

WORTHING BOROUGH COUNCIL COMMUNITY INFRASTRUCTURE LEVY SCHEDULE EXAMINATION

BRIEFING NOTE FROM THE EXAMINER

1 EXAMINER

The Examiner is Malcolm Rivett BA (Hons), MSc, MRTPI

2 PROGRAMME OFFICER

The Programme Officer [PO] is Linda Amos. For the purposes of the Examination she acts as an impartial officer of the Examination, under my direction, and not as an employee of the Council.

Linda can be contacted at:

Email: Linda.amos@adur-worthing.gov.uk
Telephone: 01903221334
Address: Linda Amos
Adur and Worthing Councils
Portland House
Richmond Road
Worthing
West Sussex
BN11 1HH

Her 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 Examination are recorded and distributed;
- to maintain the examination library, including the Examination Document list; and
- to assist me with all procedural and administrative matters.

Linda will advise on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to me for a reply if necessary.

3 HEARINGS

The hearing session will commence at:

09:30 on Tuesday 16 September 2014 in:

Gordon Room
Worthing Town Hall
Chapel Road
Worthing
BN11 1HA

If necessary the hearing session will continue on Wednesday 17 September 2014.

4 SCOPE OF THE EXAMINATION AND THE EXAMINER'S ROLE

My role is to consider whether the Community Infrastructure Levy [CIL] Schedule meets the requirements of the Planning Act 2008 and associated Regulations 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 should demonstrate why that is not the case, preferably providing appropriate evidence in support of their case.

The focus will be on the schedule rather than individual objections. I will consider the viability of the schedule, having regard to the evidence available and representations submitted. The examination hearings will be in the form of roundtable, structured debates, focussing on particular topics and led by me, rather than a public inquiry-style event with presentation of cases by each party and cross-examination.

Following the closure of the hearing sessions, I will prepare a Report to the Council with conclusions and recommendations. My recommendations will fall into one of categories:

- Approval of the schedule without modification
- Approval of the schedule subject to modification
- Approval of the schedule together with non-binding recommendations
- Rejection of the schedule, where it does not comply with drafting requirements and it cannot be modified to so comply.

5 PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the Hearing I will formally ask the Council to:

confirm that the Schedule has been prepared in accordance with:-

- the statutory procedures;
- the Council's Core Strategy and Infrastructure Delivery Plan;

- the consultation requirements set out in the Community Infrastructure Levy Regulations April 2010 (as amended);

And that:

- it is supported by a financial appraisal; and
- there are no fundamental procedural shortcomings.

The Schedule, published in March 2014, is subject to the Community Infrastructure Levy (Amendment) Regulations 2014, which came into force on 23 February 2014. The Department of Communities and Local Government's *Community Infrastructure Levy Guidance (February 2014)* is also of relevance to the Schedule.

6 THE HEARINGS AND BEFOREHAND

Those who have made representations on the Schedule within the relevant time period ["representors"] have already indicated 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 I will have equal regard to views put orally or in writing.

Attached is a list of *Main Issues and Questions for the Examination* which will form the basis of discussion at the hearing session. Attendance at a hearing session will only be useful and helpful to me if participants can engage in a debate. Representors must confirm attendance to the PO by **Monday 8 September 2014** so that arrangements can be finalised or it will be assumed that they are relying on written representations. Those who wish to rely on their previous written submissions need take no further action and there is also little to be gained by merely repeating or paraphrasing in a new written statement comments previously made.

However, if a representor wants to make a further written statement supporting their position, it must be focussed on answering **only** those specific questions, set out in the *Main Issues and Questions for the Examination* document, which are of relevance to the representations they have previously made. The statement should clearly indicate which question(s) is/are being answered. The Council, in its own written statement, should respond to all the procedural questions listed at 5 above and **all** the questions in the *Main Issues and Questions for the Examination* document. In answering the questions representors may wish to have regard to document CD06-02 (available on the Examination website) which is the Council's response to a list of initial questions I requested them to answer.

An electronic and a paper copy of all statements must be submitted to the PO by **17:00 on Monday 8 September 2014**. All statements will then be placed on the Examination website:

<http://www.adur-worthing.gov.uk/worthing-cil-examination/>

All submissions should be focussed on the questions and should be as succinct as possible. They should **not exceed 2000 words in length** and in many cases are unlikely to need to be as long as this. However, given that the Council is required to answer all the questions the word limit does not apply to its statement. Appendices are not included in the word limit although these should only be submitted if directly relevant to the questions I have posed. Other than in exceptional circumstances, late submissions will not be accepted and no further written evidence will be accepted at the hearings, or thereafter, unless I specifically request it.

7 CLOSE OF THE EXAMINATION

Once I have gathered all the information necessary to come to reasoned conclusions and decisions on the issues I 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, I can receive no further information from any party, unless it is a matter on which I specifically request it. Any unsolicited items will be returned.

Malcolm Rivett

EXAMINER

July 2014