

# **Examination of the Purbeck Community Infrastructure Levy (CIL) Charging Schedule**

## **Guidance Note from the Examiner**

### **Introduction**

1. I am Ms Beverley Doward BSc BTP MRTPI, the Examiner appointed to carry out the Examination of the Purbeck Community Infrastructure Levy (CIL) Charging Schedule.
2. The Purbeck CIL Draft Charging Schedule (DCS) along with the Purbeck Local Plan was submitted for examination on 28 January 2019 by the former Purbeck District Council.
3. A Statement of Modifications (SoM) was also published, setting out the modifications which the former Purbeck District Council had made to its DCS since it was published for consultation between 22 October and 3 December 2019. Consultation on the SoM took place between 25 January and 22 February 2019 and the consultation responses were forwarded to me, as the Examiner. A Statement of Further Modifications (SoFM) was published by Dorset Council (the new unitary authority that replaced Purbeck District Council on 1 April 2019 following local government reorganisation), in November 2020. Consultation on this SoFM took place between 13 November 2020 and 15 January 2021 and those consultation responses have also been forwarded to me.
4. This note provides guidance on the procedural and administrative arrangements for the examination hearing.

### **Programme Officer**

5. The Programme Officer for the Examination is Miss Helen Nolan. She is independent of the Council and acts under my direction for the purposes of the Examination.
6. Miss Nolan can be contacted by telephone on **07773 615820** or by email at [helen.nolan@dorsetcouncil.gov.uk](mailto:helen.nolan@dorsetcouncil.gov.uk). Her main tasks are to liaise with all parties to ensure the smooth running of the Examination, to ensure that all documents received before the Examination hearing are recorded and distributed, to maintain the Examination library, including the Examination Documents list and to assist me with procedural and administrative matters. Miss Nolan will advise on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to me for a reply if necessary.

### **Arrangements for hearing sessions**

7. Due to the ongoing Covid-19 pandemic I have been advised that the Council's offices are not available to hold the hearing sessions for the examination of the CIL DCS and are unlikely to be available for such events soon. Nevertheless, the Council has the technology to allow the hearings to proceed virtually and I have therefore decided to proceed on this basis, using Microsoft Teams. If we can

complete all the procedural and technical arrangements, then I propose to begin the Hearing sessions on **16 March 2021**.

8. An initial programme for the hearing is attached. A further guidance note for participants in the virtual hearings will be circulated in due course.

### **The Scope of the Examination and the Examiner's Role**

9. The Examiner's role is to consider whether the DCS, as modified by the SoM and SoFM, meets the requirements of the Planning Act 2008 and associated Regulations in respect of legal compliance and viability.
10. The Examination will focus on viability. The Council should rely on evidence collected whilst preparing the DCS, as modified by the SoM and SoFM, to demonstrate that it is viable. Those seeking changes should demonstrate why that is not the case, providing appropriate evidence in support of their case.
11. The focus will be on the DCS, as modified by the SoM and SoFM, rather than individual objections. I will consider the viability of the DCS, as modified by the SoM and SoFM, having regard to the evidence available and representations submitted. The Examination hearing will be in the form of a structured discussion led by me.
12. Following the close of the Hearings I will prepare a report to the Council which will recommend that the draft Charging Schedule, as modified by the SoM and SoFM, be approved, rejected or approved with specified modifications.
13. The 2010 CIL Regulations (as amended) and the 2011, 2012, 2013, 2014, 2015 and 2019 CIL Amendment Regulations together with the Planning Practice Guidance (PPG) should help interested parties in further understanding the examination process. Interested parties should seek advice from the Council or the Programme Officer if still not clear.

### **Procedural Questions for the Council**

14. At the start of the hearing I will formally ask the Council to confirm that the Schedule has been prepared in accordance with:
  - the statutory procedures;
  - the Council's Local Plan for the area and Infrastructure Delivery Plan (as updated);
  - and that;
  - it is supported by a viability appraisal; and
  - there are no fundamental procedural shortcomings.

### **The Hearing sessions and Beforehand**

15. The purpose of the hearing sessions are for me to gain the information that I need to consider whether the DCS, as modified by the SoM and

SoFM, meets the requirements of the Planning Act 2008 and associated Regulations in respect of legal compliance and viability.

16. Those who have made representations on the DCS, the SoM and the SoFM within the relevant time period ["representors"] should have already indicated whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. Both methods will carry the same weight and I will have equal regard to views put orally or in writing.
17. The Issues and Questions for the Examination are detailed in the accompanying document. These will form the basis of the discussion at the hearing sessions. Also attached is an initial hearing programme.
18. Participation in a virtual hearing session will only be useful and helpful to me if participants can engage in a debate. Representors must confirm they wish to take part to the Programme Officer by **16 February 2021** so that arrangements for the virtual hearings can be finalised or it will be assumed that they are relying on written representations. Those who wish to rely on their previous written submissions need take no further action and there is also little to be gained by merely repeating or paraphrasing in a new written statement comments previously made. However, if a representor wants to make a further written statement supporting their position, it must be focussed on answering **only** those specific questions set out in the Issues and Questions document, which are of relevance to the representations they have previously made. The statement should clearly indicate which question(s) is/are being answered.
19. The Council, in its own written statement, should respond to the procedural questions listed at paragraph 13 above and **all** the questions in the Issues and Questions document.
20. Oral and written representations carry equal weight, therefore there is no requirement to submit a further statement and you may rely on your original representation if you wish to do so.
21. An electronic copy of all statements must be submitted to the Programme Officer. This should arrive by **17.00** on **2 March 2021**. In the light of the current Covid-19 restrictions and the fact that the Council's offices are closed, statements should not be sent as paper copies. If you are unable to submit a statement electronically, please contact the Programme Officer to make alternative arrangements.
22. All statements will then be placed in the CIL Examination library accessed from the website at: <https://www.dorsetforyou.gov.uk/cil-review.aspx>.
23. All submissions should be focussed on the questions and should be as succinct as possible. They should **not exceed 2000 words in length** and in most cases are unlikely to need to be so long. However, given that the Council is required to answer all the questions the word limit does not apply to its statement. Appendices are not included in the word limit although these should only be submitted if directly relevant

to the questions I have posed. Statements should not contain extracts of any publications already before the Examination, but simply refer to the document name or number and a paragraph reference. Other than in exceptional circumstances, late submissions will not be accepted, and no further written evidence or documents will be accepted at the hearings, or thereafter, unless I specifically request it.

### **Site Visits**

24. I have visited the area and relevant sites as part of my examination of the Purbeck Local Plan 2018-2034. I will conduct further site visits if necessary, at an appropriate time.

### **Close of the Examination**

25. Once I have gathered all the information necessary to come to reasoned conclusions and decisions on the issues, I will write the Report. The Examination itself remains open until my Report is submitted to the Council. However, once the hearing part of the Examination is completed, no further information from any party can be given to me unless specifically requested. Any unsolicited items will be returned.

*Beverley Doward*

INSPECTOR

2 February 2021