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

## **Issues and Questions for Examination**

**Date: 2 February 2021**

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## Introduction and Main Issues

1. Prior to the forthcoming Hearing session(s) responses are invited from participants on the following Issues and Questions raised by the Examiner.
2. The main issues for consideration as part of the examination are:
  - Whether the Charging Authority has complied with the procedural requirements of the Planning Act (2008) (Part 11 and Section 221) and the Community Infrastructure Levy (CIL Regulations (2010) (as amended) <sup>1</sup>;
  - Whether the Charging Schedule, as modified by the Statement of Modification (SoM) and Statement of Further Modifications (SoFM) is supported by appropriate available evidence on infrastructure planning and economic viability;
  - Whether the proposed charging rates are informed by, and consistent with, the evidence available; and
  - Whether the available evidence demonstrates that the proposed charging rates would be consistent with the relevant development plan and that the combined effect of the CIL and other developer contributions would not undermine the deliverability of the plan.
3. Further information about the Examination, hearings and format of written statements is provided in the accompanying Guidance Note, which should be read alongside the following Issues and Questions.

<b>Issue 1</b>	<b>Compliance with the procedural requirements in the Act and Regulations</b>
<p>Q1. Has the Charging Authority complied with the procedural requirements of the Planning Act (2008) (Part 11 and Section 221) and the Community Infrastructure Levy (CIL Regulations (2010) (as amended)?</p> <p>In responding to this question the Council, as Charging Authority, is requested to specifically indicate in its statement how it has complied with the Act and the CIL Regulations and having regard to the transitional provisions for Charging Schedules on which consultation had commenced before 1 September 2019.</p>	

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<sup>1</sup> NB. The 2010 Regulations have been amended on several occasions accordingly it is necessary to have regard to the up to date consolidated version of the Regulations.

Issue 2	Appropriate, available evidence
Issue 2a: Infrastructure Planning Evidence	
<p>Q1. What are the infrastructure planning needs and priorities for the Purbeck area and where are these set out?</p> <p>Q2. Does the infrastructure planning evidence provide appropriate evidence of an aggregate funding gap that demonstrates the need for a CIL charge?</p> <p>Q3. When taking the above questions into account, does the evidence demonstrate a need for a CIL levy?</p> <p>In responding to the above questions regard should be had to the amendments to the CIL Regulations which came into force on 1 September 2019. These replace Regulation 123 lists by Annual Infrastructure Funding Statements (IFSs), which amongst other things, should set out the infrastructure projects or types to be funded wholly or partly by CIL. The first IFSs should have been published by 31 December 2020.</p>	
Issue 2b: Viability Evidence	
<p>Q1. Does the viability evidence submitted in support of the CIL DCS reflect the recommended approach in national planning guidance, including standardised inputs?</p> <p>Q2. Do the typologies tested reflect the type of sites likely to come forward through the local planning policies for the area?</p> <p>Q3. Is there appropriate available evidence to support the values and cost assumptions used in the viability studies submitted in support of the CIL DCS? Are the various values and cost assumptions used justified and reasonable?</p> <p>Q4. Has the cost of Affordable Housing been included at a level consistent with local planning policies?</p> <p>Q5. Are the allowances for S106 costs in the development appraisals in the economic viability evidence consistent with anticipated future use of S106 obligations to fund infrastructure identified in the updated Infrastructure Delivery Plan<sup>2</sup>.</p>	

<sup>2</sup> Document Ref: MMCD6 Infrastructure Delivery Plan November 2020 to support the proposed Main Modifications to the Purbeck Local Plan 2018-2034.

Issue 3	Charging Rates
Issue 3a: Residential charging rates	
<p>Q1a. In the light of the answers to questions 1-5 of Issue 2b, are the charging rates and zones justified and could the respective types of development viably support the proposed charges?</p> <p>b. Is there sufficient evidence of different sales values across the area to justify the different zonal charges?</p> <p>c. Is it sufficiently clear what the charging rates for residential windfall and small sites relate to?</p> <p>Q2. Are the nil charging rates for larger allocated residential sites (more than 200 dwellings) justified and have they been informed by, and consistent with suitable evidence and viability testing and having regard to national guidance and the local planning policies for the area?</p> <p>Q3. Are the charging rates for residential development on all sites of 50 or more dwellings (allocated or not) justified given that they will be expected to provide site specific heathland mitigation and nitrate mitigation secured through S106 agreements. Have these charging rates been informed by, and consistent with suitable evidence and viability testing and having regard to national guidance and the local planning policies for the area?</p> <p>Q4. Is the nil charging rate for extra care housing justified and has it been informed by, and consistent with suitable evidence and viability testing and having regard to national guidance and the local planning policies for the area?</p>	
Issue 3b: Commercial rates	
<p>Q1. Are the charging rates for commercial development justified and have they been informed by, and consistent with suitable evidence and viability testing?</p> <p>Q2a. Is the charging rate for convenience-based supermarkets and superstores and retail warehousing justified and is it informed by, and consistent with suitable evidence and viability testing?</p> <p>b. Is the definition of convenience-based supermarkets and superstores clear enough to differentiate? Is the differentiation based on viability evidence or policy?</p>	
Issue 3c: Local community and learning rates	
<p>Q1. Is the charging rate for local community and learning development justified and is it informed by, and consistent with suitable evidence and viability testing?</p>	

<b>Issue 4</b>	<b>Delivery of development in the area</b>
<p>Q1a. Based on the evidence available, would the proposed charging rates put at risk the delivery of development which is necessary to implement the development plan for the area?</p> <p>b. If so, where and how?</p>	

<b>Issue 5</b>	<b>Charging Zone Maps</b>
<p>Q1a. Are the different charging zones set out and defined on an Ordnance Survey map as required by the Regulations<sup>3</sup>?</p> <p>b. Is the A4 map in the submitted DCS sufficiently clear to enable the boundaries between the different zones to be identified?</p>	

<b>Issue 6</b>	<b>Payment by instalments</b>
<p>Q1. Have the financial appraisals used to test the viability of CIL assumed payment of the CIL charge up front or by instalments. If the latter, is or will there be an instalments policy to support this? If the former, would an instalments policy assist or threaten scheme viability, particularly of larger development schemes, the delivery of which would be phased over a longer period of time?</p>	

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<sup>3</sup> Regulation 12(2)(c)