



Kirklees Council

Community Infrastructure Levy (CIL)

Statement of Procedural and Legal Compliance

April 2017

Planning Policy Group
Investment and Regeneration Service
Kirklees Council
PO Box B93
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Huddersfield
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Kirklees Council

CIL Draft Charging Schedule: Statement of Compliance

This statement has been produced to demonstrate Kirklees Council's compliance with legislation, regulations and guidance relating to the preparation of a Community Infrastructure Levy (CIL) Draft Charging Schedule.

Kirklees Council declares that, as the Charging Authority, it has complied with:

- The requirements set out in Part 11 of the Planning Act 2008 (as amended by the Localism Act 2011);
- The Community Infrastructure Levy (CIL) Regulations 2010 (as amended 2011, 2012, 2013, 2014, 2015);
- National Planning Practice Guidance on CIL (2014), available at <https://www.gov.uk/guidance/community-infrastructure-levy#Community-Infrastructure-Levy-rates>.

Table 1 (below) summarises the council's compliance with the above legislation and regulations:

| Legislation | Compliance | Submission Document |
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| Planning Act 2008 (as amended): Part 11 | | |
| Section 206 – The charge | Kirklees Council is the charging authority for the purposes of the Draft Charging Schedule submitted for Examination. | n/a |
| Section 211(1) – Amount | Kirklees Council has published a Draft Charging Schedule setting rates by reference to which the amount of CIL | CIL Draft Charging Schedule (November 2016) |

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| | chargeable in respect of its area is to be determined. | |
| Section 211(2) – Amount | <p>In setting rates, Kirklees Council has had regard to:</p> <ul style="list-style-type: none"> • actual and expected costs of infrastructure; • matters relating to the economic viability of development; • other actual and expected sources of funding for infrastructure. | <p>CIL Draft Charging Schedule Consultation: Background Report (November 2016).</p> <p>Kirklees Local Plan and CIL Viability Study (October 2015) and Addendum (September 2016).</p> <p>Kirklees Local Plan Infrastructure Delivery Plan (October 2015).</p> <p>Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> |
| Section 211(7A) – Amount | <p>Kirklees Council has used appropriate available evidence to inform its preparation of the Draft Charging Schedule (DCS).</p> <p>This includes a detailed assessment of infrastructure needs as well as an assessment of proposed CIL rates on the economic viability of development across the district.</p> <p>The council have summarised the evidence informing the DCS in the CIL DCS Background Report (2016)</p> <p>The Draft Charging Schedule (DCS) is supported by appropriate available evidence set out in the following documents:</p> <p>The council have summarised the evidence informing the DCS in the CIL DCS Background Report (2016).</p> | <p>Kirklees Infrastructure Delivery Plan (October 2015).</p> <p>Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>Kirklees Local Plan & CIL Viability Study (October 2015).</p> <p>Kirklees Local Plan & CIL Viability Addendum (September 2016).</p> <p>Kirklees CIL Draft Charging Schedule Background Report (November 2016).</p> |

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| <p>Section 212 (1) & (2)</p> <p>– Charging schedule: examination</p> | <p>Kirklees Council has appointed an independent examiner, through the Planning Inspectorate, who has appropriate qualifications and experience for the task.</p> | |
| <p>Section 212 (9)</p> <p>– Charging schedule: examination</p> | <p>All persons who have submitted representations about the Draft Charging Schedule have been given the opportunity to request to be heard by the examiner.</p> | <p>Kirklees CIL Statement of Consultation and Summary of Representations (April 2017).</p> |
| <p>Section 221 – Secretary of State</p> | <p>The Secretary of State has issued guidance relating to CIL through the Government’s Planning Practice Guidance. Kirklees Council confirms that it has had regard to this in preparing its Draft Charging Schedule.</p> | <p>Kirklees CIL Self-Assessment Checklist (April 2017).</p> |
| <p>CIL Regulations 2010 (as amended): Part 3 – Charging Schedules</p> | | |
| <p>Regulation 12 - Format and content of charging schedules</p> | <p>The Draft Charging Schedule contains the information required by the Regulations, including:</p> <ul style="list-style-type: none"> • the name of the charging authority; • the rate (in pounds per square metre) at which CIL is to be chargeable in the authority’s area; • an OS based map which identifies the location and boundaries of the zones; • an explanation of how the chargeable amount will be calculated. | <p>Kirklees CIL Draft Charging Schedule (Nov 2016), Chapter 5: CIL Draft Charging Rates.</p> <p>Kirklees CIL Draft Charging Schedule (Nov 2016), Appendix A: Kirklees CIL Draft Charging Rates Map.</p> |
| <p>Regulation 13 – Differential rates</p> | <p>In compliance with Regulation 13, Kirklees Council’s CIL rates are set differentially:</p> <ul style="list-style-type: none"> • by location; • with reference to different intended uses of | <p>Kirklees CIL Draft Charging Schedule (Nov 2016), Chapter 5: CIL Draft Charging Rates and Appendix A: Kirklees CIL Draft Charging Rates Map.</p> |

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| | <p>development;</p> <ul style="list-style-type: none"> with reference to the number of dwellings to be constructed or provided. <p>A nil rate is set for development other than residential development or retail warehousing.</p> | |
| Regulation 14 – Setting rates | <p>The proposed CIL rates in the DCS have been informed by economic viability evidence prepared by Cushman and Wakefield.</p> <p>The economic viability evidence that underpins the proposed rates shows the potential effects of the proposed rates on the economic viability of development across the district. This evidence has been used to justify what levels of CIL could be charged in the district.</p> <p>The available evidence has been used to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development in the district. The council have summarised the evidence informing the DCS in the CIL DCS Background Report (2016)</p> | <p>Kirklees Infrastructure Delivery Plan (October 2015).</p> <p>Kirklees Infrastructure Delivery Plan Addendum (November 2016).</p> <p>Kirklees Local Plan & CIL Viability Study (October 2015).</p> <p>Kirklees Local Plan & CIL Viability Addendum (September 2016).</p> <p>CIL Draft Charging Schedule Consultation: Background Report (November 2016).</p> |
| Regulation 15 – Consultation on a preliminary draft charging schedule | <p>Consultation on the Preliminary Draft Charging Schedule took place alongside consultation on the Kirklees Draft Local Plan, between 9th November 2015 and 1st February 2016.</p> <p>The consultation was publicised and representations were invited by several means, as outlined in Appendix A of the CIL Statement of Consultation and Summary of Representations (April 2017).</p> | <p>Kirklees CIL Preliminary Draft Charging Schedule (November 2015).</p> <p>Kirklees CIL Preliminary Draft Charging Schedule Background Report (November 2015).</p> <p>Kirklees CIL Preliminary Draft Charging Schedule Consultation Report (November 2016).</p> <p>Kirklees CIL Statement of Consultation and Summary of</p> |

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| | <p>Specific, general and other consultees contacted during the Preliminary Draft Charging Schedule consultation are listed in Appendix A of the CIL Statement of Consultation and Summary of Representations. This list includes the consultation bodies (neighbouring authorities and parish councils within the Kirklees area) as defined in Regulation 15(3).</p> <p>The comments received during the Preliminary Draft Charging Schedule Consultation were considered in the review of viability evidence and production of the Draft Charging Schedule.</p> | Representations, Chapter 2.0 and Appendix A, (April 2017). |
| Regulation 16 – Publication of a draft charging schedule | <p>Consultation on the Draft Charging Schedule was held from Monday 7th November 2016 to Monday 19th December 2016.</p> <p>Throughout this period, copies of the Draft Charging Schedule, the relevant evidence, and a statement of the representations procedure were made available for inspection at Huddersfield and Dewsbury Customer Service Centres. These documents were also made available on the council's website, along with a statement of the fact that the Draft Charging Schedule and relevant evidence were available for inspection and of the places at which they could be inspected.</p> <p>The Kirklees CIL Statement of Consultation and Summary of Representations (April 2017) sets out the details of the Draft Charging Schedule publication stage in compliance with Regulation 16.</p> | <p>Kirklees CIL Statement of Consultation and Summary of Representations (April 2017).</p> <p>Kirklees CIL Draft Charging Schedule: Statement of Representation Procedure (November 2016).</p> |
| Regulation 17 – Representations | In accordance with regulation 17, Kirklees Council specified | Kirklees CIL Statement of Consultation and Summary of |

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| <p>relating to a draft charging schedule</p> | <p>a period of six weeks to receive representations, from Monday 7th November 2016 to Monday 19th December 2016.</p> <p>23 representations were received, including 11 requests to be heard. These representations are summarised in the CIL Statement of Consultation and Summary of Representations (April 2017)</p> | <p>Representations (April 2017).</p> <p>Kirklees CIL Draft Charging Schedule: Statement of Representation Procedure (November 2016).</p> |
| <p>Regulation 19(1) – Submission of documents and information to the examiner</p> | <p>In accordance with Regulation 19(1), Kirklees Council will submit to the examiner, in both paper and electronic form:</p> <ul style="list-style-type: none"> • the Draft Charging Schedule; • a statement setting out details of representations, and a summary of the main issues raised by the representations; • copies of any representations made; • copies of the relevant evidence. | <p>Kirklees CIL Draft Charging Schedule (November 2016).</p> <p>Kirklees CIL Statement of Consultation and Summary of Representations (April 2017).</p> |
| <p>Regulation 19(3) – Submission of documents and information to the examiner</p> | <p>As soon as practicable after submission, Kirklees Council will:</p> <ul style="list-style-type: none"> • Put copies of all items in 19(1) above in the same places that they were placed for consultation (Huddersfield and Dewsbury Customer Service Centres); • Publish on the council's website: <ul style="list-style-type: none"> • the Draft Charging Schedule; • a statement setting out details of representations and a summary of the main issues raised; • copies of any representations made; | <p>Kirklees CIL Draft Charging Schedule (November 2016).</p> <p>Kirklees CIL Statement of Consultation and Summary of Representations (April 2017).</p> |

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| | <ul style="list-style-type: none"> • copies of the relevant evidence; • a statement that the above are available for inspection & details of their locations. <ul style="list-style-type: none"> • Notify all those who asked that the draft charging schedule has been submitted. | |
| Regulation 21 – CIL examination: right to be heard | <p>During the consultation period, the council received 23 representations, including 11 requests from representors to be heard by the examiner.</p> <p>At least four weeks prior to the opening of the examination, the council will:</p> <ul style="list-style-type: none"> • publish the time and place of the CIL examination and the name of the examiner on its website; • notify all persons (including those who requested to be heard by the examiner) who made representations in accordance with Regulation 17; • place an advertisement in the local press, stating the time and place of the CIL examination and the name of the examiner. | |
| Regulation 22 – Joint examinations | As permitted by Regulation 22, the examination of Kirklees Draft Charging Schedule will be carried out jointly with the examination of the Kirklees Local Plan. | |