

MID DEVON DISTRICT COUNCIL

Community Infrastructure Levy Draft Charging Schedule

**Statement of Compliance
Planning Act 2008
Regulation 212(4)**

March 2017

Background

This statement has been produced to demonstrate Mid Devon District Council's compliance with the requirements set out in the Planning Act 2008, the CIL Regulations 2010 (as amended) and DCLG guidance (2014).

Compliance

Mid Devon District Council hereby declares that:

- as the charging authority, it has complied with the Requirements of Section 212(4) of the Planning Act 2008 and the CIL Regulation 2010 (as amended);
- that the charging authority has used appropriate available evidence to inform the Draft Charging Schedule; and,
- that any other matters prescribed in the CIL Regulations 2010 (as amended) have been dealt with.

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 sections:

Section 211 – setting CIL rate

In setting the rates and preparing the Draft Charging Schedule the District Council has had regard to the actual and expected costs of infrastructure; matters specified by CIL regulations relating to the economic viability of development; other actual or expected sources of funding for infrastructure; the actual or expected administrative expenses in connection with CIL and all other aspects of the related Statutory Guidance.

The District Council has consulted with a range of stakeholders in preparing the Draft Charging Schedule, with formal consultations as follows:

- Preliminary Draft Charging Schedule: 13 June to 11 July 2014; and,
- Draft Charging Schedule: 9 February to 27 April 2015, and
- Draft Charging Schedule (revised): 3 January 2017 to 14 February 2017.

Section 212 – charging schedule examination

The Council has submitted the CIL Draft Charging Schedule and accompanying evidence to the Planning Inspectorate (PINs) who will provide an independent inspector to examine the Draft CIL Charging Schedule. PINs are independent of the Council and have appropriate qualifications and experience.

All persons who have submitted representations to the consultation on the Draft CIL Charging Schedule, stating that they would like to be heard by the examiner, will be given this opportunity.

The Planning Act (2008) allows for the production of CIL regulations. These are set out in The Community Infrastructure Levy Regulations 2010 (as amended). The following regulations apply to the process involved in taking the Council's CIL Draft Charging Schedule to examination;

- 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 19 - Submission of documents and information to the examiner
- Regulation 20 - Consideration of representations by examiner
- Regulation 21 - CIL examination: right to be heard

The Council has complied with these Regulations as follows:

Regulation 12 – Format and content of charging schedules

Mid Devon Council's Draft CIL Charging Schedule contains the information required by Regulation 12 including;

- (a) the name of the Charging Authority;
- (b) the rates in pounds per square metre at which CIL is to be chargeable in the authority's area;
- (c) as the charging authority has set differential rates in accordance with regulation 13(1)(a), the schedule includes maps which—
 - (i) identify the location and boundaries of the zones,
 - (ii) are reproduced from, or based on, an Ordnance Survey map,
 - (iii) show National Grid lines and reference numbers, and
 - (iv) includes an explanation of any symbol or notation which it uses; and
- (d) an explanation of how the chargeable amount will be calculated.

Regulation 13 – Differential Rates

Regulation 13 allows an authority to set differential rates

- (a) for different zones in which development would be situated;
- (b) by reference to different intended uses of development.
 - (2) In setting differential rates, a charging authority may set supplementary charges, nil rates, increased rates or reductions.

The District Council proposes to set differential rates for different zones. The District Council also proposes to set differential rates in relation to the intended use of development for residential development, Superstores/supermarkets and retail warehouse development, and all other uses.

In relation to residential development the Council intends to apply different rates to different zones as defined in the draft charging schedule with a nil rate for affordable housing.

In relation to Superstores/supermarkets and retail warehousing the Council proposes to set differential rates by reference to the intended scale of the retail operation as described in the Draft Charging Schedule.

The rates are out in the Council's Draft CIL Charging Schedule and supported by evidence contained in the accompanying viability reports.

Regulation 14 – Setting Rates

In setting its levy rates, the District Council has complied with Regulation 14(1), which requires that it,

- “must strike an appropriate balance between,***
- 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***
 - b. the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area”.***

This is set out in the following documents:

- Draft Charging Schedule, December 2016;
- Draft Infrastructure Plan, December 2016;
- Viability Update and Review, August 2016, and;
- Viability Assessment : Community Infrastructure Levy & Local Plan: Self-Build, Public Open Space & Building Regulations Part M Level 2 (Access) Viability Addendum December 2014
- Balancing the need for affordable housing and infrastructure provision February 2015
- Earlier draft charging schedule February 2015
- Other evidence base documents submitted as part of the examination.

These documents have been available to view and download from the Council's website since 3rd January 2017.

Regulation 15 – Consultation on a Preliminary Draft Charging Schedule

The District Council issued a CIL Preliminary Draft Charging Schedule (PDCS) for consultation between 13 June and 11 July 2014.

The Council complied with Regulation 15 of the CIL Regulations in terms of the requirements for consultation on the PDCS.

Regulation 15 sets out that a charging authority must send a copy of the PDCS to each of the consultation bodies, and invite them to make representations on it. In addition, the Council also invited representations on the PDCS from persons who are residents or carry on business in the district, including voluntary bodies and bodies that represent the interests of persons carrying on business in the district.

The following methods of consultation were used:

- Letters/e mails providing web based links to the PDCS, the PDCS Background Paper, a summary leaflet, the CIL viability studies and other supporting evidence sent to all stakeholder organisations and individuals that may have an interest to directly notify
- Notification via a press release and the Council's webpages to try and reach any other interested persons and/or organisations, particularly those living or carrying on business in the area to enable them to participate;

- Provision of hard copy of Public Notices, summary leaflets and the PDCS and PDCS Background Papers to all libraries and the District Council Customer Services reception area;

The Council then published a CIL Schedule of Representations at PDCS Stage. The schedule provides a summary of all representations received with responses to those representations and suggested actions where appropriate. That document is available to view on the Council's CIL web page alongside the PDCS consultation documentation.

**Regulation 16 – Publication of a draft charging schedule; and
Regulation 17 – Representations relating to a charging schedule**

The Preliminary Draft Charging Schedule (PDCS) was undertaken between 13 June and 11 July 2014. The Preliminary Draft Charging Schedule was published on the Council website together with a Charging Schedule Explanatory Document, Instalments Policy, Viability Study 2014 (full report), Viability Study 2014 Appendices, Draft Infrastructure Plan 2014 and Regulation 123 List, Regulation 16 Statement of Representation Procedure and other relevant evidence base documents. The Council's CIL web page also gave notice that hard copies were available for inspection at the Council's offices and at local libraries.

An email was sent to the community stakeholders on the Council's consultation database drawing attention to the web site documents. The email also gave a web link to the above information on the Council's web site. In addition the Parish and Town Councils were also notified. A presentation of the Draft Charging Schedule proposals was also made at a meeting of the Agents Forum which has representatives of local architects, planning consultants and developers.

Taking account of the evidence and the response received to the PDCS, a Draft CIL Charging Schedule went out for consultation between the 9 February and 27 April 2015. The Draft charging Schedule was published on the Council's website together with a Statement of Representations Procedure, Summary of representations (22) received in respect of the Preliminary Draft Charging Schedule, S106 Policy, CIL Viability Study and new addendum, a Balancing the need for affordable housing and infrastructure paper February 2015, Draft Infrastructure Plan February 2015 and other relevant evidence base documents.

Again an email was sent to the community stakeholders on the Council's consultation database drawing attention to the web site documents. The email also gave a web link to the above information on the Council's web site. In addition the Parish and Town Councils were also notified.

Public exhibitions were held during the consultation period in Tiverton, Cullompton, Crediton, on the Local Plan Review and the Draft CIL Charging Schedule.

A presentation of the Draft Charging Schedule proposals was also made at a meeting of the Agents Forum which has representatives of local architects, planning consultants and developers.

The submission of the Mid Devon Local Plan Review was delayed and not submitted for examination in 2015 as originally envisaged. The CIL charging schedule was also not submitted for examination due to the Local Plan delay. In August 2016 the Council commissioned a review of the viability evidence to see if any further changes were required to the CIL Draft Charging Schedule given that the previous evidence was published in June 2014. The CIL Draft Charging Schedule was updated to include a modification to the local plan for a proposed tourism, leisure and retail allocation at Junction 27 (M5) to Zone 1 of the charging schedule as well as minor text changes to add clarity.

In addition, the Council has updated the Infrastructure Plan and Regulation 123 list (which stipulates what infrastructure can be funded by CIL to reflect the infrastructure requirements of the Local Plan Review.

Consultation on the revised CIL Draft Charging Schedule took place between 3 January and 14 February 2017. An email was sent to the community stakeholders on the Council's consultation database drawing attention to the web site documents. The email also gave a web link to the above information on the Council's web site. In addition the Parish and Town Councils were also notified. A presentation of the Draft Charging Schedule proposals was also made at a meeting of the Agents Forum which has representatives of local architects, planning consultants and developers.

The revised charging schedule and associated documents were made available on the Council's web site, documents included the revised draft charging schedule and associated documents, statement of representation procedure, CIL viability Update and Review and Draft infrastructure Plan.

Hard copies of the CIL Draft Charging Schedule and associated documents were made available for inspection at the Council's main office and at Mid Devon public libraries during normal opening hours (including the mobile library).

Public exhibitions were held during the consultation period in Tiverton, Cullompton, Crediton, Sampford Peverell, Willand and Uffculme.

Documents could be viewed, at the Council Offices, Public Libraries including the mobile library, on the Councils website and copies were sent to all parish and town councils.

The consultation invited comments **on the proposed modifications only**, and not the wider unchanged content of the CIL Draft Charging Schedule and associated documents. Comments made during the earlier consultation, together with any received during this additional consultation period, have been provided to the Inspector for the examination.

Full copies of representations can be found in the Regulation 19(1)(c) Copy of Representations. Details of the consultations including a summary of all representations received, together with individual responses to each of those representations can be found in the Regulation 19(1)(b) Statement of Representations.

These have been available to view on the Councils website from the week commencing the 3rd April 2017

Reg 19 – Submission of documents and information to the examiner

The District Council submitted the following documents, in both paper and electronic form, to the Planning Inspectorate on 31st March 2017

- The Draft CIL Charging Schedule;
- A Regulation 19(1)(b) Statement of Representations;
- Copies of representations made under Regulation 17; and,
- Copies of the relevant evidence.

Reg 21 – CIL Examination: right to be heard.

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. Of the representations received, four requested to be heard at the Examination.

The Council will also give notice by local advertisement stating the time and place of the CIL examination and the name of the examiner at least four weeks before the Examination takes place.

