

**SOUTH OXFORDSHIRE DISTRICT COUNCIL
COMMUNITY INFRASTRUCTURE LEVY SCHEDULE EXAMINATION**

BRIEFING NOTE

June 2015

1 EXAMINER

The Examiner is Katie Child B.Sc. (Hons) MA MRTPI.

2 PROGRAMME OFFICER

The Programme Officer (PO) is Chris Banks. For the purposes of the examination he acts as an impartial officer of the Examination, under the Examiner's direction, and not as an employee of the Council.

The PO can be contacted at:

Email: bankssolutionsuk@gmail.co.uk

Tel: 07817 322750 / 01903 783 722

Address: Chris Banks, Banks Solutions, 64 Lavinia Way, East Preston, West Sussex BN16 1EF

His 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 hearings are recorded and distributed; to maintain the Examination Document list; and to assist the Examiner with all procedural and administrative matters.

The PO will advise on any programming queries, and all practical and procedural points should be addressed to him. The PO will pass them on to the Examiner for a reply, if necessary, but carries the Examiner's authority to act in accordance with the regulations.

The Examination documents and further information can be viewed on the CIL pages on the Council's website at www.southoxon.gov.uk

3 HEARINGS

The hearings will commence at **9.30am on Wednesday 29 July 2015** at Benson Parish Hall, Sunnyside, Wallingford OX10 6LZ. A programme for the hearings will be issued separately.

4 SCOPE OF THE EXAMINATION AND EXAMINER'S ROLE

The Examination will consider whether the South Oxfordshire District Council Community Infrastructure Levy (CIL) Charging Schedule meets the requirements of the Planning Act 2008 and the relevant CIL 2010 Regulations, as amended, 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 have to demonstrate why that is not the case.

The process of examining a CIL Schedule is similar to development plans. The Examiner considers the viability of the schedule, having regard to the evidence available and representations submitted, rather than just objections made. The process of examination hearings is akin to a structured debate, with round table/informal hearing sessions addressing particular topics, rather than the traditional form of public inquiry.

After the hearing sessions, the Examiner will prepare a Report to the Council with conclusions and decisions as to the action it needs to take with regard to the viability of the schedule. This report is not fully binding on the Council but it should amend the document accordingly, moving swiftly to formal adoption.

In terms of published documents DCLG's CIL 2010 Regulations (as amended), and the online National Planning Policy Guidance should help interested parties with further understanding but there is also other advice available on the DCLG, PINS, and Council/Examination websites. Representors should seek advice from the Council or the PO if still not clear.

The Council is not expected to put forward any more substantive changes to the schedule. If, exceptionally, fundamental changes are proposed, the Council must fully explain and justify the reasons for the changes, with supporting evidence. They should also indicate the implications in terms of the viability of the schedule and ensure that they have been subject to the same process of financial appraisal, publicity and opportunity to make representations as the submitted version.

5 PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the Examination the Council will be asked to confirm that the Schedule has been prepared in accordance with:

- the statutory procedures;
- the Council's Core Strategy and Infrastructure Delivery Plan; and
- the consultation requirements set out in the Regulations.

And:

- that the Charging Schedule is supported by a viability appraisal; and
- whether there are any fundamental procedural shortcomings.

6 PROCEDURE PRIOR TO THE OPENING OF THE HEARINGS

The Examination Hearings 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.

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.

Attendance at the hearing session will only be useful and helpful to the Examiner if participants can engage in a debate. Those who wish to rely on their previous submissions need take no further action.

Anyone participating in a hearing session who wishes to make a further statement, should submit this to the Programme Officer by **5pm on Monday 13th July 2015**. Please note that this is not a requirement and you may rely on your original representations if you wish. All Statements should focus on the Main Issues and Questions identified by the Examiner (see separate Examination document). The requirements for each statement are as follows:

- Statements should be no longer than **3,000 words per issue**.
- Appendices are not included in the word limit, but these should only be submitted if they are directly relevant to the issue/question, and should not duplicate the contents of other Examination documents.
- Statements should clearly indicate which issue/question is being answered.
- Statements should include page and paragraph numbers.
- Statements should be submitted in electronic and paper form.

Participants are requested to confirm their attendance at the hearings by **5pm Monday 13th July 2015** so arrangements can be finalised.

There is a list of Examination Documents (ED) on the website, in the Examination Library or from the PO. These include the Draft Charging Schedule, Statement of Modifications, background papers and other documents that parties may wish to refer to. 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. All such references should please include the document reference number.

No additional statements or documents (including letters and press cuttings) will be accepted at the Examination Hearing.

7 THE EXAMINATION ARRANGEMENTS AND PROCEDURE

The hearing sessions will commence at **9.30am on Wednesday 29 July 2015**. A hearings programme will be circulated separately.

A short break will be taken mid-morning and mid-afternoon, with about 45 minutes for lunch from about 12.45 and a finish no later than about 17.30. Mobile phones and similar devices need to be switched off when the Examination is in session (they may be used in breaks).

A separate session will be held on each issue identified in the programme and all sessions are open to the public and the press to observe.

The sessions will take the form of Round Table/Informal Hearing Sessions, 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.

Those attending may bring professional advocates, but depending on numbers, there may only be space at the table for one representative of each group, organisation or company (apart from the Council who have two seats). However, there is no objection to the representative changing if notified to the Examiner and others present at the time.

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.

Those present will be asked to introduce themselves. The Examiner may then make a brief statement as to her understanding of the issues under discussion and then invite participants to make their contribution in response to the points raised starting usually, but not exclusively, with the Council.

The hearing will then progress with the Examiner drawing those present into the discussion in such a way as to enable her to gain the information necessary to come to a decision on the relevant matters. There should 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.

8 SITE VISITS

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

9 CLOSE OF EXAMINATION

Once all the information necessary to come to reasoned conclusions and decisions on the issues has been gathered by the Examiner, she will write the Report. The Examination itself remains open until this is submitted to the Council. However, once the hearing sessions part of the Examination is completed the Examiner can receive no further information from any party, unless it is a matter on which she specifically requests it. Any unsolicited material will be returned.

10 OTHER

Please keep an eye on the Council's website, or contact the PO for further information.

The Examiner looks forward to meeting everyone in July.