

29 August 2018

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

Mr Ian Kemp
16 Cross Furlong
Wychbold
Worcestershire
WR9 7TA

Steve Clark
E: Stephen.clark@savills.com
DL: +44 (0)1202 856925

Wessex House
Wimborne BH21 1PB
T: +44 (0) 1202 856 800
F: +44 (0) 1202 856 801
savills.com

Dear Mr Kemp

I am writing on behalf of our client Richborough Estates Ltd (RE) following the submission of Borough of Poole's Community Infrastructure Levy (CIL) Charging Schedule for examination and the appointment of the Examiner Mr Terence Kemman-Lane JP DipTP FRTPI MCMI. RE are the promoters of the emerging Local plan allocation UE1 - Land north of Merley.

We note the procedural arrangements set out in your email communication of the 22nd August 2018 which invites comments to the 'Examiner's Questions' by Monday 3rd September 2018 and notifies of the intention to hold a hearing session on Thursday 11th October 2018 at the Council offices.

We feel that the 10 working day period of time provided for a response during the summer period when many people are away on holiday is short and restrictive in terms of the responses that can be expected to be prepared and provided to the examination and hence risks compromising the quality of consideration that may be given to the issues. We therefore respectfully request an extension of the time period for all responses to be received by the Examiner until at the earliest the 12th September 2018.

We also feel it necessary to draw attention to a particular evidence document submitted to the Examination in support of the CIL charging schedule. Borough of Poole published the draft charging schedule along with supporting evidence documents for comment for 8 weeks from the 31st July to the 22nd September 2017. Representations were made during this process by RE as well as number of other interested parties.

The CIL charging schedule has been submitted for examination with a new evidence document titled 'ED08 Site UE1 and Site UE2 Viability Report Update 2018'. This evidence document concerns the site viability of the emerging strategic allocations in the Local Plan and has not been subject to public consultation. The relevant interested parties to which the document relates (Sites UE1 and UE2) were not informed or advised of this additional evidence document prior to the submission of the Charging Schedule for examination by the Borough of Poole.

The Community Infrastructure Levy Regulations 2010 (as amended) state at Regulation 16 that:

16. – (1) *Before submitting a draft charging schedule for examination in accordance with section 212 of PA 2008, the charging authority must –*

- (a) *Make a copy of the draft charging schedule, the relevant evidence and a statement of the representation procedure available for inspection –*
- (b) *Publish on its website –*
 - (i) *The draft charging schedule,*
 - (ii) *The relevant evidence (to the extent that it is practicable to do so), (our emphasis)***
 - (iii) *A statement of the representations procedure, and*

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East..

Savills (UK) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD





- (iv) *A statement of the fact that the draft charging schedule and relevant evidence are available for inspection and of the places at which they can be inspected;*

The Regulations indicate that the interested parties should have been given the opportunity to comment in response to this new evidence document in advance of the submission the charging schedule for examination. As it is “practicable to do so”, it seems unreasonable that the interested parties were not informed of this additional evidence document or given the opportunity to comment.

The evidence document is materially relevant and it would have been practicable to have undertaken a further period of public consultation after the document had been prepared, in advance of submission, yet the Borough of Poole have neglected to do so. We are therefore of the opinion that given its relevance to the CIL examination, Borough of Poole has not complied with regulation 16(1)(b)(ii) of the CIL regulations.

Had public consultation been undertaken, the responses from members of the public and the interested parties, to the new evidence document could have fundamentally altered the decision of the Borough of Poole to proceed with the submission of the CIL charging schedule as it is currently drafted. Given that Borough of Poole may have failed to comply with the CIL regulation set out above, we request that consideration is given to postponing the hearing process scheduled for the 11th October, pending a further public consultation process to be undertaken by the Borough of Poole. This process should provide opportunity for public comments in response to this new evidence document and Borough of Poole should consider the responses before determining whether to proceed with the examination of the charging schedule as currently drafted or make appropriate amendments.

We believe the introduction of this new evidence document at the submission stage, in the absence of public consultation is unreasonable and fails to comply with the CIL regulations. We request therefore that the hearing is postponed until such time that appropriate consultation has been carried out. We look forward to hearing from you regarding the above matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "Steve Clark", written in a cursive style.

Steve Clark

Associate

G:\JOBS\Richborough Estates\Crupton Farm, Merley\CIL\CIL Examination Documents\CIL Letter\CIL - New Evidence Document - Letter to Examiner.docx