

CHICHESTER COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE EXAMINATION

BRIEFING NOTE FROM THE EXAMINER

April 2015

1. EXAMINER

The Examiner is Mike Hayden BSc Dip TP MRTPI

2. PROGRAMME OFFICER

The Programme Officer [PO] for the Examination is Mr Chris Banks. He is independent of the Council and acts under the direction of the Examiner for the purposes of the Examination.

Chris can be contacted at:

Email: bankssolutionsuk@gmail.com
Telephone: 01903 783722
Address: Banks Solutions
64 Lavinia Way
East Preston
West Sussex
BN16 1EF

His principal functions are:

- to liaise with all parties to ensure the smooth running of the Examination;
- to ensure that all the documents received before the Examination are recorded and distributed;
- to maintain the examination library, including the Examination Document list; and
- to assist the Examiner with all procedural and administrative matters.

Chris will advise on any programming queries and all practical and procedural points should be addressed to him. He will pass them on to the Examiner for a reply if necessary.

3. HEARING

The hearing will commence at:

09:30 on Tuesday 9 June 2015 in:

Committee Room 1,
Chichester District Council,
East Pallant House,
1 East Pallant,
Chichester,
West Sussex,
PO19 1TY.

If necessary the hearing will continue on Wednesday 10 June 2015.

4. SCOPE OF THE EXAMINATION AND THE EXAMINER'S ROLE

The examiner's role is to consider whether the Community Infrastructure Levy [CIL] Charging Schedule meets the requirements of the Planning Act 2008 and associated Regulations in respect of legal compliance and viability.

The examination will focus on viability. The Council should rely on evidence collected whilst preparing the schedule to demonstrate that it is viable. Those seeking changes should demonstrate why that is not the case, preferably providing appropriate evidence in support of their case.

The focus will be on the schedule rather than individual objections. I will consider the viability of the schedule, having regard to the evidence available and representations submitted. The examination hearing will be in the form of a 'roundtable', structured debate, focussing on particular topics and led by me, rather than a public inquiry-style event with presentation of cases by each party and cross-examination.

Following the closure of the hearing sessions, I will prepare a Report to the Council with conclusions and recommendations. My recommendations will fall into one of the following categories:

- Approval of the schedule without modification
- Approval of the schedule subject to modification
- Approval of the schedule together with non-binding recommendations
- Rejection of the schedule, where it does not comply with drafting requirements and it cannot be modified to comply.

The DCLG's CIL 2010 Regulations (as amended) and the online Planning Practice Guidance should help interested parties with further understanding. Interested parties should seek advice from the Council or the PO if still not clear.

5. PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the hearing I will formally ask the Council to confirm that the Schedule has been prepared in accordance with:

- the statutory procedures;
- the Council's Local Plan Core Strategy and Infrastructure Delivery Plan;
- the consultation requirements set out in the Community Infrastructure Levy Regulations April 2010 (as amended);

and that:

- it is supported by a viability appraisal; and
- there are no fundamental procedural shortcomings.

6. THE HEARING AND BEFOREHAND

Those who have made representations on the Schedule within the relevant time period ["representors"] should have already indicated whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. Both methods will carry the same weight and I will have equal regard to views put orally or in writing.

Attached is a list of *Main Issues and Questions for the Examination* which will form the basis of discussion at the hearing sessions. Also attached is a draft programme with approximate timings for each hearing session.

Attendance at a hearing session will only be useful and helpful to me if participants can engage in a debate. Representors must confirm attendance to the PO by **Monday 1 June 2015** so that arrangements can be finalised or it will be assumed that they are relying on written representations. Those who wish to rely on their previous written submissions need take no further action and there is also little to be gained by merely repeating or paraphrasing in a new written statement comments previously made.

However, if a representor wants to make a further written statement supporting their position, it must be focussed on answering **only** those specific questions, set out in the *Main Issues and Questions for the Examination* document, which are of relevance to the representations they have previously made. The statement should clearly indicate which question(s) is/are being answered. The Council, in its own written statement, should respond to the procedural questions listed at 5 above and **all** the questions in the *Main Issues and Questions for the Examination* document.

An electronic and a paper copy of all statements must be submitted to the PO **by 17.00 on Monday 1 June 2015**. All statements will then be placed on the Examination website at:

<http://www.chichester.gov.uk/article/24660/Community-Infrastructure-Levy-CIL>

All submissions should be focussed on the questions and should be as succinct as possible. They should **not exceed 2000 words in length** and in many cases are unlikely to need to be as long as that. However, given that the Council is required to answer all the questions the word limit does not apply to its statement. Appendices are not included in the word limit although these should only be submitted if directly relevant to the questions I have posed. Statements should not contain extracts of any publications already before the examination, but simply refer to the document name or number and a paragraph reference. Other than in exceptional circumstances, late submissions will not be accepted and no further written evidence or documents will be accepted at the hearings, or thereafter, unless I specifically request it.

7. SITE VISITS

I will visit relevant parts of the area, unaccompanied, if necessary.

8. CLOSE OF THE EXAMINATION

Once I have gathered all the information necessary to come to reasoned conclusions and decisions on the issues I will write the Report. The Examination itself remains open until my Report is submitted to the Council. However, once the hearing part of the Examination is completed, I can receive no further information from any party, unless it is a matter on which I specifically request it. Any unsolicited items will be returned.

Mike Hayden

EXAMINER

April 2015