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Time for responses
Question of Consultation

**Answer from the Examiner to Savills (for Richborough Estates)
and Poole Borough Council.**

Mr Kemmann-Lane has asked me to respond to the matters raised by Savills and the reply from Poole Borough Council.

On the question of extending the time for reply to the matters dealt with in his Question EQ2, in view of the point made by Savills, he is willing to extend the period to 12 September 2018. This extension of time will apply to all those addressees who wish to respond.

On the matter of whether there should be a period of consultation specifically on the Examination document ED08 – Site UE1 and Site UE2 Viability Report Update 2018, in brief, Savills draw attention to CIL Regulation 16(i) and 16(iv), and make the point that this document was not included in the evidence that was published for consultation during the period prior to the submission of the Draft Charging Schedule. It is contended that it would have been practicable to have undertaken a further period of public consultation after the document was prepared: in the absence of that consultation having taken place, the Regulation has not been complied with.

The Council rejects Savills' request and its justification, essentially on the basis that Regulation 11(i) states that '*relevant evidence means evidence which is readily available and which, in the opinion of the charging authority, has informed (emphasis added) its preparation of the draft charging schedule*'. The new evidence is simply a further explanatory document to confirm that the proposed relevant rates are justified and submitted to the examination for information purposes. It has not informed the Draft Charging Schedule and does not result in any change to it. However, the Council would have no objection if the Examiner was willing to accept further representations during the period when consultation is taking place on a Modified Draft Charging Schedule that is now intended to take place.

Having considered in full the arguments put by both parties, Mr Kemmann-Lane has decided that the Council's case in relation to Regulation 11(i)(f) is reasonable, that there was compliance with the Regulations, and therefore he is not prepared to delay the Examination to enable a further period of consultation as requested.

In reaching this conclusion he has borne in mind that the Council is intending to commence a 4 week Statement of Modifications consultation

prior to the hearing session in response to his EQ1. This consultation will probably commence on Monday 3 September with an end date of 1 October. This period will enable interested parties, such as Savills, to comment on document ED08. In this way, there should not be any doubt that any party has been put to a disadvantage.

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