

**WARWICK DISTRICT COUNCIL
COMMUNITY INFRASTRUCTURE LEVY [CIL] CHARGING
SCHEDULE EXAMINATION**

GUIDANCE NOTES

1. These notes have been prepared to assist participants in the examination of the Warwick District Council Community Infrastructure Levy (CIL) Charging Schedule. As part of the examination, a hearing session has been arranged at **10.00 am on Thursday 6 July 2017 at Leamington Spa Town Hall, Council Chamber, The Parade, Leamington Spa, Warwickshire, CV32 4AT.**

Examiner

2. **Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM** has been appointed to examine the CIL Charging Schedule.

Programme Officer

3. The Programme Officer [PO] is **Ian Kemp**. For the purposes of the examination he acts as an impartial officer of the examination, under the Examiner's direction. His principal functions are:
 - to liaise with all parties to ensure that the examination runs smoothly;
 - to ensure that all the documents received before the examination are recorded and distributed; and
 - to assist the Examiner with procedural and administrative matters.
4. The PO will advise on any programming queries and all practical and procedural queries should be addressed to him. He will pass them on to the Examiner for a reply, if necessary.
5. The PO's contact details are as follows:

Ian Kemp
16 Cross Furlong
Wychbold
Droitwich Spa
Worcestershire
WR9 7TA

Telephone: 01527 861 711
Mobile: 07723 009 166
E-mail: idkemp@icloud.com

Scope of the Examination

6. The examination is to consider whether the Community Infrastructure Levy [CIL] Charging Schedule meets the requirements of the Planning Act 2008 and associated Regulations (as amended) in respect of legal compliance and viability.
7. The examination will focus in particular 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.

8. The examination of a CIL Charging Schedule focuses on the schedule rather than the objections. The Examiner considers the viability of the schedule, having regard to the evidence available and representations submitted, rather than just objections made. The examination hearing will be a structured 'round table' debate addressing particular topics. A short paper setting out the Examiner's Issues & Questions is available separately. The Inspector has already sent some initial queries to the Council. These are available on the Examination Website¹.
9. Guidance on the Community Infrastructure Levy can be found at the www.gov.uk website². Representors should seek advice from the Council or the PO if still not clear.
10. Following advice from the Examiner³, the Council is consulting on a number of changes to the schedule. The arrangements for this exercise, which will be completed before the hearing is held, are set out on the examination website. Any comments received will be considered by the Examiner along with the original representations.

Procedure Prior to the Hearing Session

11. The 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. A short, focussed, hearing should lead, in turn, to a short, focussed, report.
12. 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.
13. Those representors who have requested to be heard before the Examiner should confirm their attendance with the PO by **5pm on Thursday 22 June 2017** so that arrangements can be finalised or it will be assumed that they are relying on written representations.
14. Those who wish to rely on their previous submissions need take no further action; they can rely on what they have already submitted in writing. However, if a representor wants to make a further written submission supporting their position, it should be focussed on the issues and questions identified by the Examiner.
15. The Council has prepared a list of examination documents available on the website. 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.

¹

https://www.warwickdc.gov.uk/info/20409/local_plans/1162/community_infrastructure_levy_cil_examination

² <https://www.gov.uk/guidance/community-infrastructure-levy>

³ The relevant correspondence is available on the examination website.

16. The Examiner emphasises the need for succinct submissions, avoiding unnecessary detail and repetition. There is no need for quotes from the Schedule or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly but it is the quality of the reasoning that carries weight, not the scale of the documents or the weight of the appendices!
17. Essentially, the Examiner needs to know the following from those submitting further written statements:
 - What part of the schedule is unviable/unrealistic/unreasonable?
 - Which test[s] does it fail?
 - Why does it fail?
 - How could the schedule be made viable/realistic/reasonable?
 - What is the precise change/wording sought?
18. From the Council a written statement should be submitted on each of the Examiner's Issues and Questions, setting out why it considers the Schedule to be viable in that respect and why the changes sought by other parties would not be acceptable. This, along with any further statements that are submitted by representors, should be sent to the PO for receipt by **5pm on Thursday 22 June 2017**. The requirements for such statements are:
 - Statements should be limited to not more than 3,000 words on any one of the issues. If more detailed material needs to be submitted it should be in the form of appendices but any such material should not duplicate the content of documents already in the examination library.
 - Three paper copies of any document should be provided, with a further electronic copy if possible (ideally in .pdf format). However, excessively large files may not be able to be accepted.
 - Paragraph and page numbers should be included.
 - Any measurements should be in metric units.
 - Appendices should have a contents page; pages should be numbered.
 - A separate statement should be submitted for each matter addressed.

Hearing Session

19. The hearing session is anticipated to last for a single day, starting at 1000. A short break may be taken mid-morning and mid-afternoon, with around an hour for lunch from about 1300 and a finish no later than 1800. Mobile phones should be switched off when the hearing is in session. If any party wishes to film or record the hearing then please advise the PO beforehand. An agenda will be issued nearer to the date.
20. The session will take the form of Round Table discussion 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. There will normally be no formal presentation of evidence or cross-examination. Any 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. There will 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.
21. The Examiner will visit relevant parts of the Borough unaccompanied, if necessary.

Close of the Examination

22. Once all the information necessary to come to reasoned conclusions and decisions on the issues has been gathered by the Examiner, he will write his Report. The examination itself remains open until this is submitted to the Council. However, once the hearing is completed the Examiner can receive no further information from any party, unless it is a matter on which he specifically requests it. Any unsolicited items sent in will be returned.
23. The Examiner will announce the expected date of his report's submission to the Council at the end of the hearing session.
24. Any queries regarding the examination programme should be addressed in the first instance to the Programme Officer.

Michael J Hetherington
Examiner
May 2017