

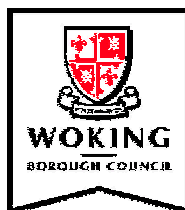


Woking Borough Council

Community Infrastructure Levy

Declaration of how the Council has complied with the statutory requirements for preparing the Draft Charging Schedule

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Produced by the Planning Policy Team

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A declaration that Woking Borough Council has complied with the requirements of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended) and that it has used appropriate available evidence to inform the Draft Charging schedule

This statement demonstrates how Woking Borough Council has complied with the requirements of Part 11 (Community Infrastructure Levy) of the Planning Act 2008 (as amended) (the Act) and the Community Infrastructure Levy Regulations 2010 (as amended) (Regulations). Details of how the relevant statutory requirements have been met are set out below:

Part 11 of the Planning Act 2008 (as amended)

Section 206 (1) and (2) – Woking Borough Council is the local planning authority for the area and in accordance with this Section has decided to charge a Community Infrastructure Levy as a primary means for securing developer contributions towards infrastructure provision to support development identified in the Woking Core Strategy. Details of the specific rates that it proposes to charge are set out in the Draft Charging Schedule (**Core Document WBC/CIL/001**). The Draft Charging Schedule is on the Council's website (www.woking.gov.uk) and is also part of the submission documents to the Examiner.

Section 211 (1) – The Council has published and submitted a Draft Charging Schedule to the examiner. The Draft Charging Schedule sets out the rates to be charged for the various types of development and how it will be calculated.

Section 211 (2) (a), (b) and (c) – In setting the rates for the Draft Charging Schedule, the Council has had regard to actual and expected costs of infrastructure, the economic viability of development and the actual and expected other sources of funding for infrastructure provision. The Council has also published a Regulation 123 list (Appendix C of Draft Charging Schedule) and a Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap (**Core Document WBC/CIL/003**), which sets out the estimated costs of the infrastructure that CIL contributions will be used to deliver, money secured/expected to be secured from other sources and the residual funding gap. It has also carried out a Community Infrastructure Levy Viability Study (**Core Document WBC/CIL/004**) to ensure that the charging rates are set at a level that will not compromise the viability of development coming forward. The Draft Charging Schedule itself contains a summary of the above information. The Topic Paper on Infrastructure Funding Gap and the Viability Study are on the Council's website.

Section 211 (4) (a) – (d) – The Draft Charging Schedule is clear to emphasise that the Regulations allow for CIL income to be spent on administration expenses incurred in connection with the set up and administration of the CIL. It also emphasises that the value of this will be no more than 5% of the annual CIL income. The Charging schedule if approved will be for a period of 10 years. It has an in-built mechanism for monitoring and review in accordance with this Section of the Act.

Section 211 (6)(a) – (f) – The Council is satisfied that the requirements of this Section of the Act have been met where the Regulations require it to do so. In particular, the Council has introduced differential rates for residential development for specific zones of the Borough.

Details of this and a Map showing the differential zones are in the Draft Charging Schedule and on the Council's website (Appendix B of the Draft Charging Schedule).

Section 211 (7) – The Council has followed all the necessary prescribed consultation requirements as set out by the Regulations. In particular, it consulted on a Preliminary Draft Charging Schedule (**Core Document WBC/CIL/002**) and published a Draft Charging Schedule for consultation. As part of the submission documents to the Examiner, the Council has published a statement of how the requirements of Regulation 19 have been met (**Core Document WBC/CIL/012**). This includes information on individuals consulted on both documents and a summary of their main representations.

Section 212 (1) – (3) – The Council plans to meet this requirement by appointing an Examiner and a Programme Officer to administer the CIL Examination.

Section 212 (4)(a) – (c) – Section 212(4) – (7) of the Planning Act 2008 has been amended by the Localism Act 2011. There is no longer a requirement to submit a declaration of how the statutory requirements have been met. However, the Examiner will still have to consider whether the drafting requirements have been complied with. To aid the Examiner in the consideration of this matter and the Examination in general, the Council considers the declaration useful information to submit to the Examiner. The Council can declare that it has complied with the requirements of Part 211 of the Act (as amended) and this statement confirms the declaration. It can also declare that it has used appropriate available evidence to inform the Draft Charging Schedule. The evidence includes:

- The Community Infrastructure Levy Viability Study;
- Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap;
- Infrastructure Delivery Plan;
- Strategic Housing Land Availability Assessment; and
- Representations received on consultation to the Preliminary Draft Charging Schedule and the Draft Charging Schedule.

A list of Core Documents has been put together for the Examination library, which will be managed by the Programme Officer. A copy of the list is attached to this statement.

Section 212 (5) – Under delegated authority, this declaration has been approved by the Head of Planning Services in consultation with the Portfolio Holder for Planning.

Sections 123 – 225 are requirements mainly to be satisfied after the Draft Charging Schedule has been approved by the Examiner. The Council will seek to meet all these requirements.

The Community Infrastructure Levy Regulations 2010 (as amended)

The Council is satisfied that the requirements of the Regulations have been met. This is demonstrated below:

Regulation 12 (2)(a) – (d) – The Council has published a Draft Charging Schedule, including charging rates, which has been through a six weeks consultation. It will be

submitted to the Examiner in January 2014 for Examination. Woking Borough Council is the Charging Authority. The Draft Charging Schedule includes specific charging rates for various types of uses. It sets differential rates for residential development by zone. The location and boundaries of the differential zones have been clearly defined based on Ordnance Survey map, which shows National Grid lines and reference numbers. Notations on the map are clearly explained.

The Draft Charging Schedule includes an explanation of how the chargeable amount will be calculated. The Charging Rates for the Draft Charging Schedule also includes the above information.

Regulation 13 (1)(a) – (b) – The Draft Charging Schedule sets a differential rate for residential development for two different geographical zones in the area. A Map of the zones is included in the Draft Charging Schedule and has been subject to consultation at all stages of the CIL process.

Regulation 14 (1)(a) – (b) – In setting the charging rates, the Council has carried out a CIL viability study to ensure that the imposition of CIL and the level of the charging rates does not compromise the viability of development coming forward. In particular, the rates have been set at a level to ensure the comprehensive delivery of the development proposals of the Core Strategy. The Council is fully aware of the Government's advice for local authorities to ensure the viability of development. The National Planning Policy Framework (NPPF) clearly states that, in order to be appropriate; the cumulative impact of standards and policies should not put implementation of the plan at serious risk and should facilitate development throughout the economic cycle. The viability assessment carried out to support the Draft Charging Schedule takes into account the requirements of the Core Strategy, including the requirement to meet Affordable Housing thresholds.

An Infrastructure Funding Gap Topic Paper has also been prepared to quantify the cost of infrastructure identified as critical to support development in the area, expected sources of other funding and the funding gap that CIL will contribute towards. The evidence of a funding gap provides a basis for seeking CIL contributions to help deliver the infrastructure. The CIL income that will be charged by applying the rates will only be a fraction of the total funding gap. Other sources of funding will continue to play a significant part in infrastructure provision. A Regulation 123 list has been prepared with specific details of the infrastructure that CIL contributions will be used to deliver. This list also includes expected sources of other funding. On the basis of the above, the Council is satisfied that an appropriate balance has been struck 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 the area, taking into account other actual and expected sources of funding; and
- (b) The potential effects (taking as a whole) of the imposition on the economic viability of development across its area.

Regulation 14 (2) – The Draft Charging Schedule makes a clear statement about administration costs. This will be no more than 5% of CIL income raised over the first three years and no more than 5% per year in subsequent years. The administration cost is reflected in the CIL charge, not in addition to it.

Regulation 15 – deals with consultation on the Preliminary Draft Charging Schedule.

Regulation 15 (1) – The Council prepared and published a Preliminary Draft Charging Schedule for a six week consultation. Representations received were used to inform the Draft Charging Schedule.

Regulation 15 (2)(a) – (b) and Regulation 15 (3)(a) – (d) – The Council published a Preliminary Draft Charging Schedule for consultation between 15 February 2013 and 2 April 2013. A copy was sent to the relevant consultation bodies as set out in Regulation 15 (3)(a) – (d).

Regulation 15 (5) – (7) - The Council sent direct mails to about 2,000 individuals and organisations that are on its Local Development Documents consultation database inviting them to make representations. Local Resident Associations, businesses, the Chamber of Commerce, Woking Partnership were all invited to make representations and were also directly briefed. The Council has published a separate statement of how it has met the requirements of Regulation 19 of the Regulations. This document includes a list of all the individuals and organisations that were invited to make representations, a summary of the main issues raised and how that has been used to inform the Draft Charging Schedule. The proposed modifications that were made in the Draft Charging Schedule as a result of the consultation on the Preliminary Draft Charging Schedule are also included in the Regulation 19 Statement. The modifications were incorporated into the Draft Charging Schedule before it was published for consultation.

Regulation 16 – Publication of Draft Charging Schedule

Regulation 16 (1) - (2) – The Council published a Draft Charging Schedule for consultation between 22 July and 30 August 2013. The Draft Charging Schedule, the relevant evidence used to support it and the Statement of the Representations Procedure were deposited at all the libraries in the borough and the Civic Offices of the Council for inspection. All the above documents were also put on the Council's website (www.woking.gov.uk). Each of the consultation bodies was sent a copy of the Draft Charging Schedule and the Statement of Representations Procedure and a link to the relevant evidence base. The Statement of Representations Procedure was advertised in the local newspapers. The Statement of the Representations Procedure included a statement of the fact that the Draft Charging Schedule and relevant evidence were available for inspection and the places at which they could be inspected. The Statement of the Representations Procedure also contained the information set out in Regulation 16 (2)(a) – (e).

Regulation 17 – The Statement of the Representations Procedure specified the duration of the consultation period with a specific deadline for representations to be submitted. It was published for a period of six weeks and the address and e-mail contact to send representations were specified.

Regulation 19 – A separate statement has been prepared by the Council about how it has met the requirements of Regulation 19.

Regulation 20 – 40 – Most of the parts of these Regulations deals with the Examination and what should be done after the Charging Schedule has been adopted. The Council can

confirm that it will seek to meet all the relevant requirements. The Council also intends to publish a guidance note to explain how CIL will be administered and enforced.

Part 6 of the Regulations - deals with exemptions and relief. The Act and the Regulations exempt certain types of development from CIL charge. This includes:

- Development by a charity where the development will be used wholly or mainly for a charitable purpose;
- Development of less than 100 sq.m gross internal area except where the development is one dwelling or more;
- Buildings where people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;
- Affordable Housing will also be exempt from the CIL Charge.

The above exemptions have been taken into account in the Draft Charging Schedule and its supporting documents.

In using the discretion given to it by the Act and the Regulations, the Council has decided that at this stage it will not be beneficial to grant any relief to any other types of development. This position will be continuously reviewed as part of the future monitoring and review of the Charging Schedule.

Regulation 62 – Reporting - The Draft Charging Schedule has an in-built mechanism for monitoring and review. It sets out how the Charging Schedule will be monitored and reviewed. The Council has committed to monitor the requirements of Regulation 62 on an annual basis and for the outcome to be reported in its Annual monitoring report.

Regulation 70 – 74 – The Draft Charging Schedule includes an instalment policy about the payment of CIL contributions. It also offers an in-principle support for payment to be made in kind based on the formula set out in Regulation 73. This will be determined on a case by case basis. This can be payment in kind by land or by infrastructure if the Governments proposed changes are to be finally confirmed.

Regulation 122 – The Draft Charging Schedule is clear about the use of Planning Obligation when CIL is introduced and provides an update on Section 106 contributions agreed and received between 2007 and 2013.

Regulation 123 – Included in the Draft Charging Schedule is a Regulation 123 list that lists the infrastructure that CIL contributions will wholly or partly fund.

Overall, the Council is satisfied to declare that the Draft Charging schedule has been prepared in accordance with the relevant requirements of the Planning Act of 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended).

Core Document number	Title of document	Date published	Published by
WBC/CIL/001	Community Infrastructure Levy – Draft Charging Schedule	May 2013	Woking Borough Council
WBC/CIL/002	Community Infrastructure Levy – Preliminary Draft Charging Schedule	February 2013	Woking Borough Council
WBC/CIL/003	Community Infrastructure Levy – Topic Paper on Infrastructure Funding Gap	February 2013	Woking Borough Council
WBC/CIL/004	Community Infrastructure Levy – Viability Study	January 2013	Prepared by Dixon Searle LLP and published by Woking Borough Council
WBC/CIL/005	Community Infrastructure Levy – Strategic Environmental Assessment – Screening Statement	December 2013	Woking Borough Council
WBC/CIL/006	Infrastructure Delivery Plan	December 2011	Woking Borough Council
WBC/CIL/007	Woking Core Strategy	October 2012	Woking Borough Council
WBC/CIL/008	Strategic Housing Land Availability Assessment	October 2011	Woking Borough Council
WBC/CIL/009	Five Year Housing Land Supply	December 2013	Woking Borough Council
WBC/CIL/010	Planning Act 2008 (as amended)	2008	
WBC/CIL/011	Community Infrastructure Levy Regulations 2010 (as amended)	2010	
WBC/CIL/012	Statement of how the Council has met requirements of	January 2014	Woking Borough Council

	Regulations 19		
WBC/CIL/013	Declaration that the Council has complied with the requirements of the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations (as amended).	January 2014	Woking Borough Council
WBC/CIL/014	Statement of the Representations Procedure	July 2013	Woking Borough Council
WBC/CIL/015	Proposed modifications as a result of consultation on Preliminary Draft Charging Schedule	May 2013	Woking Borough Council
WBC/CIL/016	Proposed modifications to Draft Charging Schedule published after consultation on Draft Charging Schedule	October 2013	Woking Borough Council
WBC/CIL/017	Statement of consultation in accordance with Regulations 15 and 16 of the Community Infrastructure Levy Regulations 2010 (as amended)	January 2014	Woking Borough Council
WBC/CIL/018	Community Infrastructure Levy - Equalities Impact Assessment	January 2014	Woking Borough Council
WBC/CIL/019	Woking Borough Council's approach to monitoring and delivery with particular emphasis on infrastructure delivery	February 2012	Woking Borough Council
WBC/CIL/020	Community Infrastructure Levy – Charging Rates for the Draft Charging Schedule	January 2014	Woking Borough Council

