



**Kirklees Council**

**Community Infrastructure Levy (CIL)**

**Self-Assessment Checklist**

**April 2017**

Planning Policy Group  
Investment and Regeneration Service  
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**Note:-**

This checklist is based on the checklist prepared by the Planning Advisory Service (PAS) April 2014 for the purposes of undertaking a self-assessment to make sure the Council's approach setting their CIL is accordance with Statutory Guidance for Community Infrastructure Levy (CIL) that Charging Authorities must have regard to.

Kirklees Council (the council) has used this checklist to demonstrate how the CIL Draft Charging Schedule is in accordance with statutory guidance issued under section 221 of the Planning Act 2008, relevant CIL Regulations (as amended) and the National Planning Practice Guidance (NPPG).

The PAS checklist is based on the April 2013 CIL: Guidance published by the Department for Communities and Local Government. This is referred to in the checklist as the 'new statutory Guidance'. Since the checklist was produced this Statutory Guidance has been replaced by CIL Guidance as set out in the Government's online National Planning Practice Guidance (NPPG). Guidance on the CIL was added to the NPPG website on 12 June 2014. The April 2013 CIL: Guidance published by the Department for Communities and Local Government was archived when the NPPG web-based resource was launched in March 2014. For clarity the council have replaced references to the previous CIL Guidance with the latest relevant paragraph(s) in the CIL NPPG where appropriate.

Question	Evidence Provided
<b>Overarching questions 1-10: What the examiner needs to establish</b>	
<p>1. Has the charging authority complied with the requirements set out in Part 11 of the Planning Act 2008 (as amended by the Localism Act) and the CIL Regulations?</p>	<p>The council considers that it has complied with the requirements set out in the Planning Act 2008 (as amended by the Localism Act) and the CIL Regulations (as amended). This is set out in the Kirklees CIL Statement of Procedural and Legal Compliance (April 2017).</p>
<p>2. Is the charging authority's draft charging schedule supported by background documents containing appropriate available evidence?</p> <p>(NPPG - CIL, paras. 016 to 025).</p>	<p>The Draft Charging Schedule (DCS) is supported by appropriate available evidence set out in the following documents:</p> <ul style="list-style-type: none"> <li>• Kirklees Infrastructure Delivery Plan (October 2015)</li> <li>• Kirklees Infrastructure Delivery Plan Addendum (November 2016)</li> <li>• Kirklees Local Plan &amp; CIL Viability Study (October 2015)</li> <li>• Kirklees Local Plan &amp; CIL Viability Addendum (September 2016)</li> </ul> <p>The council has summarised the evidence informing the DCS in the CIL DCS Background Report (2016)</p>
<p>3. Has the charging authority provided evidence of an infrastructure aggregate funding gap that demonstrates the need to levy CIL?</p> <p>(NPPG - CIL, paras. 016, 017).</p>	<p>Evidence of an infrastructure funding gap is set out in the CIL DCS Background Report (2016). This evidence is drawn directly from the Infrastructure Delivery Plan and Addendum.</p>
<p>4. Is the proposed rate or rates informed by, and consistent with, the evidence on economic viability across the charging authority's area?</p> <p>(NPPG - CIL, paras. 018, 019, 020).</p>	<p>The proposed CIL rates in the DCS have been informed by evidence of economic viability prepared by Cushman and Wakefield. This includes the following :</p> <ul style="list-style-type: none"> <li>• Kirklees Local Plan &amp; CIL Viability Study (October 2015)</li> <li>• Kirklees Local Plan &amp; CIL Viability Addendum (September 2016)</li> </ul> <p>The economic viability evidence that underpins the proposed rates</p>

	<p>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 level of CIL could be charged in the district.</p>
<p>5. Are the rates so complex, or based on strategic sites, where in addition to the area based broad test of viability some further site sampling of viability is required? And has this sampling been undertaken?</p> <p>(NPPG - CIL, paras. 021, 022, 023).</p>	<p>Differential CIL rates have been set on the basis of location, type and scale of development, informed by the appropriate available evidence of development viability across the district. This is set out in the CIL Draft Charging Schedule.</p> <p>The proposed residential rates have been set in relation to four separate zones reflecting average house prices mapped against postcode areas across the district. The charges in these zones are split based on the size of development (more than 10 units / 10 units or less). In defining these zones the council has considered the need to avoid undue complexity.</p> <p>The viability evidence (Kirklees Local Plan &amp; CIL Viability Study (October 2015) &amp; Addendum (September 2016) assesses a range of development types throughout the district. This includes detailed analysis of a sample of 'real world' development sites from the various locations across the district including sites in the Publication Draft Local Plan that are of strategic significance. These sites have been tested for site specific viability in Appendix 3 of the Kirklees Local Plan &amp; CIL Viability Study (October 2015) and Kirklees Local Plan &amp; CIL Viability Addendum (September 2016). It is considered that the viability evidence is appropriate to inform differential residential rates across the district.</p>
<p>6. Has the charging authority provided evidence that shows, and explains, that the proposed rate (or rates) would not threaten delivery of the relevant Plan as a whole (para 2.2 &amp; para 2.2.5.5.) and have they explained how their proposed levy rate/s will contribute to the</p>	<p>The council, as a CIL charging authority, considers that it has set rates which will not threaten the ability to develop viably the sites and scale of development identified in the Local Plan, as demonstrated in the economic viability evidence prepared by Cushman and Wakefield on</p>

implementation of their plan and support development across their area?  
(NPPG - CIL, paras. 017,018, 020).

behalf of the council.

The council has used appropriate and available evidence to prepare its CIL DCS alongside the emerging Local Plan. 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. The economic viability evidence (Kirklees Local Plan & CIL Viability Study (October 2015) & Addendum (September 2016)) have been used to justify what level of CIL could be charged in the Kirklees district without deterring development.

The viability evidence assesses the ability of a range of development types across the district to contribute to infrastructure requirements through CIL. The sites tested are considered to reflect the main typologies expected to be delivered in the district, in the short to medium term, as informed by the Publication Draft Local Plan. Levels of CIL have been tested in combination with the council's other planning policies as set out in the Kirklees Local Plan.

The CIL DCS Background Report (2016) sets out the benefit of introducing CIL in Kirklees, and how it can contribute to supporting Local Plan delivery through helping to address the infrastructure funding gap.

<p>7. Has the charging authority provided evidence that shows that they have struck the appropriate balance between desirability of funding infrastructure through a CIL and the potential effects of imposing a CIL on their area?</p> <p>(CIL Reg.14); (NPPG - CIL, paras 008, 009, 019, 020).</p>	<p>The council has undertaken the following supporting evidence to inform the proposed CIL DCS:</p> <ul style="list-style-type: none"> <li>• Kirklees Infrastructure Delivery Plan (October 2015)</li> <li>• Kirklees Infrastructure Delivery Plan Addendum (November 2016)</li> <li>• Kirklees Local Plan &amp; CIL Viability Study (October 2015)</li> <li>• Kirklees Local Plan &amp; CIL Viability Addendum (September 2016)</li> </ul> <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>8. Does the authority have an up to date relevant (development) plan? And is the CIL consistent with it and the supporting infrastructure evidence?</p> <p>(NPPG - CIL, paras: 011, 017, 018).</p>	<p>The Kirklees Local Plan will be submitted alongside the CIL DCS for Examination in Public (April 2017) and is considered to be a relevant development plan as it is based on robust and up-to-date evidence and has been prepared in accordance with the National Planning Policy Framework. Planning Practice Guidance (CIL, para. 011) states that, in relation to testing the charging schedule alongside the Local Plan, 'a charging authority may use a draft plan if they are proposing a joint examination of their relevant Plan and their levy charging schedule'.</p>
<p>9. Has the charging authority provided a draft Regulation 123 list, set out known site specific matters where S106 contributions will be sought, and provided evidence to show how much they have raised through S106 agreements in recent years?</p> <p>(NPPG - CIL, paras. 013, 017, 018, 020, 094 to 100).</p>	<p>The council has provided a Draft Regulation 123 List. This was published alongside the Draft Charging Schedule. This includes a statement on the continued use of Section 106 Obligations. The CIL DCS Background Report (2016) provides further evidence about this.</p> <p>The CIL Viability Assessment and Addendum include an allowance of £1000 per unit for site specific S106.</p> <p>Detailed evidence about recent S106 monies collected across Kirklees can be found in Appendix B &amp; C of the CIL DCS Background Report</p>

	(2016).
<p>10. Has the charging authority complied with the consultation and administration requirements set out in the Regulations?</p> <p>(NPPG - CIL, paras. 012, 013, 028 to 31).</p>	<p>The council considers that it has complied with the CIL consultation and administration requirements. The council published and consulted on a Preliminary Draft Charging Schedule (PDCS) and Draft Charging Schedule (DCS) in accordance with the Regulations.</p> <p>In preparing the CIL the council has considered and taken into account all representation received on the PDCS and DCS. Full details of the consultation undertaken, including a summary and responses to representations received are set out in the Statement of Consultation and Summary of Representations (April 2017) &amp; Preliminary Draft Charging Schedule Consultation Report (Nov 2016).</p>
<p><b>Questions to ask yourself when setting your CIL rates that will help you in examination</b></p>	
<p>11. Are you a two-tier authority? If yes, have you:</p> <ul style="list-style-type: none"> <li>• consulted with the county council?</li> <li>• collaborated with the county on setting the rate?</li> </ul>	<p>The council is not a two tier authority.</p>
<p>12. Have you engaged (at an early stage) with local developers and others in the property industry? Have you documented your engagement and any amendments you have made following engagement?</p> <p>(NPPG - CIL, paras. 014, 020, 021).</p>	<p>The council has engaged with a range of stakeholders including agents, developers, local and national house builders throughout the preparation of the CIL. As part of developing the assumptions for the viability assessment a stakeholder workshop was held in June 2015 to test the viability assumptions. This was followed up by a questionnaire. Details of engagement in relation to CIL viability testing are set out in paragraph 4.2.5 of the Kirklees Local Plan &amp; CIL Viability Study (October 2015).</p> <p>The council have published and consulted on a CIL Preliminary Draft</p>

	<p>Charging Schedule (PDCS) and Draft Charging Schedule (DCS). In preparing the CIL the council has considered and taken into account all representation received on the PDCS and DCS.</p> <p>Full details of the consultation undertaken, including a summary and responses to representations received are set out in the Statement of Consultation and Summary of Representations (April 2017) &amp; Preliminary Draft Charging Schedule Consultation Report (Nov 2016).</p>
<p>13. Is your charging schedule consistent with, and does it support the implementation of, up-to-date relevant plans? Can you explain how it will achieve that? Can you tell the story of your charging schedule and delivery of your plan?</p> <p>(NPPG - CIL, paras. 008, 009, 010, 011, 012, 016, 018, 019, 037).</p>	<p>The Local Plan is about to be submitted for Examination in Public and is considered to be a relevant development plan as it is based on robust and up-to-date evidence and has been prepared in accordance with the National Planning Policy Framework.</p> <p>The council has used appropriate and available evidence to prepare its CIL DCS alongside the emerging Local Plan. 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>Levels of CIL have been tested in combination with the council's planning policies as set out in the Publication Draft Local Plan and planning obligation requirements, including the provision of affordable housing.</p> <p>The council have prepared an Infrastructure Delivery Plan (IDP) to provide an infrastructure capacity assessment for the district. The IDP and IDP Addendum form part of the evidence base for the Kirklees Local Plan and CIL. This has been used to provide evidence of an aggregate funding gap. It has also been used to inform the Draft Regulation 123 list and the proposals for the continued use of planning obligations.</p>



	<p>The infrastructure evidence in the IDP and the Draft Regulation 123 list demonstrate how the levy will contribute towards the implementation of the Local Plan by providing funding towards projects with an identified shortfall.</p>
<p>14. In identifying your CIL target, have you considered what additional infrastructure is needed in your area to support development and what other funding sources are available? Is your target 'informed' by a selection of infrastructure projects or types (drawn from the Infrastructure planning for the area) which are 'candidates for CIL funding'?</p> <p>(NPPG - CIL, paras. 015 to 018).</p>	<p>The council has prepared an Infrastructure Delivery Plan (IDP) to provide an infrastructure capacity assessment for the district. The IDP and IDP Addendum form part of the evidence base for the Kirklees Local Plan and CIL DCS.</p> <p>The IDP has been used to inform the Draft Regulation 123 list and the proposals for the continued use of planning obligations. The infrastructure evidence in the IDP and the Draft Regulation 123 list demonstrate how the levy will contribute towards the implementation of the Local Plan by providing funding towards projects with an identified shortfall.</p>
<p>15. Is your information on infrastructure need directly related to the infrastructure assessment that underpins your plan?</p> <p>(NPPG - CIL, paras. 008, 011, 016, 017, 019).</p>	<p>The council has prepared an Infrastructure Delivery Plan (IDP) to provide an infrastructure capacity assessment for the district. The IDP and IDP Addendum form part of the evidence base for the Kirklees Local Plan and CIL DCS.</p>
<p>16. Is your infrastructure evidence, to prove your aggregate funding gap, directly linked to the delivery of your plan?</p> <p>(NPPG - CIL, paras. 008, 011, 016, 017, 019).</p>	<p>The council has prepared an Infrastructure Delivery Plan (IDP) to provide an infrastructure capacity assessment for the district. The IDP and IDP Addendum form part of the evidence base for the Kirklees Local Plan and CIL DCS.</p>
<p>17. Is your infrastructure evidence, to demonstrate your aggregate gap, directly related to your draft 123 list?</p>	<p>The Kirklees Infrastructure Delivery Plan (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016) have been used to provide evidence of an aggregate funding gap and to inform the</p>

<p>(NPPG - CIL, para. 017).</p>	<p>Draft Regulation 123 list and the proposals for the continued use of planning obligations. The infrastructure evidence in the IDP and the Draft Regulation 123 list demonstrates how the levy will contribute towards the implementation of the Local Plan by providing funding towards projects with an identified shortfall.</p>
<p>18. Is your Infrastructure evidence (if not tested as part of another examination) sufficient in order to demonstrate an aggregate funding gap?</p> <p>(NPPG - CIL, paras. 016, 017).</p>	<p>The council considers the infrastructure evidence in the Infrastructure Delivery Plan (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016) is sufficient to demonstrate an aggregate funding gap.</p>
<p><b>Viability evidence</b></p>	
<p>19. Does your evidence show that your rate/s would not threaten delivery of the relevant plan as a whole?</p> <p>(NPPF, para.173; NPPG – CIL, para. 008, 009).</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 includes:</p> <ul style="list-style-type: none"> <li>• Kirklees Local Plan &amp; CIL Viability Study (October 2015)</li> <li>• Kirklees Local Plan &amp; CIL Viability Addendum (September 2016)</li> </ul> <p>This evidence has been used to justify what level of CIL could be charged in the district. The council as a CIL charging authority considers that it has set rates which will not threaten the viability of the scale of development identified in the Local Plan, as demonstrated in the economic viability evidence prepared by Cushman and Wakefield on behalf of the council.</p>
<p>20. Have you summarised your economic viability evidence in a document that shows the potential effects of the proposed levy rate/s on the economic viability of development across your area?</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 includes:</p>

<p>(NPPG – CIL, para. 018).</p>	<ul style="list-style-type: none"> <li>• Kirklees Local Plan &amp; CIL Viability Study (October 2015)</li> <li>• Kirklees Local Plan &amp; CIL Viability Addendum (September 2016)</li> </ul> <p>The council have summarised the evidence informing in the CIL DCS Background Report (2016).</p>
<p>21. In developing your rate/s and schedule have you worked proactively with developers?</p> <p>(NPPG – CIL, paras. 012, 014, 019, 021).</p>	<p>The council has engaged with a range of stakeholders including agents, developers, local and national house builders throughout the preparation of the CIL. As part of developing the assumptions for the viability assessment a stakeholder workshop was held in June 2015 to test the viability assumptions. This was followed up by a questionnaire. Details of engagement in relation to CIL viability testing are set out in paragraph 4.2.5 of the Kirklees Local Plan &amp; CIL Viability Study (October 2015).</p> <p>The council have published and consulted on a CIL Preliminary Draft Charging Schedule (PDCS) and Draft Charging Schedule (DCS). In preparing the CIL the council has considered and taken into account all representation received on the PDCS and DCS.</p> <p>Full details of the consultation undertaken, including a summary and responses to representations received are set out in the Statement of Consultation and Summary of Representations (April 2017) &amp; Preliminary Draft Charging Schedule Consultation Report (Nov 2016).</p>
<p>22. What have you previously achieved through s106?</p> <ul style="list-style-type: none"> <li>• Overall per annum – financial and others</li> <li>• Examples of s106 achieved per unit – financial</li> <li>• In relation to your affordable housing and other targets</li> </ul> <p>(NPPG – CIL, paras. 017, 018).</p>	<p>Detailed evidence about previous S106 can be found in Appendix B &amp; C of the CIL DCS Background Report (Nov 2016).</p>

<p>23. Have you sampled an appropriate range of types of site that reflect the different types of site in your development plan? Have you received assistance from local developers to do this? Remember your rate should be based on appropriate available evidence.</p> <p>(NPPG – CIL, paras. 019, 020).</p>	<p>The viability evidence; Kirklees Local Plan &amp; CIL Viability Study (October 2015) and Kirklees Local Plan &amp; CIL Viability Addendum (September 2016), assesses a range of development types throughout the district. The area wide viability testing analyses a selection of hypothetical development schemes to reflect the wide range of circumstances in which development is anticipated to come forward across Kirklees district. This includes both residential and commercial developments.</p> <p>The viability evidence includes detailed analysis of a sample of ‘real world’ development sites from the various locations across the district including site in the Publication Draft Local Plan that are of strategic significance. These sites have been tested for site specific viability in Appendix 3 of the Kirklees Local Plan &amp; CIL Viability Study (October 2015) and Kirklees Local Plan &amp; CIL Viability Addendum (September 2016). It is considered that the viability evidence is appropriate to inform differential residential rates across the district.</p>
<p>24. If you are setting differential rates, has your fine grained sampling reflected the different sites in your plan and is it consistent with your plan making viability?</p> <p>(NPPG – CIL, paras. 019 to 023).</p>	<p>In accordance with national guidance, the CIL viability evidence has identified a number of developments across the Kirklees district and has undertaken development appraisals on these sites to determine their capacity to withstand CIL.</p> <p>The sites tested are considered to reflect the main typologies expected to be delivered in the district, in the short to medium term, as informed by the Publication Draft Local Plan.</p>
<p>25. Have you got strategic sites in your area? Have you viability tested this strategic site type?</p> <p>(NPPG – CIL, paras. 011, 019 to 021).</p>	<p>The Publication Draft Local Plan includes a number of sites that are of strategic significance. These sites have been tested for site specific viability in Appendix 3 of the Kirklees Local Plan &amp; CIL Viability Study (October 2015) and Kirklees Local Plan &amp; CIL Viability Addendum (September 2016).</p>

<p>26. If you have set a differential rate by use, which does not need to be tied to the use classes order, or size have you justified this by a comparative assessment of viability?</p> <p>(NPPG – CIL, paras. 019, 021, 022).</p>	<p>The DCS sets different rates based upon the intended uses of development and for different geographical zones.</p> <p>Different CIL rates are proposed for residential uses based on different value areas and the number of units proposed. Retail warehousing has a district wide charge. A zero rate is proposed for all other development. These rates are set out in the CIL DCS and are supported by the economic viability evidence.</p> <p>The proposed residential rates have been set in relation to geographical zones reflecting average house prices mapped against postcode areas across the district and the application of the Publication Draft Local Plan Affordable Housing policy which applies to developments of more than 10 units.</p>
<p>27. If you have set a zero rate is this supported by viability evidence?</p> <p>(NPPG – CIL, paras. 003, 021, 022).</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 includes:</p> <ul style="list-style-type: none"> <li>• Kirklees Local Plan &amp; CIL Viability Study (October 2015)</li> <li>• Kirklees Local Plan &amp; CIL Viability Addendum (September 2016)</li> </ul> <p>Uses with a zero rate are not considered to be viable based on the appropriate available viability evidence.</p>
<p>28. If you have differential rates are you satisfied with regard to State Aid?</p> <p>(NPPG – CIL, para. 021).</p>	<p>The council considers that in setting differential CIL rates it has acted in accordance with State Aid rules. Proposed CIL rates have been informed by appropriate available viability evidence and have not been set in relation to policy objectives.</p>
<p>29. Have you set out what you intend to fund through section 106 and CIL, and how these will operate together? Have you considered the</p>	<p>The Kirklees Infrastructure Delivery Plan (IDP) (October 2015) and Kirklees Infrastructure Delivery Plan Addendum (November 2016) form</p>

<p>impact of these in conjunction with other costs (e.g. s278 Highways Act and planning conditions) and demonstrated that they will not threaten viability and the scale of development identified in the development plan?</p> <p>(NPPF, para. 173; NPPG – CIL, paras. 009, 017, 018, 097 to 107).</p>	<p>part of the evidence base for the Kirklees Local Plan and CIL. This has also been used to inform the Draft Regulation 123 list and the proposals for the continued use of planning obligations. The infrastructure evidence in IDP and the Draft Regulation 123 list demonstrate how the levy will contribute towards the implementation of the Local Plan by providing funding towards projects with an identified shortfall.</p> <p>The council has provided a Draft Regulation 123 List. This includes a statement on the continued use of Section 106 obligations. Levels of CIL have been tested in combination with the council's planning policies as set out in the Local Plan and planning obligation requirements, including the provision of affordable housing. The CIL Viability Assessment and Addendum include an allowance of £1000 per unit for on-site S106.</p> <p>Further detail is set out in Section 7 of the CIL DCS Background Report (2016)</p>
<p>30. Have you, and your consultant, used the methodology recommended in 'Viability Testing for Local Plans: Advice for Planning Practitioners (Harman Guidance)?</p>	<p>The CIL viability evidence (October 2015 and November 2016) methodology accords with the latest national planning guidance (NPPG) as well as best practice including; Viability Testing Local Plans produced by the Local Housing Delivery Group (2012) the 'Harman Report'. This is set out in Section 3 of the CIL Viability Evidence (June 2015).</p>