



Basingstoke  
and Deane

# **Community Infrastructure Levy**

## **Statement of Compliance**

**May 2017**

## **1 INTRODUCTION**

- 1.1 In order to support the development of a Community Infrastructure Levy (CIL) for its area, a Charging Authority is required to submit its Draft Charging Schedule for examination. One of the matters with which that examination is concerned is compliance with the various statutory procedures.
- 1.2 Although no longer required to submit a declaration of compliance with legal requirements, the council has prepared this Statement of Compliance to demonstrate that it has fulfilled all the necessary drafting and procedural obligations placed on it in relation to submission of its Community Infrastructure Levy (CIL) Draft Charging Schedule to the Examiner.
- 1.3 The council considers that it has complied with all the requirements of the Planning Act 2008 (as amended), the Localism Act 2011, and the Community Infrastructure Levy Regulations 2010 (as amended) which set out the provisions which enable a charging authority to collect a CIL in its area. In particular, the Council has used appropriate available evidence to inform the Draft Charging Schedule.
- 1.4 The next Section of this Statement summarises the various elements of compliance.
- 1.5 In accordance with section 212(4) of the Planning Act 2008, Basingstoke and Deane Borough Council hereby declares that:
- as the charging authority, it has complied with the requirements of Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended);
  - as the charging authority, it has used appropriate available evidence to inform the revised draft charging schedule; and
  - that any other matters prescribed by CIL Regulations 2010 (as amended) have been dealt with.

## 2 COMPLIANCE WITH THE PLANNING ACT 2008 (AS AMENDED)

<b>Section 211 - Amount</b>	<p>In setting the rates and preparing the Draft Charging Schedule, the council has had regard to the actual and expected costs of infrastructure; 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 the Statutory Guidance.</p> <p>The council has consulted with a range of stakeholders in the preparing the Draft Charging Schedule, with formal consultation as follows:</p> <ul style="list-style-type: none"><li>• Preliminary Draft Charging Schedule: 6 January – 17 February 2014 (6 weeks)</li><li>• Draft Charging Schedule (<i>subsequently withdrawn</i>): 7 November – 19 December 2014 (6 weeks)</li><li>• Revised Draft Charging Schedule: 6 August – 26 September 2016 (7 weeks)</li></ul>
<b>Section 212 – charging schedule examination</b>	<p>The council has submitted the Revised Draft Charging Schedule and associated evidence to the Planning Inspectorate who will provide an independent examiner to conduct an examination. The appointed examiner will have the appropriate qualifications and experience.</p> <p>All persons who have submitted representations on the Revised Draft Charging Schedule have been given the opportunity to request to be heard by the Examiner.</p> <p>The declaration is set out in paragraph 1.5 above.</p>

**3 COMPLIANCE WITH THE COMMUNITY INFRASTRUCTURE LEVY REGULATIONS 2010 (AS AMENDED)**

<p><b>Reg 12 – Format and content of charging schedules</b></p>	<p>The council’s Revised Draft Charging Schedule contains the information required by the Regulation 12 including:</p> <ul style="list-style-type: none"> <li>• The name of the Charging Authority;</li> <li>• The rates in pounds per square metre at which CIL is to be charged in the authority’s area; and</li> <li>• OS based maps which clearly identify the location and boundaries of the charging zones for differential rates, showing national grid lines and reference numbers;</li> </ul>
<p><b>Reg 13 – Differential Rates</b></p>	<p>The council proposes to set differential rates based on evidence of viability for residential development located in different zones, as set out in the maps contained in the appendices of the Revised Draft Charging Schedule.</p> <p>The council proposes to set differential rates (including some nil rates) by reference to different intended uses of development, based on evidence of viability, as set out in tables 1 and 2.</p>
<p><b>Reg 14 – Setting Rates</b></p>	<p>In setting its levy rates, the council has complied with Regulation 14 (as amended), which requires that it <i>“strike an appropriate balance between:</i></p> <p><i>(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</i></p> <p><i>(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>This is set out in the following documents:</p> <ul style="list-style-type: none"> <li>• Revised Draft Charging Schedule (August 2016)</li> <li>• Infrastructure Delivery Plan, (June 2016 and updated in May 2017 )</li> <li>• Basingstoke and Deane Viability Study (March 2016) and Viability Update Note (February 2017)</li> <li>• Other evidence base documents submitted as part of the examination.</li> </ul> <p>These documents are available to view and download from the Council’s website.</p>
<p><b>Reg 15 – Consultation on a Preliminary Draft Charging Schedule</b></p>	<p>The council issued a CIL Preliminary Draft Charging Schedule (PDCS) for consultation between 6 January and 17 February 2014 (6 weeks), as approved by the Council’s Cabinet on 3 December 2013.</p> <p>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 has invited representations on the PDCS from persons who were on the planning policy consultation database.</p> <p>How the council consulted on the PDCS is set out in the Statement of Consultation Statement. The following methods of consultation were used:</p> <ul style="list-style-type: none"> <li>• Public notice in the Basingstoke Gazette, Andover Advertiser and Newbury Weekly News;</li> </ul>

	<ul style="list-style-type: none"> <li>• Letter/email notification to the consultation bodies and other consultees;</li> <li>• Information about the consultation was placed on the Council's website, including documents and how to respond.</li> </ul> <p>The locations where the PDCS and associated documents were made available for inspection included:</p> <ul style="list-style-type: none"> <li>• Civic Offices</li> <li>• Libraries at Basingstoke, Chineham, South Ham, Kingsclere, Tadley, Overton and Whitchurch</li> </ul> <p>A summary of the representations received and how they have informed the preparation of the CIL Draft Charging Schedule are detailed in the Statement of Consultation and the Council report (October 2014), which sought approval to consult on the Draft Charging Schedule.</p>
<p><b>Reg 16 – Publication of a draft charging schedule &amp; Reg 17 – Representations relating to a charging schedule</b></p>	<p>The CIL Revised Draft Charging Schedule and accompanying documents were published on 8 August 2016. Related documents published included the Regulation 16 Statement of Representations Procedure, the Viability Study (March 2016), the Infrastructure Delivery Plan Update (June 2016), a response form and a statement of the fact that hardcopies of the Draft Charging Schedule and other accompanying documents were available for inspection at Council offices and local libraries.</p> <p>A copy of the draft charging schedule and a statement of the representations procedure were sent to the consultation bodies.</p> <p>A local advertisement which set out the Regulation 16 Statement of Representations Procedure and a statement of the fact that hard copies of the Draft Charging Schedule, statement of representations and relevant evidence were available for inspection at Council offices and local libraries was published in the Basingstoke Gazette, Andover Advertiser and Newbury Weekly News.</p> <p>The period for representations on the Draft Charging Schedule was 8 August to 26 September (7 weeks). 33 representations were received. A summary of the representations, the main issues raised and an officer response is set out in Statement of Consultation.</p>
<p><b>Reg 18 – Withdrawal of a draft charging schedule</b></p>	<p>The Council has withdrawn its first Draft Charging Schedule which was originally published in November 2014 as it was superseded by the Revised Draft Charging Schedule, August 2016.</p> <p>A statement of this fact has been published on the council's website and the documents, evidence and statements have been removed from the website.</p> <p>The council has given notice of that fact by local advertisement in the Basingstoke Gazette, Andover Advertiser and Newbury Weekly News, to be published in the week commencing 5 June 2017.</p> <p>The council will notify any person that was invited to make representations on the draft charging schedule.</p> <p>Documents will be removed from the places at which they were made available (Civic Offices and local libraries).</p>

<p><b>Reg 19 – Submission of documents and information to the examiner</b></p>	<p>Basingstoke and Deane Borough Council submitted the following documents, in both paper and electronic form, to the Planning Inspectorate on 31 May 2017:</p> <ul style="list-style-type: none"> <li>• CIL Revised Draft Charging Schedule;</li> <li>• Statement of Consultation incorporating the Regulation 19(1)(b) statement;</li> <li>• Copies of representations made under Regulation 17;</li> <li>• Statement of Modifications;</li> <li>• Copies of the relevant evidence, including: <ul style="list-style-type: none"> <li>• Infrastructure Delivery Plan Schedule</li> <li>• Infrastructure funding gap assessment</li> <li>• Viability Update Note</li> <li>• Basingstoke and Deane Viability Study: Residential and Non-residential CIL Viability Report</li> </ul> </li> </ul> <p>The Statement of Modifications is submitted in accordance with Regulation 19(1)(d). The Statement of Modifications sets out the modifications that the Council proposes to make to its CIL Revised Draft Charging Schedule since it was published in accordance with Regulation 16 in August 2016. A copy of the Statement of Modifications has been sent to each of the consultation bodies invited to make representations under Regulation 15, in accordance with Regulation 19(4).</p> <p>Copies of the Revised Draft Charging Schedule, Statement of Modifications and supporting documents and a statement of the fact that the documents were available for inspection and where they could be inspected, were made available on the Council’s website on 30 May 2017 and by 1 June 2017 also at :</p> <ul style="list-style-type: none"> <li>• Civic Offices, London Road, Basingstoke, RG21 4AH</li> <li>• Libraries at Basingstoke, Chineham, South Ham, Kingsclere, Tadley, Overton and Whitchurch,</li> </ul> <p>All persons who submitted representations to the CIL Revised Draft Charging Schedule were notified of its submission on 31 May 2017.</p>
<p><b>Reg 21 – CIL Examination: right to be heard</b></p>	<p>The council received 6 requests to be heard by the Examiner within the period for making representations on the Revised Draft Charging Schedule.</p> <p>Any person may request the right to be heard in relation to modifications to the draft charging schedule before 28 June 2017, being 4 weeks after the revised draft charging schedule has been submitted, on 31 May 2017.</p> <p>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.</p> <p>An advert will be placed in the Basingstoke Gazette, Andover Advertiser and Newbury Weekly News, stating the time and place of the CIL examination and the name of the examiner.</p> <p>This statement will be updated to include additional information on compliance with Regulation 21.</p>