



Community Infrastructure Levy

Schedule of Amendments made to the Revised Draft Charging Schedules for Christchurch and East Dorset

Consultation 4th December 2015 – 8th January 2015



Prepared by Christchurch Borough Council and
East Dorset District Council

December 2015

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1 Introduction

1.1 Christchurch and East Dorset District Councils commenced the preparation of their Community Infrastructure Levy documents in 2013 and submitted their Draft Charging Schedules for Examination at the end of 2014. Part 11 of the Planning Act 2008 introduced powers for local authorities to introduce the Community Infrastructure Levy in their areas. This document has been prepared in accordance with the Planning Act and Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014 and 2015).

1.2 The Councils were due to adopt their individual CIL Charging Schedules in September 2015 following receipt of the Examiner's report on the Community Infrastructure Levy Draft Charging Schedules on the 10th July 2015. The report recommended that the Draft Charging Schedules for Christchurch and East Dorset (as modified through the Statement of Modifications 5th December 2014, Statement of Further Modifications 23rd January 2015 and Statement of Modifications Arising from the Examination of the Draft Charging Schedules 23rd March 2015) be approved without changes. However, due to the decision in the High Court (Reading and West Berkshire Councils, 31st July 2015) which quashed the Ministerial Statement and National Planning Practice Guidance regarding the threshold of 10 for affordable housing and tariff style contributions, the Councils need to undertake a Partial Review of the Charging Rates for residential development of less than 40 dwellings which do not provide an on-site SANG. **The Councils do not intend to amend any other of the rates set out in the Charging Schedules which was found sound by the Examiner in July 2015.**

The Timetable for Introducing CIL

Consultation Stage	Date
1. Consultation on Revised Preliminary Draft Charging Schedules	11th September to 9th October 2015
2. Consultation on Revised Draft Charging Schedules	4th December 2015 to 8th January 2016
3. Submission of Revised Draft Charging Schedules for Examination	January 2016
4. Examination in Public	March 2016
5. Adoption of CIL	May 2016

Revised Draft Charging Schedules for Consultation - Schedule of Amendments

1.3 This is the second of two consultations for this partial review of the Charging Schedules; the first was the Revised Preliminary Draft Charging Schedules undertaken in September 2015. Responses and analysis to that consultation are contained in the 'Responses to the Revised Preliminary Draft Charging Schedules' document.

1.4 In accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 (as amended), the Councils are now publishing their Revised Draft Charging Schedules for consultation. This document is based on the Councils' Charging Schedules which had been considered at the Examination in the spring of 2015. Amendments are set out by way of bold strikethrough for deletions and bold underlined for text insertions. Added to these are those changes made as a result of the Preliminary Draft Charging consultation, which have an additional light red highlight.

1.5 This 'Schedule of Amendments made to the Draft Charging Schedules' has been produced setting out the Councils' proposed changes and should be read in conjunction with the Revised Draft Charging Schedules document. **The Councils will only accept responses in relation to the changes set out in this document.**

1.6 The CIL Revised Draft Charging Schedules and all supporting documentation is available on the Councils' website:

- www.dorsetforyou.com/407160

1.7 Hard copies of the documents will also be made available at the main council offices and at local libraries as set out below:

Christchurch Borough Council, Civic Offices, Bridge Street, Christchurch, BH23 1AZ

- (Mon –Thurs 8.45am – 5.15pm and Fri 8.45am – 4.45pm)

Christchurch Information Centre, 49 High Street, Christchurch, BH23 1AS

- (Mon – Fri 9.30am – 5pm, Sat 9am – 5pm)

East Dorset District Council, Council Offices, Furzehill, Wimborne, BH21 4HN

- (Mon – Thur. 8.45am – 5.15pm and Fri 8.45am – 4.45pm)

Ferndown Town Council, The Barrington Centre, Penny's Walk, Ferndown, BH22 9TH

2 Christchurch and East Dorset CIL Schedule of Amendments to the Revised Draft

- (Mon – Fri 10am to 2pm - until further notice due to staff shortages)

Verwood Town Council, Council Offices, 28 Vicarage Road, Verwood, BH31 6DW

- (Mon – Fri 9am – 1pm)

Wimborne Town Council, The Town Hall, 37 West Borough, Wimborne, BH21 1LT

- (Mon – Fri 9am – 1pm)

West Moors Parish Council, 4 Park Way, West Moors, BH22 0HL

- (Mon, Tues, Thurs & Fri 10am – 1pm)

Corfe Mullen Parish Council, Council Office, Towers Way, Corfe Mullen, BH21 3UA

- (Mon – Fri 9am – 2pm)

East Dorset Heritage Trust, Allendale House, Hanham Road, Wimborne, BH21 1AS

- (Mon – Fri 9.30am – 5pm)

All public libraries throughout Christchurch and East Dorset during their normal opening times.

Your views

1.8 We would like your comments on the amendments proposed in this Partial Review of the Councils' Draft Charging Schedules by the end of **Friday 8th January 2015**. By referring to the amendment reference numbers in the following table, these can be made by the following methods:

- Email - planningpolicy@christchurchandeastdorset.gov.uk
- Post - Planning Policy, Christchurch Borough Council, Civic Offices, Bridge Street, Christchurch, Dorset, BH23 1AZ.
- Online - www.dorsetforyou.com/407160

1.9 Any person who makes representations on the Revised Draft Charging Schedules in accordance with the Statement of Representations procedure may request the 'right to be heard' at the examination. This request should be submitted in writing before the end of this consultation, by the end of Friday 8th January 2016. Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:

- That the Revised Draft Charging Schedules have been submitted to the examiner in accordance with Section 212 of the Planning Act 2008;
- The publication of the recommendations of the examiner and the reasons for those recommendations;
- The approval of the CIL Charging Schedules by the Councils

Next Steps

1.10 The CIL Regulations require that any representations made during the consultation period for the Revised Draft Charging Schedules must be submitted to the examiner alongside a summary of the main issues raised. Prior to submission of the Revised Draft Charging Schedules for examination the CIL Regulations allow for the Councils to make amendments to the schedules in response to this consultation. Should the Councils make any amendments to the CIL schedules prior to submission, the CIL Regulations require that these are set out in a Statement of Modifications, which must be sent to all those invited to make representations.

1.11 Following production of a Statement of Modifications, any person may then also request the right to be heard by the examiner in relation to these modifications. Requests must be submitted to the Council in writing before the end of the period of four weeks beginning the day on which the Revised Draft Charging Schedules are submitted to the examiner in accordance with CIL Regulation 19(1). This should include reference to which modifications a person wishes to be heard on.

2 Amendments to Revised Draft Charging Schedules

Ref	Page / Paragraph	Section	Modification	Reason for Modification
RDCS 1	1.1	Section 1	<p>This document sets out the evidence for a Partial Review of the Community Infrastructure Levy (CIL) Charging Schedules for Christchurch Borough Council and East Dorset District Council. Part 11 of the Planning Act 2008 introduced powers for local authorities to introduce the Community Infrastructure Levy in their areas. This document has been prepared in accordance with the Planning Act and Regulation 15 16 of the Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2011, 2012, 2013, 2014 and 2015). <u>The Councils were due to adopt their individual CIL Charging Schedules in September 2015 following receipt of the Examiner's report on the Community Infrastructure Levy Draft Charging Schedules on the 10th July 2015. The report recommended that the Draft Charging Schedules for Christchurch and East Dorset (as modified through the Statement of Modifications 5th December 2014, Statement of Further Modifications 23rd January 2015 and Statement of Modifications Arising from the Examination of the Draft Charging Schedules 23rd March 2015) be approved without changes. However, due to the decision in the High Court (Reading and West Berkshire Councils, 31st July 2015) which quashed the Ministerial Statement and National Planning Practise Guidance regarding the threshold of 10 for affordable housing and tariff style contributions, the Councils need to undertake a Partial Review of the Charging Rates for residential development of less than 40 dwellings which do not provide an on-site SANG. The Councils do not intend to amend any other of the rates set out in the Charging Schedules which was found sound by the Examiner in July 2015.</u></p>	Update following July 2015 High Court decision

Ref	Page / Paragraph	Section	Modification	Reason for Modification										
RDSCS 2	1.2	Section 1	<p>Alongside the Charging Schedules, the Councils have also produced the following documents, <u>which are available to view on the Councils' website at www.dorsetforyou.com/407160 . These documents do not form part of this Review process</u></p> <p>-</p> <p><u>.....The CIL Target & Funding Gap</u></p> <p><u>The total cost of infrastructure to be funded in whole or in part by CIL and the total size of the infrastructure funding gap.</u></p>	Clarification of location of supporting documentation										
RDSCS 3	1.5	Section 1	<p><u>The Timetable for Introducing CIL</u></p> <table border="1"> <thead> <tr> <th><u>Consultation Stage</u></th> <th><u>Date</u></th> </tr> </thead> <tbody> <tr> <td><u>1. Consultation on Revised Preliminary Draft Charging Schedules</u></td> <td><u>11th September to 9th October 2015</u></td> </tr> <tr> <td><u>2. Consultation on Revised Draft Charging Schedules</u></td> <td><u>November - December 2015 4th December 2015 to 8th January 2016</u></td> </tr> <tr> <td><u>3. Submission of Revised Draft Charging Schedules for Examination</u></td> <td><u>January 2016</u></td> </tr> <tr> <td><u>4. Examination in Public</u></td> <td><u>March 2016</u></td> </tr> </tbody> </table>	<u>Consultation Stage</u>	<u>Date</u>	<u>1. Consultation on Revised Preliminary Draft Charging Schedules</u>	<u>11th September to 9th October 2015</u>	<u>2. Consultation on Revised Draft Charging Schedules</u>	<u>November - December 2015 4th December 2015 to 8th January 2016</u>	<u>3. Submission of Revised Draft Charging Schedules for Examination</u>	<u>January 2016</u>	<u>4. Examination in Public</u>	<u>March 2016</u>	Information about the proposed timetable for adoption of CIL
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<u>5. Adoption of CIL</u>	<u>May 2016</u>							
RDCS 4	1.6	Section 1	<p><u>Preliminary Revised Draft Charging Schedules for Consultation</u></p> <p><u>This is the second of two consultations for this partial review of the Charging Schedules; the first was the Revised Preliminary Draft Charging Schedules undertaken in September 2015. Responses and analysis to that first consultation are contained in the 'Responses to the Revised Preliminary Draft Charging Schedules' document.</u></p> <p><u>In accordance with Regulation 45 16 of the Community Infrastructure Levy Regulations 2010 (as amended), the Councils are now publishing their preliminary Revised Draft Charging Schedules for consultation. This document is based on the Councils Charging Schedules which had been considered at the Examination in the spring of 2015. Amendments are set out by way of bold strikethrough for deletions and bold underlined for text insertions. Added to these are those changes made as a result of the Preliminary Draft Charging consultation, which have an additional light red highlight. A separate Schedule of Amendments has been produced setting out the Councils' proposed changes. The Councils will only accept responses in relation to the changes set out in this document.</u></p>	Information about how to get involved in the consultation process				

Ref	Page / Paragraph	Section	Modification	Reason for Modification
RDCS 5	1.8	Section 1	<u>The CIL preliminary Revised Draft Charging Schedules and all supporting documentation is available on the Councils' website www.dorsetforyou.com/407160</u>	Clarification of location of evidence
RDCS 6	1.9	Section 1	<p><u>Hard copies of the documents will also be made available at Council libraries and the main council offices as set out below:</u></p> <p><u>Christchurch Borough Council, Civic Offices, Bridge Street, Christchurch, BH23 1AZ</u></p> <ul style="list-style-type: none"> • <u>(Mon –Thurs 8.45am – 5.15pm and Fri 8.45am – 4.45pm) (Tel 01202 495000)</u> <p><u>Christchurch Information Centre, 49 High Street, Christchurch, BH23 1AS</u></p> <ul style="list-style-type: none"> • <u>(Mon – Fri 9.30am – 5pm, Sat 9am – 5pm)</u> <p><u>Steamer Point Information Centre, Off Penny Way, Steamer Point, Highcliffe.</u></p> <ul style="list-style-type: none"> • <u>(Mon - Sun 9am – 5pm)</u> <p><u>East Dorset District Council, Council Offices, Furzehill, Wimborne, BH21 4HN</u></p> <ul style="list-style-type: none"> • <u>(Mon – Thur. 8.45am – 5.15pm and Fri 8.45am – 4.45pm)</u> 	Clarification of location of evidence

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			<p><u>Ferndown Town Council, The Barrington Centre, Penny's Walk, Ferndown, BH22 9TH</u></p> <ul style="list-style-type: none"> • <u>(Mon – Thu 9am – 4pm, Fri 9am – 3.30pm Mon – Fri 10am to 2pm - until further notice due to staff shortages)</u> <p><u>Verwood Town Council, Council Offices, 28 Vicarage Road, Verwood, BH31 6DW</u></p> <ul style="list-style-type: none"> • <u>(Mon – Fri 9am – 1pm)</u> <p><u>Wimborne Town Council, The Town Hall, 37 West Borough, Wimborne, BH21 1LT</u></p> <ul style="list-style-type: none"> • <u>(Mon – Fri 9am – 1pm)</u> <p><u>West Moors Parish Council, 4 Park Way, West Moors, BH22 0HL</u></p> <ul style="list-style-type: none"> • <u>(Mon, Tues, Thurs & Fri 10am – 1pm)</u> <p><u>Corfe Mullen Parish Council, Council Office, Towers Way, Corfe Mullen, BH21 3UA</u></p> <ul style="list-style-type: none"> • <u>(Mon – Fri 9am – 2pm)</u> <p><u>East Dorset Heritage Trust, Allendale House, Hanham Road, Wimborne, BH21 1AS</u></p> <ul style="list-style-type: none"> • <u>(Mon – Fri 9.30am – 5pm)</u> <p><u>All public libraries throughout Christchurch and East Dorset during their normal opening times.</u></p>	

Ref	Page / Paragraph	Section	Modification	Reason for Modification
RDCS 7	1.9	Section 1	<p><u>Your views</u></p> <p><u>We would like your comments on the amendments proposed in this Partial Review of the Councils' Charging Schedules by 5pm on Friday 9th October 2015 the end of Friday 8th January 2016. By referring to the reference numbers in the Schedule of Amendments document, these can be made by the following methods:</u></p>	Clarification of how to get involved in the consultation
RDCS 8	1.10	Section 1	<ul style="list-style-type: none"> • <u>Email - Responses can be made via email to the following address: planningpolicy@christchurchandeastdorset.gov.uk</u> • <u>By Post - Planning Policy, East Dorset District Council, Furzehill, Wimborne, Dorset, BH21 4HN. Planning Policy, Christchurch Borough Council, Civic Offices, Bridge Street, Christchurch, Dorset, BH23 1AZ.</u> • <u>Online - www.dorsetforyou.com/407160</u> <p><u>Any person who makes representations on the Revised Draft Charging Schedules in accordance with the Statement of Representations procedure may request the 'right to be heard' at the examination. This request should be submitted in writing before the end of this consultation, by the end of Friday 8th January 2016. Representations may also be accompanied by a request to be notified, at a specified address, of any of the following:</u></p> <ul style="list-style-type: none"> • <u>That the Revised Draft Charging Schedules have been submitted to the examiner in accordance with Section 212 of the Planning Act 2008;</u> • <u>The publication of the recommendations of the examiner and the reasons for those recommendations;</u> • <u>The approval of the CIL Charging Schedules by the Councils</u> 	Clarification of how to get involved in the consultation

Ref	Page / Paragraph	Section	Modification	Reason for Modification
			<p><u>Next Steps</u></p> <p><u>The CIL Regulations require that any representations made during the consultation period for the Revised Draft Charging Schedules must be submitted to the examiner alongside a summary of the main issues raised. Prior to submission of the Revised Draft Charging Schedules for examination the CIL Regulations allow for the Councils to make amendments to the schedules in response to this consultation. Should the Councils make any amendments to the CIL schedules prior to submission, the CIL Regulations require that these are set out in a Statement of Modifications, which must be sent to all those invited to make representations.</u></p> <p><u>Following production of a Statement of Modifications, any person may then also request the right to be heard by the examiner in relation to these modifications. Requests must be submitted to the Council in writing before the end of the period of four weeks beginning the day on which the Draft Charging Schedules are submitted to the examiner in accordance with CIL Regulation 19(1). This should include reference to which modifications a person wishes to be heard on.</u></p>	
RDCS 9	2.1	Section 2	<p>2.1. The Community Infrastructure Levy was introduced in the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011) and defined in the CIL regulations 2010 (as amended by the CIL (Amendment) Regulations 2011, 2012, 2013 and 2014 ; <u>2014 and 2015</u>). This legislation also restricts the use of Section 106 agreements.</p> <p>.....</p>	For clarification

2 Amendments to Revised Draft Charging Schedules

Ref	Page / Paragraph	Section	Modification	Reason for Modification
			<p>2.4. (4) Liability to pay CIL for qualifying development applies whether planning permission is required or if development is allowed through permitted development orders (General Permitted Development Order, Local Development Orders, neighbourhood Development Orders, Enterprise Zones) (Regulations 5 and 9 of the Community Infrastructure Levy Regulations 2010 as amended in 2011, 2012, 2013 and 2014 , 2014 and 2015).</p> <p>.....</p> <p>2.5. Christchurch Borough Council and East Dorset District Council are the charging authorities for development within their areas for the purpose of Part 11 of the Planning Act 2008 and CIL Regulations 2010 as amended in 2011, 2012, 2013 and 2014 , 2014 and 2015. Each authority is also a collecting authority and as such, a Charging Schedule has been prepared for each Council.</p>	
<p>RD CS 10</p>	<p>4.6</p>	<p>Section 4</p>	<p>Following consultation on the original Preliminary Draft Charging Schedule (January 2013) PBA updated the viability report which was published alongside the Draft Charging Schedule. The updated report incorporated suggestions made by consultees from the preliminary draft consultation stage, and further refinements and updates made by PBA in the course of developing the project.</p>	<p>For clarification</p>

Ref	Page / Paragraph	Section	Modification	Reason for Modification
RD CS 11	4.13	Section 4	<p>In response to the Ministerial Statement on 28th November 2014 on revised affordable housing thresholds where affordable housing contribution should not be required on schemes for 10 or less residential units, PBA further updated the viability report. This further addendum to the viability report incorporated re-running development viability appraisals on the assumption that no affordable housing is required from these sites. <u>Due to the High Court judgement striking down the Ministerial Statement in July 2015, the Councils have reverted to are using the evidence set out in the viability reports in respect of that accompanied the original Draft Charging Schedule (May 2014), as amended by the Statement of Modifications (5 December 2014). However, it is the Government's intention to challenge this decision and the outcome of any challenge or subsequent change to legislation in respect of affordable housing thresholds will have a bearing on the appropriate CIL Charging Rate for small-scale residential developments of 10 units or less or less than 1000sqm floorspace and the Councils have therefore suggested that their Charging Schedules be modified to allow for this possible legislative change. Therefore the later viability report produced by Peter Brett Associates (January 2015) that justifies the relevant charge with the government threshold in place remains valid.</u></p>	Update following High Court decision July 2015 and in response to Preliminary Draft Charging consultation comments
RD CS 12	4.14	Section 4	<p>... It is considered that the affordable housing target set out in Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy is deliverable during the plan period. <u>The Councils therefore wish to reserve their position on the CIL Charge for differential scales of residential development pending the outcome of possible national planning policy or guidance changes in respect of affordable housing provision on small-scale developments on sites of 10 units or less or less than 1000sqm floorspace.</u></p>	Clarification of the Councils' position and in response to Preliminary Draft Charging consultation comments

Ref	Page / Paragraph	Section	Modification	Reason for Modification
RDCS 13	5.2	Section 5	Christchurch Charging Schedule Residential (more than 10 units) development (other than New Neighbourhoods or sites providing on-site SANG). <u>development (other than New Neighbourhoods or sites providing on-site SANG). This rate will also apply on sites of 10 units or less or less than 1000sqm floorspace, subject to the introduction of national legislation or guidance introducing this threshold for affordable housing provision)</u> - £70	Update following High Court decision July 2015 and in response to Preliminary Draft Charging consultation comments
RDCS 14	5.2	Section 5	Christchurch Charging Schedule Residential <u>on sites of 10 units or less or less than 1000sqm floorspace</u> (10 units or less or less than 1000sqm floorspace) (only applicable if there is a legislative change or change in national guidance requiring no affordable housing provision relating to small-scale schemes where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace set at a national level). - £150	Update following High Court decision July 2015 and in response to Preliminary Draft Charging consultation comments
RDCS 15	5.2	Section 5	East Dorset Charging Schedule Residential (more than 10 units) development (other than New Neighbourhoods or sites providing on-site SANG). <u>development (other than New Neighbourhoods or sites providing on-site SANG). This rate will also apply on sites of 10 units or less or less than 1000sqm floorspace, subject to the introduction of national legislation or guidance introducing this threshold for affordable housing provision)</u> - £70	Update following High Court decision July 2015 and in response to Preliminary Draft Charging consultation comments

Ref	Page / Paragraph	Section	Modification	Reason for Modification
RD CS 16	5.2	Section 5	<p>East Dorset Charging Schedule</p> <p>Residential on sites of 10 units or less or less than 1000sqm floorspace (10 units or less or less than 1000sqm floorspace) (only applicable if there is a legislative change or change in national guidance requiring no affordable housing provision relating to small-scale schemes where no affordable housing provision is required on sites of 10 units or less or less than 1000sqm floorspace set at a national level). - £150</p>	Update following High Court decision July 2015 and in response to Preliminary Draft Charging consultation comments
RD CS 17	6.2	Section 6	<p>6.2 The Councils will use the following indicators to inform the requirement for a review:</p> <ol style="list-style-type: none"> 1. Housing delivery falls below by 20% of expected figures at the end of any 3 year rolling programme or rises more than the 20% above. 2. Infrastructure funding gap falls below the projected level of funding that would be generated by new development from CIL. 3. Average property price changes (including upturn in the market), that lead to a significant impact on development viability. 4. Changes in delivery times of major schemes to be funded in part by CIL. 	Factual clarifications