

OXFORD CITY COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE REVIEW EXAMINATION

BRIEFING NOTE FROM THE EXAMINER
January 2020

1. EXAMINER

The Examiner is Mike Hayden BSc (Hons) DipTP MRTPI

2. PROGRAMME OFFICER

The Programme Officer (PO) for the Examination is Ian Kemp. He is independent of the Council and acts under the direction of the Examiner for the purposes of the Examination.

Ian can be contacted at:

Email: idkemp@icloud.com
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Address: PO Box 241
Droitwich Spa
Worcestershire
WR9 1DW

Ian's 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 Examination hearing are recorded and distributed;
- to maintain the examination library, including the Examination Documents list; and
- to assist the Examiner with all procedural and administrative matters.

Ian will advise on any programming queries and all practical and procedural points should be addressed to him. He will pass them on to the Examiner for a reply if necessary.

3. HEARING

The hearing will commence at:

09:30 on Tuesday 10 March 2020 at:

The King's Centre (Cherwell Room)
Osney Mead
Oxford
OX1 1BP

4. SCOPE OF THE EXAMINATION AND THE EXAMINER'S ROLE

The Examiner's role is to consider whether the Community Infrastructure Levy (CIL) Draft Charging Schedule meets the requirements of the Planning Act 2008 and associated Regulations 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 should demonstrate why that is not the case, providing appropriate evidence in support of their case.

The focus will be on the Schedule rather than individual objections. I will consider the viability of the Schedule, having regard to the evidence available and representations submitted. The Examination hearing will be in the form of a 'roundtable', structured discussion, focussing on particular topics and led by me, rather than a public inquiry-style event with presentation of cases by each party and cross-examination.

Following the closure of the hearing sessions, I will prepare a Report to the Council with conclusions and recommendations. My recommendations will fall into one of the following categories:

- Approval of the Schedule without modification
- Approval of the Schedule subject to modification
- Approval of the Schedule together with non-binding recommendations
- Rejection of the Schedule, where it does not comply with drafting requirements and it cannot be modified to comply.

The CIL 2010 Regulations (as amended) and the online Planning Practice Guidance (PPG) should help interested parties with further understanding the examination process. These can be accessed online at

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

Interested parties should seek advice from the Council or the PO if still not clear.

5. PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the hearing I will formally ask the Council to confirm that the Schedule has been prepared in accordance with:

- the statutory procedures;
- the Council's Local Plan and Infrastructure Delivery Plan;
- the consultation requirements set out in the Community Infrastructure Levy Regulations April 2010 (as amended);

and that:

- it is supported by a viability appraisal; and
- there are no fundamental procedural shortcomings.

6. THE HEARING AND BEFOREHAND

Those who have made representations on the Schedule within the relevant time period ["representors"] should have already indicated 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 I will have equal regard to views put orally or in writing.

Accompanying this note is a list of *Main Issues and Questions (MIQs)* for the Examination which will form the basis of discussion at the hearing sessions. I have also provided a draft *hearing programme* with approximate timings for each hearing session. These documents can be accessed on the CIL examination website at:

https://www.oxford.gov.uk/info/20187/community_infrastructure_levy/1325/cil_charging_schedule_review_examination

Attendance at a hearing session will only be useful and helpful to me if participants can engage in the discussion. Representors must confirm attendance to the PO by **Wednesday 12 February 2020**, stating which issues and questions in the *MIQs* they wish to discuss, so that arrangements can be finalised. Those who wish to rely on their previous written submissions need take no further action and there is also little to be gained by merely repeating or paraphrasing in a new written statement comments previously made.

However, if a representor wants to make a further written statement supporting their position, it must be focussed on answering **only** those specific questions set out in the *MIQs* document, which are of relevance to the representations they have previously made. The statement should clearly indicate which question(s) is/are being answered. The Council, in its own written statement, should respond to the procedural questions listed at 5 above and **all** the questions in the *MIQs* document.

An electronic copy of all written statements must be submitted to the PO. This should arrive **by 12.00 noon on Monday 24 February 2020**. All statements will then be placed in the CIL Examination library which can be accessed on the examination website.

All written statements should be as succinct as possible. They should **not exceed 2000 words in length** and in most cases are unlikely to need to be as long as that. However, given that the Council is required to answer all the questions the word limit does not apply to its statement. Appendices are not included in the word limit although these should only be submitted if directly relevant to the questions I have posed. Statements should not contain extracts of any publications already before the Examination, but simply refer to the document name or number (see the *CIL Examination Library* on the website) and a paragraph reference. Other than in exceptional circumstances, late submissions will not be accepted and no further written evidence or documents will be accepted at the hearings, or thereafter, unless I specifically request it.

7. SITE VISITS

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

8. CLOSE OF THE EXAMINATION

Once I have gathered all the information necessary to come to reasoned conclusions and decisions on the issues I will write the Report. The Examination itself remains open until my Report is submitted to the Council. However, once the hearing part of the Examination is completed, I can receive no further information from any party, unless it is a matter on which I specifically request it. Any unsolicited items will be returned.

Mike Hayden

EXAMINER

January 2020