

**Poole Community Infrastructure Levy
Draft Revised Charging Schedule Examination**

**Examiners Questions – Draft Revised Charging Schedule and
Charging Zones Map**

EQ1

1. I set out here an extract from the Community Infrastructure Levy Regulations 2010 (with my emphasis).¹

Format and content of charging schedules

12.—(1) Subject to the provisions of this Part a charging authority may determine the format and content of a charging schedule.

(2) A draft charging schedule submitted for examination in accordance with section 212 of PA 2008 **must contain**—

(a) the name of the charging authority;

(b) the rates (set at pounds per square metre) at which CIL is to be chargeable in the authority's area;

(c) where a charging authority sets differential rates in accordance with regulation 13(1)(a), **a map** which—

(i) **identifies the location and boundaries of the zones,**

(ii) is reproduced from, or based on, an Ordnance Survey map,

(iii) shows National Grid lines and reference numbers, and

(iv) includes an explanation of any symbol or notation which it uses; and

(d) an explanation of how the chargeable amount will be calculated.

(3) A charging schedule approved by a charging authority must, in addition to the contents

mentioned in paragraph (2), contain—

(a) the date on which the charging schedule was approved;

(b) the date on which the charging schedule takes effect; and

(c) a statement that it has been issued, approved and published in accordance with these Regulations and Part 11 of PA 2008.

(4) In paragraph (2)(c)(ii) "Ordnance Survey map" means a map produced by Ordnance Survey or a map on a similar base at a registered scale.

2. It appears to me that the submitted Draft revised Charging Schedule (DrCS) does not fully comply with these Regulations, with reference to the elements that I have highlighted.

- i) The most obvious point is that the Retail charging zones are not depicted on a map which must be contained in the charging schedule. The DrCS requires that reference is made to boundaries that are set out in the Poole Local Plan – Pre-Submission Draft Policies Map (2017).
- ii) A number of points can be made here: this Policies Map

¹ It is my understanding that subsequent amendments to the CIL Regulations have not altered these requirements.

(appears to be a number of maps) is not contained in the charging schedule. It (they) does (do) not have an identification of charging zone boundaries or any relevant symbol or notations.

- iii) Of lesser importance, it seems to me, but still a requirement of the Regulations, Regulations 12(2)(c)(iii) is not met.
- iv) As a consequence, in my opinion, there need to be Maps which show each of the areas within which the retail charge would be applied – or in this case, would not be applied. This would not preclude a number of the individual areas being shown on a single map, and the maps would not have to cover the same extensive areas as the Draft Policies Map covers.
- v) Further, for consideration I suggest how the retail element of the charging schedule might be set out:

Retail (A1 Use)	D	£100	All Borough outside of Poole Town Centre, District Centres, Local Centres and neighbourhood parades that are shown on the Retail Charging Zones Map(s)
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- vi) This suggestion is open to the criticism that the additional maps would not delineate the Zone within which the charge is to be made, but rather shows the areas outside of the Zone. I cannot see any way around this, but I also cannot see in any practical sense how this would be an infringement of the Regulations.
- vii) As for Regulation 12(2)(d) – an explanation of how the chargeable amount will be calculated – the present reference to the Regulations does not provide this explanation in the document itself. Nevertheless it is a practical and concise way of dealing with the matter, but I wonder whether a link to the Regulation could be added with benefit.

3. I also have concerns about the division of Zone B as currently differentiated. The fact that, as currently depicted, Twin Sails Regeneration Area is shown with the same colour as that part of the zone that has a different rate, with only a red line to distinguish the two, is potentially misleading, and certainly could be clearer. I would suggest that Zone B(i) should be one colour and Zone B(ii) another colour. An alternative would be to keep them coloured the same, but differentiated by hatching or stripes – my preference would be separate colours, but this is a matter I am happy to leave as a suggestion.

4. I have not been able to identify a minor drafting error on the B ii red line that is referred to in representation R01, but no doubt this can be dealt with by the council.

5. In the representations there is reference to the division of the Residential charge relating to Retirement/Assisted Living. For clarity I would suggest that consideration be given to describing the residential uses as follows:

Residential (Use Class C3) Excluding retirement housing

Residential Retirement housing (within Use Class C2) and Assisted Living housing (within Use Class C3)

6. Once I have received a response to these matters, it will be possible, if the Council so chooses, to carry out a statement of modifications exercise in advance of the Examination hearing.
7. None of the above should be taken, at this stage, as an endorsement of the proposed levels of charge.
8. Your reply should be with Mr Ian Kemp, the Programme Officer, by close of business on Monday 3 September 2018, but preferably before.