

**Shepway District Council  
Community Infrastructure Levy Examination**

**Matters, Issues & Questions**

**Council response to:**

**MATTER A: Formal Compliance**

**ISSUE 1: Legislative Compliance**

- a) Has the charging authority complied with the relevant procedural requirements of the Planning Act 2008 (as amended)?

**Question to the Council**

- i. Please provide a statement setting out your position on legislative compliance.

**ISSUE 2: The CIL Regulations**

- a) Has the charging authority complied with the relevant procedural requirements of the CIL Regulations 2010 (as amended)?

**Questions to the Council**

- i. Please provide a statement setting out your position on regulatory compliance.
- ii. Please confirm the location(s) at which a hard copy of all Regulation 19 documents can be inspected.
- iii. Correspondence from the Examiner on 12 October 2015 [PD004-2-1] has identified that the CIL Maps 1, 2 and 3 may not comply with Regulation 12(2) of the CIL Regulations 2010 (as amended). Please continue to respond to the questions raised in that letter by Deadline II.

## **ISSUE 1: Legislative Compliance**

- a) Has the charging authority complied with the relevant procedural requirements of the Planning Act 2008 (as amended)?

### **Council Response**

Having considered the requirements of the Planning Act 2008, Regulation 212 (4), the Community Infrastructure Levy Regulations 2010 (as amended), and DCLG CIL Guidance (2014), the Council considers that it is in full compliance with the requirements of this legislation, in respect of its CIL Draft Charging Schedule. This compliance is detailed by the enclosed Statement of Compliance.

## ISSUE 2: The CIL Regulations

- a) Has the charging authority complied with the relevant procedural requirements of the CIL Regulations 2010 (as amended)?

### **Council Response**

- i. In response to Issue 2, question (i), the enclosed Statement of compliance, sets out the Council's position on regulatory compliance and how it has met this requirement and its associated procedural components.
- ii. In response to Issue 2, question (ii), the draft CIL Charging Schedule and supporting documents are available for viewing online at - <https://www.folkestone-hythe.gov.uk/planning/community-infrastructure-levy> ; or as hard copy documents at the following locations during normal opening times:

<b>Location</b>	<b>Address</b>
Shepway District Council	Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY
Cheriton Library	64 Cheriton High Street, Folkestone CT19 4HB
Folkestone Library	2 Grace Hill, Folkestone CT20 1HD
Hythe Library	1 Stade Street, Hythe CT21 6BQ
Lydd Library	Skinner Road, Lydd, Romney Marsh, TN29 9HN
Lyminge Library	Station Road, Lyminge, Folkestone CT18 8HS
New Romney Library	82 High Street, New Romney TN28 8AU
Sandgate Library	Sandgate High Street, Sandgate, CT20 3RR
Wood Avenue Library	Wood Avenue, Folkestone CT19 6HS

- iii. In response to Issue 2, question (iii), the Council confirms that it will respond to the questions raised by the Inspector's letter of 12<sup>th</sup> October 2015 (PD004-2-1), by Deadline II (16<sup>th</sup> December 2015).

**Planning Act 2008  
Regulation 212(4)**

**Statement of Compliance**

**Shepway District Council  
Community Infrastructure Levy**

**Draft Charging Schedule**

<b>Background</b>	
This statement has been produced to demonstrate that Shepway District Council's preparation of its CIL Draft Charging Schedule, is in compliance with the requirements set out in the Planning Act 2008, the CIL regulations 2010 (as amended), and DCLG CIL guidance (2014).	
<b>Compliance</b>	
Shepway District Council hereby declares that:	
<ul style="list-style-type: none"> <li>a) As the charging authority, it has complied with the Requirements of section 212 (4) of the Planning Act 2008, and the CIL Regulations 2010 (as amended).</li> <li>b) That the charging authority has used appropriate available evidence to inform the Draft Charging Schedule; and</li> <li>c) That any other matters prescribed in the CIL Regulations 2010 (as amended) have been dealt with.</li> </ul>	
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 preparation and examination of a CIL Draft Charging Schedule are set out by the following sections of this compliance statement.	
<b>Section 211 – Setting CIL Rates</b>	<p>In setting the rates and preparing the Draft Charging Schedule, Shepway District Council has had regard to the actual and expected costs of infrastructure; matters specified by the CIL Regulations relating to the economic viability of development; other actual or expected sources of funding for infrastructure; the actual or expected administration expenses in connection with CIL and other aspects of related Statutory Guidance.</p> <p>Shepway District Council consulted a range of stakeholders in preparing the Draft Charging Schedule, with formal consultations taking place as follows:</p> <ul style="list-style-type: none"> <li>• Preliminary Draft Charging Schedule – 18<sup>th</sup> August to 13<sup>th</sup> October 2014.</li> <li>• Draft Charging Schedule – 9<sup>th</sup> February to 23<sup>rd</sup> March 2015.</li> </ul>
<b>Regulation 12 – Format and content of charging schedules</b>	<p>The Council's Draft CIL Charging Schedule contains the information required by Regulation 12 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 area; and</li> <li>c) an explanation of how the chargeable amount will be calculated.</li> </ul>

<p><b>Regulation 13 – Differential rates</b></p>	<p>The Council’s differential 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>
<p><b>Regulation 14 – Setting rates</b></p>	<p>In setting its differential rates, the Council, has complied with Regulation 14(1) which requires it <i>“to 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”</i></p> <p>The aim of an appropriate balance in the Charging Schedule, has been demonstrated and achieved through reference to available evidence and responses to the CIL Preliminary Draft Charging Schedule (PDCS), including:</p> <ul style="list-style-type: none"> <li>• Shepway Core Strategy Local Plan 2006-2031 (September 2013)</li> <li>• Shepway Core Strategy Local Plan Infrastructure Assessment &amp; Draft Infrastructure Plan (June 2015)</li> <li>• Draft Regulation 123 List (June 2015)</li> <li>• Shepway CIL and Whole Plan Economic Viability Study (July 2014)</li> <li>• Shepway Supplementary Report on Viability (January 2015)</li> <li>• Consultation Statement: Shepway CIL PDCS (December 2014)</li> </ul>
<p><b>Regulation 15 – Consultation on a PDCS</b></p>	<p>The Council issued a CIL Preliminary Draft Charging Schedule (PDCS) for consultation between 18<sup>th</sup> August and 13<sup>th</sup> October 2014.</p> <p>The Council complied with Regulation 15 of the CIL Regulations in terms of the requirements for consultation on the PDCS.</p> <p>The following methods of consultation were used:</p> <ul style="list-style-type: none"> <li>• Direct contact by email / letter to all statutory bodies, with a PDCS and supporting documents enclosed, along with a link to the Council’s CIL webpage, where all CIL documentation can be viewed.</li> <li>• Direct contact by email / letter to a range of residents, businesses and stakeholders, listed by the Council’s local plan contact database, with a with a PDCS and supporting documents</li> </ul>

	<p>enclosed, along with a link to the Council's CIL webpage, where all CIL documentation can be viewed.</p> <ul style="list-style-type: none"> <li>• A press notice placed in local newspapers.</li> <li>• CIL updates and Presentations at appropriate meetings of stakeholders and businesses.</li> <li>• Placing of the CIL PDCS and all CIL documentation on the Council's CIL webpage.</li> <li>• Provision of a hard copy PDCS and supporting documentation at the Civic Centre in Folkestone, and at all of the District's libraries.</li> </ul> <p>Following the consultation, the Council produced and published a CIL PDCS Consultation Statement (December 2014), with this available via the Council's CIL webpage.</p>
<p><b>Regulation 16 – Publication of a draft charging schedule &amp; Regulation 17 – Representations relating to a charging schedule</b></p>	<p>The CIL Draft Charging Schedule was published on the Council's CIL webpage together with a Regulation 16 Statement of Representation Procedure, supporting documentation and evidence. The webpage also gave notice that hard copies of the documentation could be viewed at the Civic Centre in Folkestone, and all libraries in the District.</p> <p>An email / letter with the Draft Charging Schedule and a Statement of Representations Procedure attached, was sent to stakeholders. This included statutory consultation bodies, all individuals and organisations that were consulted at the PDCS stage, and all stakeholders that made representation at PDCS stage. The email / letter gave a web link to CIL documentation and information. A public notice was placed in local newspapers.</p> <p>The period for representations on the CIL Draft Charging Schedule was 9<sup>th</sup> February to 23<sup>rd</sup> March 2015 (6 weeks). A total of 13 organisations submitted representations, with 3 requesting to be heard at any subsequent examination in public.</p> <p>Full copies of representations can be found in the Statement of Representations Regulation 19(1) (b) Report. The report also provides individual responses to each of the representations. The document is available to view on the Council's CIL webpage.</p>
<p><b>Regulation 19 – Submission of documents and information to the examiner</b></p>	<p>The Council submitted the following documents, in both paper and digital form, to the Planning Inspectorate on the 3<sup>rd</sup> August 2015:</p> <ul style="list-style-type: none"> <li>• The CIL Draft Charging Schedule</li> <li>• A Regulation 19 (1) (b) Statement of Representations</li> </ul>

	<ul style="list-style-type: none"> <li>• Copies of representations made under Regulation 17; and</li> <li>• Copies of relevant evidence</li> </ul> <p>Copies of the Draft Charging Schedule and supporting documents were made available at the Civic Centre in Folkestone, and all of the District's libraries, during week commencing 10<sup>th</sup> August 2015 (in compliance with 19 (3) 'as soon as practicable after a charging authority submits). All documents were published on the Council's website together with a statement of the fact that the documents were available for inspection and where they could be inspected.</p> <p>All persons who submitted responses to the CIL Draft Charging Schedule consultation were notified of its submission to the Planning Inspectorate, on the 11<sup>th</sup> August 2015.</p>
<p><b>Regulation 21 – CIL Examination: the right to be heard</b></p>	<p>The Council received 3 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 name of the Independent Inspector appointed to conduct the examination of the CIL Draft Charging Schedule, on its website.</p> <p>If a public hearing is considered appropriate by the Inspector, the Council will publish the time and place of the examination on its CIL webpage. All persons making representations will also be notified directly in accordance with Regulation 17. The Council will give notice by local advertisement stating the time and place of a CIL examination, at least four weeks before the examination takes place.</p> <p>If the Inspector considers an examination by written representations to be appropriate, details will also be published on the Council's CIL webpage, with persons that have made representations notified directly.</p>
<p><b>Regulation 21 – updates</b></p>	<p>This statement will be updated to include additional information in compliance with Regulation 21.</p> <p>Having contacted persons indicating they wished to be heard at examination, to ascertain whether they still wished to be heard, the Inspector has decided to conduct the examination by written representations.</p>