

**CABINET  
21ST NOVEMBER 2016**

**AGENDA ITEM:**

**REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**MID DEVON COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE**

**Cabinet Member** Cllr Richard Chesterton

**Responsible Officer** Mrs Jenny Clifford, Head of Planning and Regeneration

**Reason for Report:** To consider the Draft Community Infrastructure Levy and associated policies.

**RECOMMENDATIONS:**

- a) That the Draft Community Infrastructure Levy Charging Schedule (DCS), attached as Appendix 1 to this report, be approved for Consultation;
- b) That the Draft Infrastructure Plan, Draft Regulation 123 List and Draft Policy on the use of Section 106 Agreements, the Instalments Policy and Payment in Kind Policy be published for consultation with the DCS; and
- c) The draft Regulation 212(4) Statement be approved with delegated authority given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning to agree and submit the final Regulation 212 (4) statement;
- d) That delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning to make minor changes to the documents referred to in a) – c) above and for their submission.

**Relationship to Corporate Plan:** The Community Infrastructure Levy (CIL) provides the opportunity to fund infrastructure within the district in a new way, allowing for the significant limitations on the use of Section 106 planning obligations which came in at April 2015. The provision of infrastructure will underpin a number of the corporate plan objectives.

**Financial Implications:** In April 2015, limitations on the use of Section 106 obligations were introduced, which prevent “pooling” of more than five s106 payments towards one infrastructure project, or one general fund to provide a particular type of infrastructure. The use of CIL is intended to replace this kind of s106 “pooling” by providing a fixed charge for development which can be used flexibly by the local planning authority to support infrastructure provision across the area. In total it is forecast that the introduction of CIL at the rates recommended will produce an income of about £9.5m over the remaining period of the local plan. The

Council is permitted to charge CIL administration costs to the CIL income, up to a maximum of 5% of the income received.

**Legal Implications:** Before CIL is adopted there is a process of consultation and independent examination, this is the final stage of consultation and the next step following the close of the consultation period will be to submit the Draft Charging Schedule for examination.

**Risk Assessment:** The key risk is potential change in levy rates following Independent examination. Upon its introduction, the risks relate to the timely provision of infrastructure and the delivery of development, requiring ongoing infrastructure planning on behalf of the Council.

## 1.0 Introduction

1.1 The first formal phase of CIL preparation is the publication and consultation of CIL preliminary charging schedule. This was undertaken between 13<sup>th</sup> June and 11<sup>th</sup> July 2014. There were 22 responses, of which 2 made no comment. A summary of the responses with officer comment was considered by Cabinet in December 2014 and Council in December 2014 and January 2015.

1.2 Taking account of the evidence and these responses a revised CIL Charging Schedule (known as the Draft Community Infrastructure Levy Charging Schedule) was recommended to Council for approval in January 2015. This Draft Community Infrastructure Levy Charging Schedule went out for consultation between the 9<sup>th</sup> February and the 27<sup>th</sup> April 2015.

1.3 The proposed rates were based on the recommendations of the Council's consultants, who prepared the evidence on which the preliminary draft charging schedules were based. That evidence published in June 2014 was up to date at the time of the meetings in 14/15. However, changes have occurred over the 22 month period since the report to Council in January 2015 and therefore the Dixon Searle Partnership reviewed their viability evidence in August 2016 to see if changes were required to the Draft Community Infrastructure Levy Charging Schedule.

1.4 The original viability report (2014) and the review and update (2016), the representations and summary, the infrastructure Plan and Regulation 123 list and Draft Community Infrastructure Levy Charging Schedule can be read on the Council's website.

1.5 The executive summary of the Viability Update & Review (Draft Report) August 2016 DSP16400: states:-

*'(i) This update report considers changes to key assumptions and inputs used in the previous studies due to changes in development costs, revenue assumptions and national policy changes that warrant revisiting the previous findings. This work also provides background evidence for those policy changes.*

*(ii) This viability update has been produced in the context of and with regard to the NPPF, CIL Regulations, CIL Guidance and other Guidance applicable to studies of this nature. This study has also had regard to the National Planning Practice Guidance.*

*(iii) This update assesses the (financial) capacity of development typologies in the District to deliver proposed local and national policies without viability being unduly affected and reviews the relative impact of changes in local and national policy, market conditions and development costs between the date of the original studies and today. This update assesses the (financial) capacity of development typologies in the District to deliver proposed local and national policies without viability being unduly affected and reviews the relative impact of changes in local and national policy, market conditions and development costs between the date of the original studies and today.*

*(iv) This viability update applies the same principles, methodology and many of the same assumptions as used for the Council's earlier viability work. It uses the residual land valuation principles – in basic terms - subtracting the costs of achieving a development from the revenue generated by the completed scheme with the resultant land value compared to a benchmark on the basis that all other assumptions (including developer's profit) are fixed for the purposes of this exercise. Sensitivity testing is then carried out on key assumptions as part of this process to give a suite of results from which the aims of the study are addressed.*

*(v) The key findings from this study indicate that the combination of rises in property prices and the reduction in a number of policy cost areas (due to national policy intervention) typically off-set increases in development costs over the period between the original viability studies and this update. This indicates that the net effect of the cumulative impact of changes in market conditions, development costs and national and local policies is positive.*

*(vi) The results also indicate that if the previously recommended affordable housing policies and CIL rates are maintained, alongside the inclusion of optional elements of national strategy (e.g. nationally described space standards) viability is certainly no worse and would not, in our opinion, jeopardise development coming forward across District.'*

- 1.6 Having taken account of the viability update and review, the representations received and considered, and the proposed modifications to the Local Plan **the only major change proposed to the draft charging schedule is the addition of the "Tourism, Leisure and Retail allocation at J27 (M5)" to Zone 1 of the charging schedule.** As with the strategic mixed use sites at Cullompton and Tiverton this will ensure specific development related infrastructure is provided via Section 106 Planning Obligations. The change is shown in white text on black backgrounds on the attached draft charging schedule at **Appendix 1**. Plans showing the extent of strategic allocations in CIL zone 1 where a zero CIL charge is proposed are included at the end of Appendix 1.

## 2.0 Proposed minor text changes

2.1 As a result of representations received **there are two minor text changes to the text within the draft Charging Schedule to aid clarity.** These are shown in white text on black backgrounds on the attached draft charging schedule at **Appendix 1** and set out in the Minor Text Modification table below.

Minor Text Modifications to Community Infrastructure Levy Draft Charging Schedule.			
Modification No.	Where	Suggested Change	Reason
1	Definitions	Add after Definitions <b>“of development types”</b>	To clarify the type of definitions provided.
2	Definitions of Charging Zones Zone 1	Add after North West “ <b>”</b> and delete <b>and</b> After Cullompton East add <b>“and the Tourism, Leisure and Retail site at J27(M5)”</b>	To provide a zero CIL rate for the allocated site to permit the use of 106 provisions for required infrastructure provision.
3	Definitions of Charging Zones	After “Zone 2 consists of the remainder of the planning authority’s area.”  <i>Add new line</i>  <b>“Zone 2 (iii) is land within the defined settlement limits of Crediton, Cullompton and Tiverton but excludes any land within Zone 1”</b>	To clearly define the areas to which Zone 2 (iii) charge is applicable.

2.3 Changes are also proposed to the Regulation 123 list to reflect the addition of Tourism, Leisure and Retail allocation at J27 (M5) to Zone 1 and to address the concerns of Historic England with regards to Conservation Areas and the public realm (**Appendix 4**).

Transport improvements;	<p>Excluding specific improvements needed to make the development acceptable in planning terms. These exclusions can include (but are not limited to) highways access to the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.</p> <p>Excluding any provision required due to the development of Tiverton</p>
-------------------------	---

	<p>Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>
<p>Health and Emergency Services facilities;</p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>
<p>Library services;</p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
<p><b>Public realm improvements and enhancements.</b></p>	<p><b>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</b></p> <p><b>Excluding any provision required due to the development of East Cullompton</b></p> <p><b>Excluding any provision required due to the development of North West Cullompton</b></p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>
<p>Carbon offsetting and air quality improvements; and</p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>

2.4 The Infrastructure Plan is also being updated to reflect changes in costs since 2014.

### 3.0 Additional information

3.1 The following additional information is provided but does not form part of the Draft CIL Charging Schedule.

3.2 As requested in the representations received, the Council has set out an **Instalments Policy** for larger schemes, and a **“Payment in kind”** policy statement (**Appendices 2 and 3** respectively).

### 4.0 Conclusion

4.1 As the Tourism Leisure and Retail allocation at J27 (M5) is added to Zone 1 a further round of consultation prior the submission of the draft CIL charging schedule for examination is necessary as this is a major change. The consultation will take place at the same time as the consultation on the Local Plan Modifications 3<sup>rd</sup> January to 14<sup>th</sup> February 2017. As set out at the beginning of this report the recommendation is that following the consultation period, the draft charging schedule, supporting documentation, evidence, and representations be submitted to the Planning Inspectorate for examination.

4.2 The Examiner has the opportunity to consider the evidence and hear objectors before making changes to the schedule, after which the council can adopt and implement CIL.

<b>Contact for any more information</b>	Adrian Welsh, Forward Planning Team Leader 01884 234344 <a href="mailto:awelsh@middevon.gov.uk">awelsh@middevon.gov.uk</a>
<b>Background Papers</b>	Cabinet November /December 2014; Council January 2015; CIL evidence base
<b>File Reference</b>	
<b>Circulation of the Report</b>	Councillor Richard Chesterton, Cabinet Member for Planning & Regeneration Management Team

## APPENDIX 1

### DRAFT CHARGING SCHEDULE

#### Community Infrastructure Levy Draft Charging Schedule

The rate in pounds per square metre at which Community Infrastructure Levy is chargeable is set out in the following tables.

Uses within Charging Zone 1	Charge per square metre gross internal floorspace
i Any use.	£0

Uses within Charging Zone 2	Charge per square metre gross internal floorspace.
i) Affordable Dwellings	£0
ii) Dwellings (except for an Affordable Dwelling), on a site which falls below the adopted Local Plan threshold for the provision of affordable homes.	£100
iii) Dwellings in Tiverton, Cullompton and Crediton which do not fall into Uses i or ii within this table.	£40
iv) Dwellings which do not fall into Uses i, ii or iii within this table.	£60
v) Convenience based Supermarkets and Superstores and retail warehousing with a net retail selling space of over 280sq. m.	£100
vi) Any other use not included within Uses i, ii, iii, iv, or v within this table.	£0

#### Definitions of development types.

Affordable Dwellings are dwellings which would qualify for Social housing relief under the Community Infrastructure Levy Regulations 2010 (as amended).

Superstores/supermarkets are shopping destinations in their own right where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

Retail warehouses are large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car borne customers.

#### Definitions of Charging Zones

The maps which form part of this schedule define -

Zone 1, consisting of the strategic urban extensions at Tiverton East, Cullompton North West, **and** Cullompton East **and the Tourism, Leisure and Retail site at J27(M5)** allocated in the adopted Local Plan.

Zone 2 consists of the remainder of the planning authority's area.

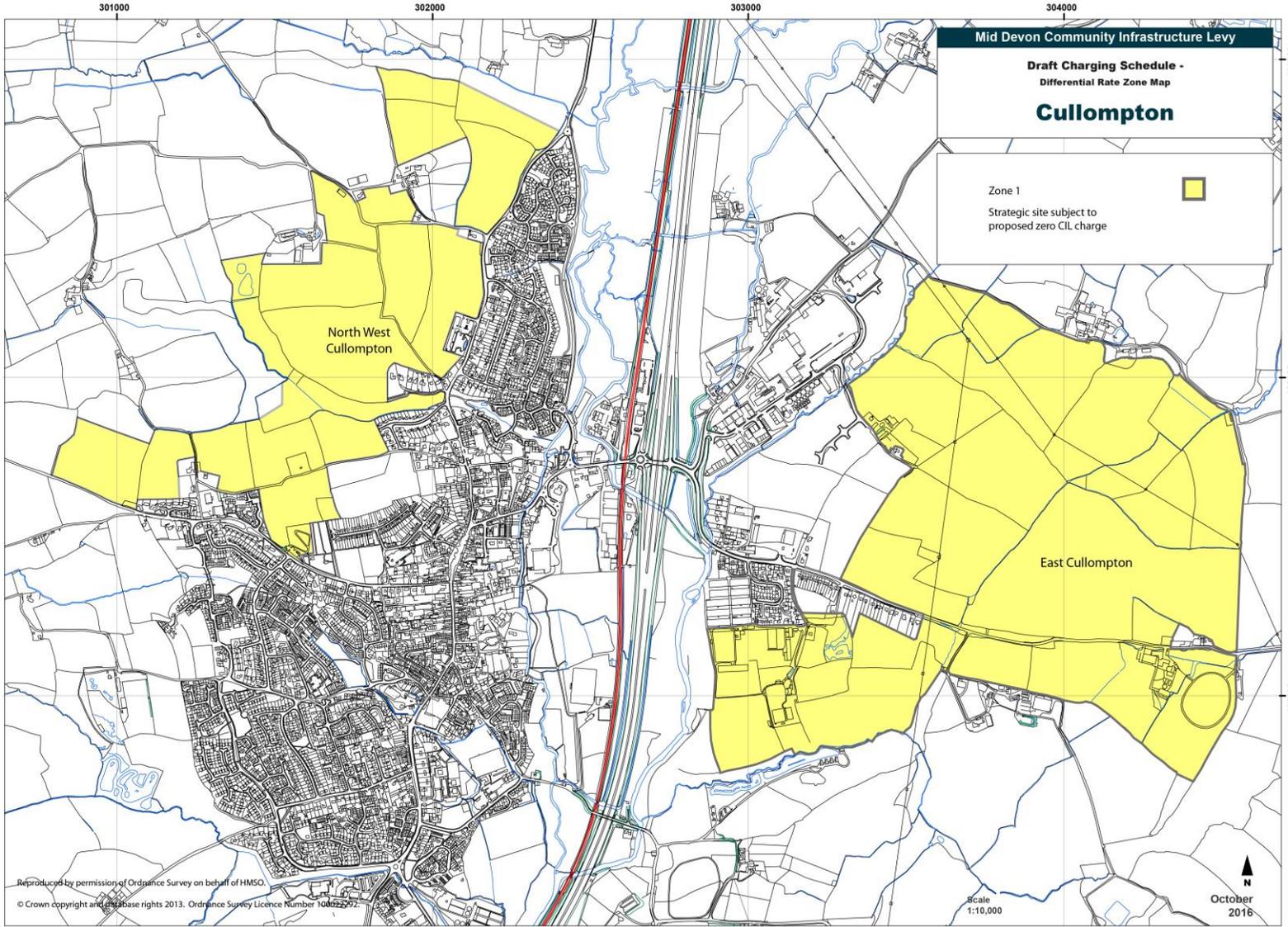
***Zone 2 (iii) is land within the defined settlement limits of Crediton, Cullompton and Tiverton but excludes any land within Zone 1***

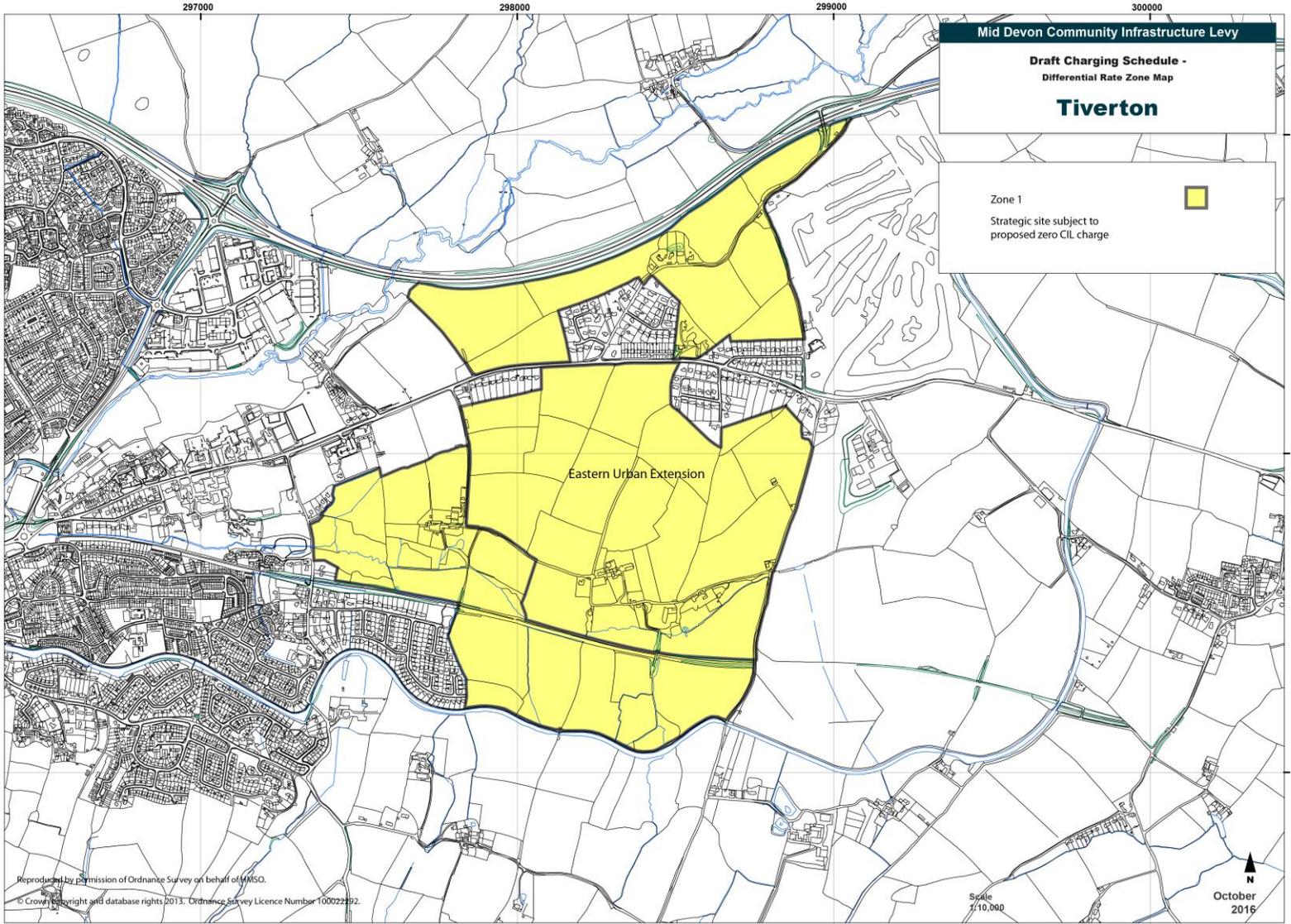
#### **Calculating the Chargeable Amount of CIL**

The Council will calculate the amount of CIL payable (the 'chargeable amount') in respect of a chargeable development in accordance with Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

#### **Statement of Conformity**

This Charging Schedule has been prepared in accordance with the requirements of Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013 and 2014. The charging schedule has also been prepared having regard to the CIL Guidance, published within the National Planning Guidance.





Mid Devon Community Infrastructure Levy  
**Draft Charging Schedule -  
Differential Rate Zone Map**  
**Tiverton**

Zone 1  
Strategic site subject to  
proposed zero CIL charge

Eastern Urban Extension

Reproduced by permission of Ordnance Survey on behalf of HMSO.  
© Crown copyright and database rights 2013. Ordnance Survey Licence Number 100022492.

Scale  
1:10,000

North Arrow  
October  
2016

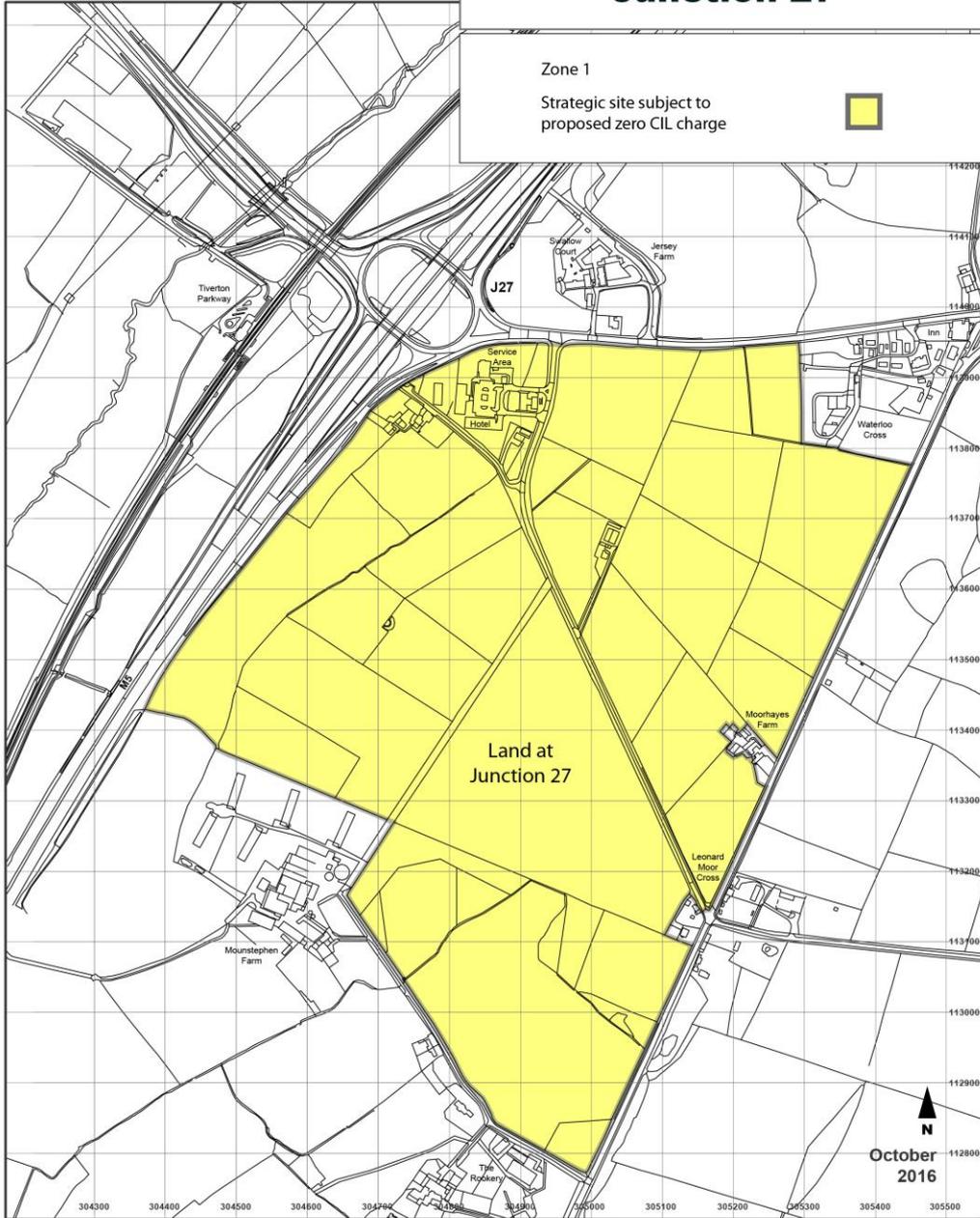
Mid Devon Community Infrastructure Levy

Draft Charging Schedule -  
Differential Rate Zone Map

# Junction 27

Zone 1

Strategic site subject to  
proposed zero CIL charge



## APPENDIX 2

### CIL Instalments Policy

In accordance with Regulation 69B of the CIL Regulations 2010 (as amended), The Council proposes to apply an Instalment Policy to all development liable to pay CIL. The discretionary payment of CIL by instalments will help to provide greater flexibility in dealing with certain larger development. The CIL legislation limits the payment of CIL by instalments to given proportions of the total CIL liability that may be paid at 'x' number of days following the commencement of development.

4.3 It should be noted that where an outline planning permission permits the development to be implemented in phases, each phase of the development will be a separate chargeable development for CIL purposes and so the Instalment Policy will apply to each separate phase. The Council's proposed Instalment Policy is set out below:

#### Total CIL Liability Proportion of CIL liability to be paid within the given period.

Total CIL Liability	Number of instalments	Payment period and amount
Amount less than £30,000	No instalments	100% payable within 2 calendar months of commencement date
Amounts between £30,001 - £100,000	Payable in 2 instalments	1 <sup>st</sup> instalment of 25% payable within 2 calendar months of commencement date 2 <sup>nd</sup> instalment of 75% payable within 8 calendar months of commencement date
Amounts between £100,001 - £500,000	Payable in 3 instalments	1 <sup>st</sup> instalment of 25% payable within 2 calendar months of commencement date 2 <sup>nd</sup> instalment of 25% payable within 8 calendar months of commencement date 3 <sup>rd</sup> instalment of 50% payable within 12 calendar months of commencement date  But the full balance is payable on occupation/opening of the development if this is earlier than the due instalment dates set out above.
Amounts over £500,000	Payable in 4 instalments	1 <sup>st</sup> instalment of 20% payable within 2 calendar months of commencement date 2 <sup>nd</sup> instalment of 20% payable within 8 calendar months of commencement date 3 <sup>rd</sup> instalment of 30% payable within 12 calendar months of commencement date 4 <sup>th</sup> instalment of 30% payable within 18 calendar months of commencement date  But the full balance is payable on occupation/opening of the development if this is earlier than the due instalment dates set out above.

The instalments relate to the amount payable (the chargeable amount) as indicated on the Demand Notice. The commencement date will be the Commencement Notice date as advised by the developer under CIL Regulation 67. A failure of the developer to notify the Council of a commencement date results in an automatic surcharge and removal of the privilege to utilise the Council's Instalments Policy.

Where outline planning permission permits development to be implemented in phases, each phase of the development, as agreed by Mid Devon District Council, can be treated as a separate chargeable development. The approved instalment policy will, therefore, apply to each separate phase of the development and its associated separate chargeable amount.

## APPENDIX 3

# Mid Devon District Council

## Community Infrastructure Levy

### Land and Infrastructure (**Payment in Kind**) Policy

Effective from ??????

(Date CIL charging schedule is adopted.)

#### **What is this document?**

In the majority of cases, CIL will be paid to the Council in the form of money. The CIL Regulations 2010 (as amended) allow the Council as the CIL charging authority to adopt a policy which details alternatives to cash payments through the provision of land or infrastructure.

The Council may accept full or part payment of a CIL liability by way of the transfer of land or to receive infrastructure as payment. The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list, and land should be used to provide or facilitate (in any way) the provision of identified infrastructure to support the development of the charging authority's area.

**Any agreement relating to such a payment must be made before the chargeable development commences.**

The value of any land or infrastructure offered by way of payment has to be determined by a suitably qualified independent person to be instructed by the Council, but paid for by the developer/applicant.

The Council is not obliged to accept any offer of payment in kind by way of land or infrastructure. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for the full details relating to payment in kind.

#### **PAYMENT IN KIND: LAND AND INFRASTRUCTURE PAYMENT POLICY**

In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Mid Devon District Council as the charging authority for the area will allow the payment of CIL by land payments or infrastructure payments.

The infrastructure to be provided must be related to the provision of those projects listed in the Council's Regulation 123 list, and land should be used to provide or facilitate (in any way) the provision of identified infrastructure to support the development of the charging authority's area.

This policy is effective from the day the Mid Devon District Council's Charging Schedule comes into effect on -----?

## Appendix 4

## Draft Regulation 123 List

Types of infrastructure to be funded in whole or part by CIL	Specific infrastructure items excluded from the Regulation 123 list to be funded via developer contributions (i.e. s106/s278 agreements)
Education, early years, youth and children's centre facilities;	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Home to School Transport (and vice versa)	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Leisure facilities (sports facilities defined as publicly owned leisure centres, gyms and swimming pools)	<p>Excluding open space provision (publicly accessible open space, allotments, other green infrastructure and sports pitches with associated changing facilities)</p> <p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Transport improvements;	<p>Excluding specific improvements needed to make the development acceptable in planning terms. These exclusions can include (but are not limited to) highways access to the site and local road junctions, deceleration and turning lanes, measures to facilitate pedestrian and cyclist access, lighting and street furniture needed to mitigate the impact of a particular development. They may also include mitigation works remote from the development site where the need for such works is identified in a Transport Assessment or Junction Capacity Study.</p> <p>Excluding any provision required due to the development of Tiverton</p>

	<p>Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>
<p>Health and Emergency Services facilities;</p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>
<p>Library services;</p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
<p>Community Care facilities (social care institutions providing for older people and people with mental health or learning disabilities);</p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
<p><b>Public realm improvements and enhancements.</b></p>	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>

	<b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b>
Community facilities and social infrastructure (community centres and meeting places but excluding places of worship; voluntary sector meeting places and centres; and public cultural facilities);	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p>
Carbon offsetting and air quality improvements; and	<p>Excluding any provision required due to the development of Tiverton Eastern Urban Extension</p> <p>Excluding any provision required due to the development of East Cullompton</p> <p>Excluding any provision required due to the development of North West Cullompton</p> <p><b>Excluding any provision required due to the development of the Tourism, Leisure and Retail site at J27(M5)</b></p>

# MID DEVON DISTRICT COUNCIL

Planning Act 2008

DRAFT Regulation 212(4)

## Statement of Compliance

### Community Infrastructure Levy Draft Charging Schedule

November 2016

## 1. 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).

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

- Preliminary Draft Charging Schedule: 13<sup>th</sup> June to 11<sup>th</sup> July 2014
- Draft Charging Schedule: 9<sup>th</sup> February 2015 to 23<sup>rd</sup> March 2015 extended to 27<sup>th</sup> April 2015
- **Modified Draft Charging Schedule: 3<sup>rd</sup> January 2017 to 14<sup>th</sup> February 2017.**

### Section 212 – charging schedule examination

The Council **will submit/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:

#### **Reg 12 – Format and content of charging schedules**

Mid Devon'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 charged in the authority's area;  
and
- (c) an explanation of how the chargeable amount will be calculated.

#### **Reg 13 – Differential Rates**

This regulation applies to differential rates. The District Council proposes to set differential rates in relation to the intended use of development for residential development, food retail (supermarket) development, retail warehouse development, and all other uses.

In relation to residential development the Council intends to apply differential rates for different zones in which development would be situated;

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

This is set out in the Council's Draft CIL Charging Schedule and supported by evidence contained in the accompanying viability reports.

#### **Reg 14 – Setting rates**

In setting its levy rates, the 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, February 2015;
- Draft Charging Schedule, Background Paper (including Draft Infrastructure Project List), February 2015;
- CIL Viability Update Study, June 2014, and Addendum December 2014
- 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 February 2015.

Additionally the Council has reviewed its viability evidence in August 2016. This indicates there is no requirement to amend the draft CIL charging schedule that was published and consulted upon in early 2015.

#### **Reg 15 – Consultation on a Preliminary Draft Charging Schedule**

The Council issued a CIL Preliminary Draft Charging Schedule (PDCS) for consultation between 13<sup>th</sup> June to 11<sup>th</sup> 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.

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 them of the public consultation on the PDCS and invite representations.

- Similar communication directed to each of the consultation bodies inviting them to make representations on the PDCS.
- 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 a the Council's offices;

The Council then published the Representations at PDCS Stage (22). The schedule provides a all representations received and a copy of the summary reported to the Council and its Cabinet in December 2014 and January 2015. That document is available to view on the Council's web page in addition to the PDCS consultation documentation.

### **Reg 16 – Publication of a draft charging schedule & Reg 17 – Representations relating to a charging schedule**

The CIL Draft Charging Schedule was published on the Council website together with a Regulation 16 Statement of Representation Procedure, CIL Viability Studies and other relevant evidence base documents. The Council's CIL web page also gave notice that hard copies of the CIL Draft Charging Schedule and the other documents were available for inspection at the Council's Offices, at local libraries including the mobile library, and on the Council's website.

An email with a Statement of Representations Procedure attached was sent to the community stakeholders on the Council's consultation database. This included all individuals and organisations that were consulted at the PDCS stage and all stakeholders that made representation at PDCS stage. The email also gave a web link to the above information on the Council's web site.

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.

A public notice was also published February to draw wider public attention to the consultation.

The period for representations on the CIL Draft Charging Schedule was between 9<sup>th</sup> February and the 27<sup>th</sup> April 2015. This was announced on through the publication of a formal notice of advertisement in the Tiverton Gazette, a paper circulating throughout the Mid Devon area in order to be compliant with the requirements of Regulation 16 (1) (d) of the CIL Regulations. A total of 18 representations were received.

Following modifications to the Mid Devon Local Plan Review (?????????????) January 2017 and the addition of a significant Tourism, Leisure and Retail allocation at J27(M5) a major modification was made to the CIL Draft Charging Schedule and changes were made to the Regulation 123 list. The modified CIL Draft Charging Schedule went out to consultation between the 3<sup>rd</sup> January 2017 and 14<sup>th</sup> February 2017.

A total of ?????? representations were received.

The modified CIL Draft Charging Schedule was published on the Council website together with a Regulation 16 Statement of Representation Procedure, CIL Viability Studies and other relevant evidence base documents. The Council's CIL web page also gave notice that hard copies of the CIL Draft Charging Schedule and the other documents were available for inspection at the Council's Offices, at local libraries and on the Council's website.

An email with a Statement of Representations Procedure attached was sent to the community stakeholders on the Council's consultation database. This included all individuals and organisations that were consulted at the PDCS and DCS stages and all stakeholders that made representation at PDCS and DCS stages. The email also gave a web link to the above information on the Council's web site.

A public notice was also published February to draw wider public attention to the consultation.

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. Both these documents have been available to view on the Councils website since XXXXXXXX. Yet to be published but date will be at time of submission to Inspector

#### **Reg 19 – Submission of documents and information to the examiner**

The Council submitted the following documents, in both paper and electronic form, to the Planning Inspectorate on ????????????????? Date to be confirmed:

- 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.

Copies of the Draft Charging Schedule and supporting documents were made available at the Council's Customer Service Centre and local libraries on ??????? (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.

All persons who submitted responses to the CIL Draft Charging Schedule were notified of its submission on ????????

#### **Reg 21 – CIL Examination: right to be heard**

The Council received ?????? requests to be heard by the Examiner within the periods for making representations to the Draft CIL Charging Schedule.

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.

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 Community Infrastructure Levy Examination takes place.

This statement will be updated to include additional information in compliance within Regulation 21.