

## Brighton & Hove City Council Community Infrastructure Levy Examination

2 April 2019

### **Procedural Questions**

***Can the Council confirm that the Schedule has been prepared in accordance with:-***

***• The statutory procedures?***

Yes, the council can confirm the schedule has been prepared in accordance with the relevant statutory procedures as set out in the Community Infrastructure Levy Regulations 2010 (as amended) which shall be those referred to herein, and the Planning Act 2008.

As charging authority, the council has followed Regulation 11 to interpret and apply Part 3 (Charging Schedules) during the drafting of this submission, and has determined its format and content in accordance with Regulation 12.

The council has set differential charging rates in accordance with Regulation 13 in order to strike an 'appropriate balance' between the desirability of funding infrastructure, and the potential effects of CIL on economic viability across its area, as required under Regulation 14.

The council consulted with bodies and communities for 8 weeks on its preliminary draft charging schedule in accordance with the requirements of Regulation 15. The council took into account all responses, before publishing and consulting on the draft charging schedule accompanied by a statement of representations procedure, also informing that the draft schedule and relevant evidence were available for inspection and where they could be inspected. The council invited requests to be notified at specific stages of document production, all in accordance with Regulation 16.

An 11 week period was allowed for representations to be made under Regulation 17. The council considered all made representations and in response submitted a published statement of modifications and statement of representations which formed part of the documentation submitted to the examiner on 13th January 2019 under regulation 19.

Requests for the right to be heard on the Modifications were taken over a four week period at the start of this year, and then passed to the examiner. All requirements set out under regulation 21 were carried out.

Therefore, the council can confirm that all statutory procedures set out in Part 3 (Charging Schedules) of the CIL Regulations and the Planning Act have been met to this point.

***• The Council's Core Strategy and Infrastructure Delivery Plan?***

Yes the council can confirm that both the schedule and the draft Regulation 123 infrastructure list have been prepared to fund infrastructure which is identified in the Infrastructure Delivery Plan assessment undertaken as part of the preparation of the adopted City Plan Part One 2016. This Annex Two document to the 2016 City Plan Part One assesses infrastructure required to support development within this City Plan, and it demonstrates an aggregate funding gap between known and expected infrastructure costs, and any other known possible sources of funding available to meet those costs.

***• The consultation requirements set out in the Regulations?***

Yes the Council confirms the consultation and notification requirements set out in Part 3 of the abovementioned CIL Regulations have followed the steps set out in the Regulations including Regulation 15, 16, 17, 19 and 21.

The council further confirms that all formal stages of consultation and notification on the charging schedule have included the consultation bodies set out in regulation 15 as well as all those residents, voluntary bodies and businesses, planning agents, developers, and their representative bodies held on the planning policy database including the Local Economic Partnership, the Planning Agents Forum, neighbourhood and amenity groups in accordance with the council's Statement of Community Involvement. Emails have been sent at each stage to all these individuals and groups inviting representations with details of procedure, where documents can be viewed and where and how representations or comments can be made.

Local newspaper advertisement has given the required notice for regulations 16 and 21 and a Statement of Representations Procedure was published at Regulation 16 stage to accompany the draft charging schedule.

All information and documents relating to the consultations and notification of the right to be heard have been lodged on the council's consultation portal and website at each stage. At draft and submission stage all relevant documents have been provided in paper form and lodged at every city library and council Customer Service Centre. The most recent notification of submission included printed versions of the modifications, supporting evidence and detailed how to respond. As well as this, all those who had responded to the recent draft City Plan Part 2 consultation including agents and developers of all residential typologies, were added to those to be notified and were included in the invitation to make requests to be heard on the modifications over the given four week period.

**• *Is it supported by a viability appraisal(s)?***

Yes the Council can confirm that a bespoke CIL Viability study has been produced in the context of the NPPF, CIL Regulations, CIL Guidance and national Planning Practice Guidance, and this has informed the drafting of the CIL charging schedule. The preliminary draft charging rates were set within the parameters of the CIL Viability Report of August 2017. The Viability Report Addendum of February 2018 reviewed evidence submitted to the preliminary draft charging schedule consultation and the draft charging schedule was amended to reflect these Addendum recommendations.

Representations made to the draft charging schedule warranted further viability appraisal and a second Addendum was produced in November 2018, which now underpins the submitted statement of modifications to the draft charging schedule. Therefore the council can confirm that the Viability Report of 2017 and its two Addendums support and underpin the charging schedule submitted to this examination.

**• *Are there any fundamental procedural shortcomings?***

No the council is not aware of any fundamental procedural shortcomings. The council considers that all statutory procedures required in the drawing up and submission of a CIL charging schedule have been met in full by the council.