

# Chichester District Council

Community Infrastructure Levy (CIL)

Statement of Compliance



[www.chichester.gov.uk/planningpolicy](http://www.chichester.gov.uk/planningpolicy) March 2015

## **Background**

This statement has been produced to demonstrate that Chichester District Council has complied with the requirements set out in the Planning Act 2008, the CIL Regulations 2010 (as amended) and DCLG CIL 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: Section 212 Charging schedule: Examination

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 (2013).

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

<b>Planning Act 2008</b>	
Section 211	<p>In setting the rates and preparing the Draft Charging Schedule Chichester District Council has had 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. In line with statutory guidance Chichester District Council has consulted with a range of stakeholders in preparing the Draft Charging Schedule. Formal Consultations were undertaken as follows:</p> <ul style="list-style-type: none"> <li>➤ Preliminary Draft Charging Schedule: Between 17 March 2014 and 23 April 2014</li> <li>➤ Draft Charging Schedule: Between 21 November 2014 and 5 January 2015</li> </ul>
Section 212	<p>The Council has used the Planning Inspectorate to appoint an inspector to undertake the Examination of the Charging Schedule for CIL. The Inspector would have the appropriate level of experience and expertise and would be independent of the Council.</p>

<b>The Community Infrastructure Levy Regulations 2010 (as amended)</b>	
Reg 12	<p>The Draft Charging Schedule contains the information required by the Regulations including:</p> <ul style="list-style-type: none"> <li>(a) the name of the Charging Authority;</li> <li>(b) the rates in pounds per square metre at which CIL is to be charged in the authority's Local Plan area</li> <li>(c) an OS map which identifies the location and boundaries of the charging zone;</li> <li>(d) an explanation of how the chargeable amount will be calculated.</li> </ul>
Reg 13	<p>Chichester District Council's levy rates are compliant with Regulation 13, which enables charging authorities to set differential rates (including nil rates) by location, type and scale of development.</p>
Reg 14	<p>In setting its rates, Chichester District Council complied with Regulation 14(1), which requires that it...</p> <p><i>"must strike an appropriate balance between:</i></p> <ul style="list-style-type: none"> <li><i>(a) the desirability of funding from CIL (in whole or in part) the actual and expected total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and</i></li> <li><i>(b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.</i></li> </ul> <p>The following appropriate available evidence has informed the Draft Charging Schedule:</p> <ul style="list-style-type: none"> <li>➤ Chichester Local Plan: Key Policies 2014-2029</li> <li>➤ Infrastructure Delivery Plan (October 2014)</li> <li>➤ CIL viability for the Draft Charging Schedule Chichester Plan Viability (September 2014)</li> <li>➤ District Council Plan viability (November 2013)</li> <li>➤ Preliminary Draft Charging Schedule (March 2014)</li> <li>➤ Information on monies received from planning obligations over the last five years (since 2009)</li> </ul>
Reg 15	<p>Chichester District Council published a CIL Preliminary Draft Charging Schedule</p>

	<p>for consultation from 17 March 2014 to 23 April 2014.</p> <p>As explained in more detail within the ‘Statement of Consultation’ the key documents and available evidence were published on the Council’s website and made available to view as hard copies. All key stakeholders and consultees were notified of the consultation, and an advertisement was placed in the local newspaper.</p>
Reg 16	<p>The Draft Charging Schedule was published with a clear statement of the representation procedure. As explained in more detail within Appendices 2 and 3 of the Regulation 19 (1) Statement, the key documents and available evidence were published on the Council’s website and made available to view as hard copies. All key stakeholders and consultees were notified of the consultation, and an advertisement was placed in the local newspaper.</p>
Reg 17	<p>The period for representations on the Draft Charging Schedule was 21 November 2014 to 5 January 2015.</p> <p>Representations from 22 individuals/organisations were received.</p>
Reg 18	<p>The Council has not withdrawn its Draft Charging Schedule therefore this regulation does not apply.</p>
Reg 19	<p>Chichester District council will submit the following documents to the Examiner/Planning Inspectorate in both paper and electronic form (where practicable to do so):</p> <ul style="list-style-type: none"> <li>➤ The Draft Charging Schedule</li> <li>➤ A summary of the main issues raised by representations to the Draft Charging Schedule</li> <li>➤ Draft Regulation 123 list</li> <li>➤ Copies of the representations made on the Draft Charging Schedule</li> <li>➤ Statement of Compliance</li> <li>➤ Statement of Consultation</li> <li>➤ Statement of Representations</li> <li>➤ Background Evidence including the Draft Planning Obligations and Affordable Housing SPD; The CIL “Storyboard”; Draft Payment by Instalments Policy; information on monies received from planning obligations over the last five years (since 2009); Infrastructure Delivery Plan (October 2014); Chichester Local Plan: Key Policies 2014-2029</li> </ul> <p>All documents listed can be viewed on the Council’s website and are available to view at the Council’s offices.</p> <p>All persons who submitted responses to the CIL Draft Charging Schedule will be notified of its submission.</p>
Reg 21	<p>The Council received 6 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.</p> <p>An advertisement will be placed in the local newspaper stating the time and place of the CIL examination and the name of the Examiner.</p>