

SOUTH LAKELAND COMMUNITY INFRASTRUCTURE LEVY SCHEDULE EXAMINATION

BRIEFING NOTE

(To be read in conjunction with the Main Matters and Issues document)

1 EXAMINER

The Examiner is Mrs Sarah Housden BA (Hons), BPI, MRTPI.

2 PROGRAMME OFFICER

The Programme Officer [PO] is Mrs Kim Russell. She acts as an impartial officer of the Examination, under the Examiner's direction, and not as an employee of the Council.

Details of how to contact her up to and during the examination hearing are set out at the end of these notes. Her principal functions are:

- to liaise with all parties to ensure the smooth running of the examination.
- to ensure that all the documents received before the hearing are recorded and distributed.
- to maintain the Examination Document list.
- to assist the Examiner with all procedural and administrative matters.

She will advise on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to the Examiner for a reply, if necessary, but carries her authority to act in accordance with the regulations.

3 HEARINGS

The hearings will commence at **0930 on Tuesday 10th February 2015** at Kendal Town Hall. If necessary, the hearings will continue on Wednesday 11th February 2015.

4 SCOPE OF THE EXAMINATION AND EXAMINER'S ROLE

The Examination will consider whether the South Lakeland District Council Community Infrastructure Levy [CIL] Charging Schedule meets the requirements of the Planning Act 2008 and the relevant CIL Regulations, as amended in 2014, in respect of legal compliance and viability.

The Examination will focus on viability. The Council should rely on evidence collected whilst preparing the schedule to demonstrate that it is viable. Those seeking changes have to demonstrate why that is not the case.

The process of examining a CIL Schedule is similar to development plans. The Examiner considers the viability of the schedule, having regard to the evidence available and representations submitted, rather than just objections made. The process of examination hearings is akin to a structured debate, with “round table”/“informal hearing” sessions addressing particular topics, rather than the traditional form of public inquiry.

After the hearing, the Examiner will prepare a Report to the Council with conclusions and decisions as to the action it needs to take with regard to the viability of the schedule. This report is not fully binding on the Council but it should amend the document accordingly, moving swiftly to formal adoption.

In terms of published documents DCLG’s CIL 2010 Regulations (as amended 2014), and the online National Planning Practice Guidance (June 2014) should help interested parties with further understanding but there is also other advice available on the DCLG, PINS, and Council/Examination websites. Representors should seek advice from the Council or the PO if still not clear.

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. They should also indicate the implications in terms of the 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.

5 PROCEDURAL MATTERS FOR THE COUNCIL

At the start of the Examination the Council will be asked to confirm that the Charging Schedule has been prepared in accordance with:-

- the statutory procedures;
- the South Lakeland Core Strategy, Local Plan Land Allocations Development Plan; Document and Land Allocations Infrastructure Delivery Plan;
- the consultation requirements set out in the Regulations.

And:

- that the Charging Schedule is supported by a viability appraisal;
- whether there are any fundamental procedural shortcomings.

6 PROCEDURE PRIOR TO THE OPENING OF THE HEARINGS

The Examination hearing will be progressed in an effective and efficient manner, with a tight rein on the discussions and time taken. As part of that process the amount of written material should be limited to that necessary for the Examiner to come to informed conclusions on the issues.

Those who have made representations on the Schedule within the relevant time period [“representors”] should have already decided whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. Both methods will carry the same weight and the Examiner will have equal regard to views put orally or in writing.

Attendance at the hearing session will only be useful and helpful to the Examiner if participants can engage in a debate. Those who wish to rely on their previous

submissions need take no further action. Anyone participating in a hearing session who wishes to make a further statement in support of their position should by Monday 2 February prepare a statement focussed upon the matter and issues/questions in the programme for that session. Statements must be sent to the Programme Officer by close of business on 2 February for paper versions or 12.00 midnight electronically. All statements will then be placed on the Examination web site. Participants must confirm attendance at the hearings by Monday 2 February so arrangements can be finalised.

There is a list of Submission Documents (SD) available on the website, in the Examination Library or from the PO. These include the draft charging schedule, background papers and other documents that parties may wish to refer to. Accordingly, participants should not attach extracts of these documents to statements as they are already Examination Documents and the Examiner will be familiar with them. All such references should please include the document reference number.

All further statements should be no longer than 3,000 words in length per matter and should identify the specific issue/question being addressed. Appendices are not included in the word limit but these should only be submitted if directly relevant to the questions for the session. Any supporting material in appendices to statements should be limited to that which is essential and not contain extracts from any publication that is already before the Examination, such as the National Planning Policy Framework or National Planning Practice Guidance. Any submissions that are of excessive length and/or containing irrelevant or repetitious material may be returned.

No additional statements or documents [including letters and press cuttings] will be accepted at the Examination hearing.

7 THE EXAMINATION ARRANGEMENTS AND PROCEDURE

The draft programme indicates that the hearing will take place over one day but a further day has been reserved if needed.

A short break will be taken mid morning and mid afternoon, with around an hour for lunch from about 1245 and a finish no later than about 1730. Water, tea and coffee is provided. Mobile phones and similar devices need to be switched off when the Examination is in session [they may be used in breaks].

A separate session will be held on each matter identified in the draft programme and all sessions are open to the public and the press to observe.

The sessions will take the form of Round Table/Informal Hearing Sessions, where several parties are present. This approach will provide an informal setting for dealing with issues, by way of a discussion led by the Examiner. The discussion will focus on the matter and issues/questions identified in the Matters and Issues document and any additional points arising from the further written submissions. There will normally be no formal presentation of evidence or cross-examination.

Those attending may bring professional advocates, but there is usually only space at the table for one representative of each group, organisation or company [apart from the Council who have two seats], though there is no objection to the representative changing if notified to the Examiner and others present at the time.

Advocates/legal representatives take part as a normal participant/member of a team, rather than in a traditional advocate's role, as no cross examination or opening/closing statements will normally be permitted.

Those present will be asked to introduce themselves. The Examiner may then make a brief statement about her understanding of the issues under discussion and then invite participants to make their contribution in response to the points raised starting usually, but not exclusively, with the Council.

The hearing will then progress with the Examiner drawing those present into the discussion in such a way as to enable her to gain the information necessary to come to a decision on the relevant matters. There should be opportunities within the discussion to ask questions of the other parties, with the Examiner's approval, and all involved may join in the discussion, when invited to do so.

8 SITE VISITS

The Examiner will visit relevant parts of the area, unaccompanied, if necessary.

9 EXAMINATION PROGRAMME

The purpose of the issues and questions 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 a programme or issue change should be made, please inform the PO without delay, but with reasons, and the Examiner will consider it.

Once all the information necessary to come to reasoned conclusions and decisions on the issues has been gathered by the Examiner, she will write the Report. The Examination itself remains open until this is submitted to the Charging Authority. However, once the hearing session part of the Examination is completed the Examiner can receive no further information from any party, unless it is a matter on which she specifically requests it. Any unsolicited material will be returned.

The Examiner looks forward to meeting everyone on 10 February 2015.

Programme Officer Details

Mrs Kim Russell

South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Cumbria LA9 4DQ

Direct Tel: 01539 793382 / Mob. 07917 658263

Email: cilprogrammeofficer@southlakeland.gov.uk

Website: www.southlakeland.gov.uk