



Examination of the Maidstone Community Infrastructure Levy (CIL) Charging Schedule

Examination Guidance Note

Examiner: David Spencer
BA(Hons) DipTP MRTPI

Hearing Date: 14 June 2017

Introduction

1. This Guidance Note provides further information on the procedural and administrative arrangements for the examination of the Maidstone Community Infrastructure Levy (CIL) Charging Schedule.

2. Two documents are available with this note:

Main Issues and Questions for the examination. These will form the basis for the discussion at the hearing.

Hearing Programme – this sets out the structure for the hearing session. This is the first version and details may change.

The Role of the Examiner

3. The Charging Schedule is being examined by **David Spencer** BA(Hons) DipTP MRTPI. The role of the Examiner is to consider whether or not the CIL Charging Schedule meets the requirements of the Planning Act 2008 and associated CIL Regulations 2010 (as amended), in respect of **legal compliance and viability**.
4. The Examiner will consider whether:
 - The Council has complied with all legal and procedural requirements in preparing the draft charging schedule;

- The draft charging schedule is supported by appropriate available evidence, including the actual and expected costs of infrastructure and economic viability of the area;
 - The proposed charging rates are informed by, and consistent with, the evidence;
 - The evidence shows that the proposed rates would not put at risk the overall development of the area as proposed in the relevant development plan; and
 - The draft charging schedule includes an appropriate map.
 -
5. It is not the role of the Examiner to scrutinise or recommend changes to documents associated with the draft charging schedule such as the Council's list of infrastructure projects that CIL may be used to help fund (the Regulation 123 list) or guidance on the implementation of CIL including any instalments policy.
 6. The Council should rely on evidence collated during preparation of the Charging Schedule to demonstrate that it is viable. Those seeking changes should demonstrate why that is not the case.
 7. Following the hearing sessions the Examiner will prepare a report to the Council with his conclusions and recommendations. This will deal with the broad issues raised, rather than specifically with each representation.
 8. The Examiner's recommendations will fall into one of the following categories:
 - Approval of the schedule without modification;
 - Approval of the schedule subject to modification;
 - Approval of the schedule together with non-binding recommendations; or
 - Rejection of the schedule, where it does not comply with drafting requirements and it cannot be modified to comply.

The Role of the Programme Officer

9. The appointed Programme Officer is Louise St John Howe. The Programme Officer is an independent Officer who is responsible for receiving, recording and distributing the Examination materials, maintaining the library and organising the Hearing session. Communication between the Examiner and the participants is also handled by the Programme Officer, who can be contacted as follows:

Louise St John Howe
 Programme Officer
 PO Services
 PO Box 10965
 Sudbury
 Suffolk
 CO10 3BF
Louise@poservices.co.uk
 07789486419

10. The Programme Officer is also responsible for making sure that the information regarding the Examination and all relevant documents are made available on the Examination website.

<http://www.maidstone.gov.uk/residents/planning/local-plan/community-infrastructure-levy>

11. Should any participants not have access to the internet, please contact the Programme Officer so that alternative arrangements can be made. Any procedural questions or other matters that you wish to raise with me prior to the hearing sessions should be made through the Programme Officer.

The Examination and Hearing Session

12. Those who have made representations on the Schedule within the relevant time period ("representors") have already indicated whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. It is important to stress that written representations carry the same weight as those made orally at a Hearing session.
13. The Hearing session for the Examination of the Maidstone CIL Charging Schedule will take place on **Wednesday 14 June 2017**. It will be held at Maidstone Town Hall, High Street, Maidstone ME14 1TF. The session will **start at 10:00** and should conclude no later than 17:00. If a further hearing session is necessary it is likely to be on the following day and this will be clarified by the Examiner no later than 19 May 2017.
14. The attached *Main Issues and Questions for Examination* (MIQs) will form the basis of the discussions at the Hearing session. Attendance at the session will only be useful and helpful to the Examiner if representors engage in the debate. So that arrangements can be finalised those representors who have exercised their right to be heard must confirm their attendance to the Programme Officer by **5pm on Wednesday 17 May 2017**.
15. The Hearing session will be informal, but structured. They will take place in the form of a roundtable discussion led by the Examiner. Hearings are designed to allow the Examiner to explore the matters raised in the MIQs. People may choose to be professionally represented on the day, but there will be no formal cross-examination of witnesses or any detailed presentation of evidence.
16. Those participating at the Hearing will be asked to introduce themselves. The Examiner may then make a brief statement as to his understanding of the issues under discussion and then invite participants to make their contribution in response to the points raised, starting with the Council. The Hearing will then progress with the Examiner drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to a decision on the relevant matters. There should be opportunities within the discussion to ask questions, when invited to do so.

Hearing Statements

17. The Council should produce a Hearing Statement which responds directly to all the points raised in the main issues and questions [CILEX03]. The Council is not expected to put forward any more substantive changes to the schedule. If, exceptionally, fundamental changes are proposed, the Council must fully explain and justify the reasons for the changes, with supporting evidence. It should also indicate the implications in terms of viability of the schedule and ensure that they have been subject to the same process of financial appraisal, publicity and opportunity to make representations as the submitted version.
18. Any representors who have made comments seeking a change to the Charging Schedule and who are invited to the Hearing sessions may also submit Statements in response to the MIQs. This however, is optional, and is not a requirement of the Hearing.
19. The Examiner emphasises the need for **succinct submissions**. Essentially, the Examiner needs to know the following from those submitting further statements:
 - What particular part of the Schedule is unviable/unrealistic/unreasonable?
 - Which test does it fail?
 - Why does it fail?
 - How could the schedule be made viable / realistic / reasonable?
 - What is the precise change / amended wording sought?
20. Any supporting material – Appendices to statements, should be limited to that which is essential. All appendices should be clearly marked at the top right hand corner, have a contents page and be paginated. There is no need to include extracts from the submitted examination documents, the legislation or the national Planning Practice Guidance (PPG).
21. Statements should be concise and focused. They should not exceed a maximum of 3,000 words per Matter and appendices should only be included where directly relevant and necessary. For representors **statements should only answer the specific Main Issues and Questions which are directly relevant to the original representation**, and should clearly identify the relevant topic to which they relate.
22. All Hearing Statements must be submitted on time and received in paper form (4 copies) or electronically no later than **12noon on Friday 2 June 2017**. Any Statements received after this deadline may be returned by the Programme Officer. Statements will be published on the Examination website so that the other participants and interested parties may have access to them.
23. There is a list of submitted Examination Documents on the CIL examination website, in the Examination Library or from the Programme Officer (Document references SUB____). These include the draft charging schedule, background papers and other documents parties may wish to refer to. Participants should not attach extracts from these documents but any reference to these documents in a statement should include the SUB reference number.

24. If anyone does not have access to the internet, please contact the Programme Officer.
25. Hearing statements will be posted onto the Examination webpages, so they are available to all participants. Aside from Hearing Statements, no other written evidence will be accepted, unless requested by the Examiner. The hearing session should not be used to introduce new evidence or arguments.

Examination Programme

26. Based on the above the Examination process and relevant dates are expected to be as follows:
 - **Monday 8 May 2017** – publication of the Main Issues and Questions for Examination
 - **5pm, Wednesday 17 May 2017** – deadline for confirming with the Programme Officer whether you intend to attend the Hearing session
 - **12noon, Friday 2 June 2017** – deadline for submission of Hearing Statements
 - **Wednesday 14 June 2017** – Hearing session commences.
27. An examination programme has been published separately to this guidance note. The purpose of the issues listed for each session is to focus attention where the Examiner is seeking a fuller understanding of the comments and respective positions. If you think that the programme or issue change should be made, please inform the Programme Officer without delay, but with reasons, and the Examiner will consider it.

Statements of Common Ground

28. The Examiner invites Statements of Common Ground between participants where they would assist in identifying matters in agreement, and therefore allowing the Hearing sessions to concentrate on the issues in dispute.
29. Where possible, Statements of Common Ground should be submitted alongside Hearing Statements. If representors are intending on submitting Statements of Common Ground please make the Programme Officer aware.

Site Visits

30. The Examiner may make unaccompanied site visits during the course of the Examination.

Closing the Examination and the Examiners' Report

31. The Examination will remain open until the relevant findings have been set out in the Examiners' Report. However, once the Hearing session has been completed, no further information will be accepted from any parties

unless specifically requested by the Examiner. Late or unsolicited material may be returned. The Examiner's Report is not binding on the Council but it should amend the document accordingly, moving swiftly to formal adoption.

Further information

32. Further information about the preparation and examination of CIL Charging Schedules can be found in the national *Planning Practice Guidance* at:

<https://www.gov.uk/government/collections/planning-practice-guidance>
33. Additionally, the 2010 Regulations (as amended) and the 2008 Act are also available on-line. Representors seeking further advice on the CIL examination should contact the Council or the Programme Officer if still not clear.

David Spencer

Examiner
10 May 2017

Town Hall Details:

Transport:

Trains: There are two rail stations in the town, Maidstone West which serves the Medway Valley Line, and Maidstone East serving the Victoria line.

Bus: There are bus stops close to the Town Hall. Please click the link below to plan your route.

<http://www.kent.gov.uk/roads-and-travel/travelling-around-kent/bus-travel/bus-routes-and-maps>

Parking:

There is a long term car park close to the Town Hall at Lock Meadow, Barker Road, ME16 8SF. There is also a park and ride service, and details are available from the website:-

<http://www.maidstone.gov.uk/residents/parking-and-streets/park-and-ride>