

# HERTSMERE BOROUGH COUNCIL

## DRAFT COMMUNITY INFRASTRUCTURE LEVY (CIL) SCHEDULE

### EXAMINATION HEARING PROGRAMME AND IDENTIFICATION OF MAIN ISSUES AND QUESTIONS

#### **1 Examiner**

- 1.1. The Examiner is Mr Philip Staddon BSc, Dip, MBA, MRTPI.

#### **2 Programme Officer**

- 2.1 The Programme Officer is Carmel Edwards.
- 2.2 The Programme Officer acts as an impartial officer of the Examination, under the Examiner's direction, and not as an employee of the Council. All procedural and administrative matters should be directed to the Programme Officer. Details of how to contact the Programme Officer are set out below:

Ms Carmel Edwards, CIL Programme Officer, Hertsmere Borough Council, Civic Offices, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA.

Telephone:07969 631930      Email:cil.hertsmere@gmail.com

#### **3 Hearing**

- 3.1 The Examination Hearing will commence at 9.30 a.m. on Tuesday 29<sup>th</sup> October 2013.
- 3.2 The venue will be Committee Rooms B & C on the 1st floor of the Civic Centre, Hertsmere Borough Council, Elstree Way, Borehamwood, Hertfordshire, WD6 1WA. A location plan can be accessed through this link: <http://www.hertsmere.gov.uk/Documents/11-Your-Council/How-the-council-works/Customer-Services/How-to-find-Hertsmere-Borough-Council.pdf>

Anyone needing any further information should contact the Programme Officer, Carmel Edwards (details above).

#### **4 Scope of the Examination and the Examiner's role**

- 4.1 The Examination is to consider whether Hertsmere Borough Council's published Draft Community Infrastructure Levy (CIL) Charging Schedule, as modified by the Statement of Modifications, meets the requirements of the Planning Act 2008 and the associated Regulations in respect of legal compliance and economic viability.

- 4.2 The process of examining the CIL Schedule will be in the form of a structured debate led by the Examiner with 'round table' hearings addressing particular issues (see section 5).
- 4.3 The Hearing will run on a rolling programme. Each of the topic issues will be discussed in full in the order set out in Section 5 below. Breaks will be taken at suitable times mid-morning, lunchtime and mid-afternoon.
- 4.4 All Representors who wish to exercise their right to be heard will be able to speak to present their views to the Examiner.
- 4.5 The Hearing will be open to the public and the media. Any filming / recording of the Hearing will be at the discretion of the Examiner.

## **5 Main Issues and Questions**

- 5.1 The Examiner has carried out an initial paper based examination and has identified the main issues and associated questions set out below. These issues and questions will provide the programme of discussions at the Examination Hearing. The Examiner may add to or amend the programme if he considers this to be appropriate. There is inevitably some duplication and overlap between the issues but it is necessary to thoroughly examine each issue.

### **Issue 1 – Procedural Compliance**

Has Hertsmere Borough Council complied with the legal and procedural requirements set out in The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended)?

### **Issue 2 – Evidence Base – Infrastructure Needs**

Are the infrastructure requirements set out in the Infrastructure Assessment (Document CD/12) and the Draft Regulation 123 List (Document CD/2) based on, and necessary to support, an up to date Core Strategy?

Has full account been taken of other (non CIL) funding sources?

Does the evidence show a likely funding gap?

To what extent would anticipated CIL receipts fill any identified funding gap?

What specific infrastructure is likely to be funded in whole or in part by CIL receipts?

### **Issue 3 – Evidence Base – Economic Viability– Residential**

Are the viability components, including land values, sales prices, building costs, Code for Sustainable Homes requirements, fees, contingencies, all accurate, reasonable, up to date and based on sound evidence?

Are the assumptions on profits levels for market and affordable housing development reasonable and robust?

Have reasonable assumptions about site specific S.106 and S.278 costs been made and taken into account?

Does the modelling take into account the provision of Affordable Housing in accordance with the adopted Core Strategy policy?

Is the modelling of viability on 'notional' sites based on realistic scenarios and does it include a good range of development scenarios that reflect the variety of residential developments that are anticipated to meet the Core Strategy's planned housing requirements in the Borough?

Have the particular viability characteristics of specialist forms of residential development, in particular for retirement and sheltered housing, been considered?

### **Issue 4 – Are the Residential CIL charging rates informed by and consistent with the evidence?**

Are the boundaries of the three geographical areas (Area A, Area B and the Elstree Way Corridor), for which differential CIL charging rates are proposed, soundly based on evidence of residential values and development viability in these areas?

Are the proposed residential CIL rates a reasonable proportion of development costs?

What allowances have been made for viability 'buffers'?

Does evidence suggest any need for a different charging approach for specialist forms of residential development, in particular for retirement and sheltered housing?

### **Issue 5 – Evidence Base – Economic Viability – Commercial**

Are the modelled assumptions and viability components for commercial development, including land values, rents, yields, building costs, fees, contingencies and profit levels, all accurate, reasonable, up to date and based on sound evidence ?

Have reasonable assumptions about site specific S.106 and S.278 costs been made and taken in to account in the modelling of commercial development viability?

## **Issue 6 – Are the Commercial CIL charging rates informed by and consistent with the evidence?**

Is the CIL charge for hotel development justified by the evidence and reasonable?

Is the CIL charge for residential institutions justified by the evidence and reasonable?

Is the CIL charge for retail development justified by the evidence and reasonable?

Is the Nil CIL charge for office and industrial development justified by the evidence and reasonable?

## **Issue 7 – Does the evidence demonstrate that the proposed CIL charge rates would not put the overall development of the area at serious risk?**

What will be the overall effect on planned housing provision?

What will be the overall effect on affordable housing provision?

What will be the overall effect on hotel development?

What will be the overall effect on residential institution development?

What will be the overall effect on retail development?

## **Issue 8 – Other Matters raised by Representors**

Should there be a provision for relief in exceptional circumstances?

How will the operation of the CIL regime be monitored and reviewed?

What is the position on phased payments?

## **6 Close of the Examination**

- 6.1** After the Hearing the Examiner will prepare his report, which will contain conclusions and recommendations. The Examination will remain open until the report is submitted to the Council, but the Examiner will not accept further evidence from any party unless it is information that he has specifically requested.

**Philip Staddon – Appointed Examiner – 11 October 2013**