

WEST OXFORDSHIRE COMMUNITY INFRASTRUCTURE LEVY – EXAMINATION

EXAMINER'S PRELIMINARY COMMENTS

1. I have only just started preparation in relation to this Examination. There is one matter that causes me immediate concern and I therefore highlight it now for the Council to consider how it wishes to proceed.

2. The Community Infrastructure Levy Regulations allow charging authorities to set differential rates. This power derives from Regulation 13, as follows:

“(1) A charging authority may set differential rates -

(a) for different zones in which development would be situated;

(b) by reference to intended uses of development;

(c) by reference to the intended gross internal floor area of development;

(d) by reference to the intended number of dwellings or units to be constructed or provided under a planning permission.”

3. Where charges are to be differentiated by zones, Regulation 12(2) has to be followed. This states:

“(2) A draft charging schedule submitted for examination in accordance with section 212 of PA 2008 must contain:

(a) Where a charging authority sets differential rates in accordance with regulation 13(1)(a), a map which:

(i) identifies the location and boundaries of the zones,

(ii) is reproduced from, or based on, an Ordnance Survey map,

(iii) shows National Grid lines and reference numbers, and

(iv) includes an explanation of any symbol or notation which it uses;

4. The Council's charging schedule includes rates differentiated by the number of dwellings (5 or fewer dwellings, 6-10, 11 or more), by type of development (residential, sheltered housing, retail etc), by geographic zone (high value and medium/low value zones defined in Fig 1 and within and without designated Town Centres shown in Appendix 3). It also defines a rate for A1-A5 uses on **greenfield sites**. As presented in the Draft Charging Schedule, I cannot see that this last category is compatible with the Regulations.

5. If the Council consider that the identification of greenfield sites is a form of zoning, then the areas to which this rate is intended to apply would need to be shown on a map in accordance with the Regulations. Is this feasible? Does the

Council wish to pursue this option? If not so shown, then I cannot see that such differentiation is Regulatory compliant and the Schedule for Non-residential Development would need to be amended in some way to make it compatible with the Regulations. If the Council does not put forward a formal modification on this matter (published in accordance with the Regulations), then the only option that would seem open to me in due course would be to delete this category from the Charging Schedule.*

6. I would be grateful if the Council would let me know as soon as possible how it wishes to proceed. I currently have in mind that some aspects of CIL could be included in the hearings on the Local Plan currently planned to commence on 23 November (eg with respect to affordable housing proportions), although the viability of the strategic allocations would be a matter for the second stage hearings and there might need to be a hearing on matters relevant only to the CIL Examination.

7. Although a matter of detail, I should also highlight that the plans which are included in the Charging Schedule (Fig 1 and in Appendix 3) do not appear to meet the requirements of Reg 12 in relation to OS Grid Lines. The plans in Annex 3 are also very faint. Amendments to these plans to fully meet the Regs should be published.

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Examiner

29 September 2015

**This issue was recently addressed in the Examiner's report on Rother Council's CIL Charging Schedule. The Council sought Counsel's opinion on the matter. See report here: <http://www.rother.gov.uk/CIL>*