name and Organisation Boxes below but complete the full contact details of the agent

1.	Personal Details*	Agent Details
Title:	<input type="text"/>	<input type="text" value="Mr"/>
First Name:	<input type="text"/>	<input type="text" value="Mark"/>
Last Name:	<input type="text"/>	<input type="text" value="Rose"/>
Job Title: (where relevant)	<input type="text"/>	<input type="text" value="Director"/>
Organisation: (where relevant)	<input type="text" value="University of Bath"/>	<input type="text" value="Define"/>
Address Line 1:	<input type="text" value="c/o Agent"/>	<input type="text" value="Unit 6"/>
Address Line 2:	<input type="text"/>	<input type="text" value="133-137 Newhall Street"/>
Address Line 3:	<input type="text"/>	<input type="text" value="Birmingham"/>
Address Line 4:	<input type="text"/>	<input type="text"/>
Postcode:	<input type="text"/>	<input type="text" value="B3 1SF"/>

**2. If your representation is seeking a change, do you consider it necessary to participate at the public hearings part of the examination?**

- No, I do not wish to participate at the oral examination  
 Yes, I wish to participate at the oral examination

**3. If you wish to participate at the public hearings, please outline why you consider this to be necessary:**

Signature:

Date:

## Part B: Representations

### Comments:

The Council's reasoning for the introduction of a Community Infrastructure Levy is understood, but in light of the scale and nature of the University's planned investment into its estate, the Council will appreciate the need for certainty in respect of how the proposed CIL will relate to the University's planned development programme.

The Council will recall from previous University representations in respect of this matter that the Community Infrastructure Levy Regulations 2010, include both mandatory & discretionary exemptions for charitable institutions from the liability to pay CIL (Sections 43 and 44 respectively). The term "charitable institutions" includes exempt charities under the Charities Act 2006, which includes the University. The institution must have a material interest in the relevant land and the mandatory exemption applies if the chargeable development will be wholly or mainly for charitable purposes, will be occupied by, or under the control of, a charitable institution, and the exemption would not constitute state aid. "Wholly or mainly" means more than half of the development must directly facilitate the carrying out of the "charitable purposes" which, in accordance with Section 2 of the Charities Act 2006, includes the advancement of education for the public benefit.

On this basis the proposed developments planned on the campus within the University's Masterplan would be exempt from CIL if they are undertaken and managed by the University itself. This was acknowledged by the Inspectors who dealt with the CIL proposals in both Exeter and Bristol. The existence of the mandatory charitable relief is acknowledged in the consultation documentation, but despite the University's previous representations, no reference is made to the circumstances in which the discretion would apply. So that the University can continue to implement its estate investment programme with certainty in respect of this matter, the University requests that the Council confirms that they accept that the mandatory relief will apply to the University if the criteria outlined above are met.

If a particular development proposal would not be subject to the mandatory exemption, because it did not accord with one or more of the caveats outlined above, then discretionary relief could still be available. This is again acknowledged in the consultation documentation, but limited detail is provided in respect of the circumstances where it might apply. There are also two types of discretionary relief, the first applies to investment activities and requires the whole or greater part of the chargeable development will be held by the claimant or other charity as an investment for which the profits will be applied for charitable purposes, that the portion of the development held as an investment will not be occupied for illegible trading activities, and the relief must not constitute a notifiable state aid. The second discretionary relief applies if the relief that would otherwise be mandatory is considered state aid, but is not notifiable. The Council must give notice that the discretionary relief is available, but it is unclear from the consultation documentation whether the Council intends to do so. Given the importance of the University and its investment into the wider city, the University would encourage the Council to make this discretionary relief available for potential off campus schemes and, therefore, requests that the Council clarifies its position in this respect.

*Continue on a separate sheet if necessary. Please include your name/organisation on each separate sheet used.*

**Please note** that the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Representations may be accompanied by a request to be notified at a specified address of any of the following: that the Draft Charging Schedule has been submitted for independent examination; the publication of the recommendations of any person appointed to carry out an independent examination of the Draft Charging Schedule and the reasons behind those recommendations; and the approval of the Charging Schedule.

If you would like help completing this form or need more copies, please ring the Planning Policy Team on 01225 477548. More information can also be found at [www.bathnes.gov.uk/CIL](http://www.bathnes.gov.uk/CIL)