



## **Hertsmere Borough Council**

# **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

## **STATEMENT OF COMPLIANCE**

**September 2013**

**Version 1**

<b>Document Title</b>	<b>Purpose</b>
Statement of Compliance	Supporting document to demonstrate Hertsmere Borough Council's compliance with the requirements.

## **Background**

This statement has been produced to demonstrate Hertsmere Borough Council's compliance with the requirements set out in the Planning Act 2008, the CIL Regulations 2010 (as amended) and DCLG guidance (April 2013).

## **Compliance**

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 section:

Section 212                      Charging schedule: examination

The Planning Act (2008) allows for the production of CIL regulations. These are contained in The Community Infrastructure Levy Regulations (2010) as amended by The Community Infrastructure Levy (Amendment) Regulations (2013).

The regulations that apply to the processes involved in progressing a CIL Draft Charging Schedule to examination are as follows:

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 18	Withdrawal of 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

**Planning Act 2008**

Section 211	<p>In setting the rates and preparing the Draft Charging Schedule Hertsmere Borough 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 Hertsmere Borough Council has consulted with a range of stakeholders in preparing the Draft Charging Schedule, with formal consultations as follows:</p> <ul style="list-style-type: none"><li>• Preliminary Draft Charging Schedule: 1 March 2013 to 3 April 2013</li><li>• Draft Charging Schedule: 26 July 2013 to 6 September 2013</li></ul>
Section 212	<p>The Inspectorate is independent of the Council being a Planning Inspector provided by the Planning Inspectorate and has appropriate experience and expertise.</p>

**The Community Infrastructure Levy Regulations 2010 as amended**

Reg 12	<p>The Draft Charging Schedule contains the information required by the Regulations including:</p> <ul style="list-style-type: none"><li>(a) the name of the Charging Authority;</li><li>(b) the rates in pounds per square metre at which CIL is to be charged in the authority's area</li><li>(c) an OS map with National Grid lines and reference numbers which identifies the location and boundaries of the charging zones;</li><li>(d) an explanation of how the chargeable amount will be calculated.</li></ul>
Reg 13	<p>Hertsmere Borough Council's differential levy rates are compliant with Regulation 13, which enables charging authorities to set differential rates (including nil rates) by location and different intended use of development.</p>
Reg 14	<p>In setting its levy rates, Hertsmere Borough Council has complied with Regulation 14(1), which requires that it, <i>"must aim to strike what appears to the charging authority to be 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.</i></p> <p>The following appropriate available evidence has informed the Draft Charging Schedule</p> <ul style="list-style-type: none"><li>• Hertsmere Borough Council Local Plan Core Strategy (2013)</li><li>• Community Infrastructure Levy Infrastructure Study December 2011</li></ul>

	<ul style="list-style-type: none"> <li>• Hertsmere Viability Assessment by Lambert Smith Hampton <i>Stage 1 Assessment (December 2012)</i> <i>Stage 2 Assessment (July 2013)</i></li> <li>• Preliminary Draft Charging Schedule (February 2013)</li> </ul> <p>The above mentioned documents are available on the Council's Website.</p>
Reg 15	<p>Hertsmere Borough Council issued a CIL Preliminary Draft Charging Schedule for consultation between 1 March 2013 and 3 April 2013.</p> <p>Letters containing copies of the CIL Preliminary Draft Charging Schedule and inviting representations on it were forwarded to the consultation bodies (including adjoining Local Planning Authorities / County Council / Parish and Town Councils / persons who are resident and carrying on business / voluntary bodies whose activities benefit the Hertsmere area / bodies who represent the interests of persons carrying on business in Hertsmere area.</p> <p>The Council invited representations from persons and organisations who were on the Hertsmere Development Framework consultation database. The Preliminary Draft Charging Schedule was made available for inspection at all Civic Offices, libraries and on the Council's website. A Council press release led to articles a series of articles in the local press. Also the Council's Social media (Twitter and Facebook) promoted the consultation.</p> <p>The Council has published a summary of comments received and its response to them, on its website. A number of comments received contained evidence that resulted in changes to the proposed CIL charges.</p>
Reg 16	<p>The Draft Charging Schedule was published with a statement of the representation procedure, a response form and relevant evidence all published on the Council's website on 26 July 2013 and hardcopies made available at all Civic Offices and libraries for inspection.</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 was placed local papers covering the whole of the borough of Hertsmere.</p>
Reg 17	<p>The period for representations on the Draft Charging Schedule was 26 July 2013 to 6 September 2013</p> <p>Representations from 10 individuals / organisations were received.</p>
Reg 18	<p>The Council has not withdrawn its Draft Charging Schedule therefore this regulation does not apply.</p>

Reg 19	<p>Hertsmere Borough Council submitted the following documents to the Examiner Planning Inspectorate) on 13 September 2013 in both paper and electronic form (where practicable to do so)</p> <ul style="list-style-type: none"> <li>• the Draft Charging Schedule</li> <li>• a summary of the main issues raised by representations to the Draft Charging Schedule</li> <li>• copies of the representations made on the Draft Charging Schedule</li> <li>• copies of the relevant evidence</li> </ul> <p>Copies of the Draft Charging Schedule and supporting documents were made available at all Civic Offices and libraries from the 18th September 2013 (in compliance with (19(3) "<i>as soon as practicable after a charging authority submits</i>"). All documents were published on the Council's website and a statement of the fact that the documents were available for inspection.</p> <p>All persons who submitted responses to the CIL Draft Charging Schedule were notified of its submission on 13th September 2013</p>
Reg 21	<p>The Council received 2 requests to be heard by the Examiner within the period for making representations to the Draft Charging Schedule.</p> <p>The Council will publish the time and place of the CIL examination and the name of the Examiner on its website on and notified all persons who made representations in accordance with Regulation 17.</p> <p>An advert will be placed in newspapers covering the all the Borough of Hertsmere stating the time and place of the CIL examination and the name of the examiner.</p> <p>This statement will be updated to included additional information on compliance with Regulation 21.</p>