

Strategic Planning, Sustainability and Transportation Committee - 11 October 2016

ITEM 20 Community Infrastructure Levy: Draft Charging Schedule

Urgent Update

1. Since the publication of the Committee report it has become apparent that there is an erroneous reference to a "Schedule of modifications" which appears in a number of paragraphs in the report.
2. This urgent update report seeks to clarify that these references should be deleted and that there is no such schedule of modifications. It is not considered that any modifications are required to the Draft Charging Schedule prior to its submission for examination.
3. Chapter 1 sets out the dates and methods of the consultation and is clearly not designed to be within a final, adopted version of the Charging Schedule. During early drafting of the report, it was considered potentially helpful to propose the deletion of this chapter at the time the Draft Charging Schedule was submitted.
4. Following further advice however, it is now understood that such factual matters can be dealt with through the examination and there is no need to address this issue at this stage.
5. References to this issue were therefore removed from the body of the report however, there remain references to a "schedule of modifications" within the "Available Options" section at paragraphs 3.1, 3.2, 3.3 and 3.4 and at paragraphs 4.1, 4.3 and 5.1. This reference is also reflected in Recommendation 3.
6. It is therefore proposed that Recommendation 3 should be amended to read as below:

B. That the Strategic Planning, Sustainability and Transportation Committee recommends that Council:

3. Approves the Community Infrastructure Levy: Draft Charging Schedule (Appendix A) and Draft Regulation 123 List (Appendix B) for submission to the Planning Inspectorate in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended).
7. For clarity, Sections 3, 4 and 5 of the report should be amended to read as below:

3. AVAILABLE OPTIONS

Option 3.1: Approve the revised Draft Regulation 123 List (Appendix B). This option should be selected if the revisions outlined are considered to be necessary.

Option 3.2: Reject the revised Draft Regulation 123 List (Appendix B). This option should be selected if the revisions outlined are not considered to be necessary.

Option 3.3: Recommend that Council approves the Community Infrastructure Levy: Draft Charging Schedule (Appendix A) and Draft Regulation 123 List (Appendix B) for submission to the Planning Inspectorate in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended). This option should be selected if it is considered that the documents meet the specific assessment criteria available to the Independent Examiner.

Option 3.4: Reject the Community Infrastructure Levy: Draft Charging Schedule (Appendix A) and Draft Regulation 123 List (Appendix B) for submission to the Planning Inspectorate in accordance with Regulation 19 of the Community Infrastructure Levy Regulations 2010 (as amended). This option should be selected if it is considered that the documents do not meet the specific assessment criteria available to the Independent Examiner.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option 3.1 is recommended. The representations submitted in response to the consultation have been considered and the proposed changes Draft Regulation 123 List are considered necessary for clarity and to reflect some of the comments received.

4.2 Option 3.3 is recommended. The assessment criteria available to the Independent Examiner are set out below. The Draft Charging Schedule should:

- Comply with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended);
- Be supported by background documents containing appropriate available evidence;
- Propose rates which are informed by and consistent with the evidence on economic viability across Maidstone Borough; and
- Evidence that the proposed rates would not threaten delivery of the Maidstone Borough Local Plan 2011 – 2031 as a whole.

4.3 The representations submitted in response to the consultation have been considered and minor changes are proposed to the Draft Regulation 123 List, in accordance with Option 3.1. It is considered that the Draft Charging

Schedule meets these four tests and can therefore be submitted for independent examination.

5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Responses to the Preliminary Draft Charging Schedule consultation in 2014 and Committee and Cabinet decisions have helped to shape the Draft Charging Schedule. Responses to the Draft Charging Schedule consultation have informed the Schedule of Modifications and revised Draft Regulation 123 List.