

Local Plan for the Bradford District

**Bradford Community Infrastructure Levy:  
Statement of Procedural and Legal  
Compliance**

**2016**

## **1. Introduction**

- 1.1 This statement sets out the relevant legislation and regulations relating to the production of a Community Infrastructure Levy (CIL) Draft Charging Schedule and demonstrates how the City of Bradford Metropolitan District Council (the council) has complied with them.
- 1.2 Legislation relating to CIL is set out in Part 11 of the Planning Act 2008 as amended by the Localism Act 2011. Provisions for guidance from the Secretary of State are set out at Section 221 of the Act. The Act also makes provision for the production of CIL Regulations. The original regulations are the Community Infrastructure Levy Regulations 2010. The CIL Regulations have been amended through the Community Infrastructure Levy (Amendment) Regulations in 2011, 2012, 2013, 2014 and 2015.
- 1.3 The council has prepared its CIL Draft Charging Schedule in accordance with the Planning Act 2008 (as amended), the Community Infrastructure Levy Regulations 2010 (as amended) and statutory guidance under Section 221 of the Planning Act 2008 (as amended). This is published as part of the Government's National Planning Practice Guidance (NPPG), which is an online resource on the planning portal website.
- 1.4 Table 1 below details how the Council, as a CIL charging authority, has complied with the requirements of the legislation, regulations and guidance. The submission documents and supporting documents for the Council's Draft Charging Schedule submission can be viewed and downloaded on the council's website at [www.bradford.gov.uk/planningpolicy](http://www.bradford.gov.uk/planningpolicy).

**Table 1. Legislative requirements**

Legislative requirement	How has this requirement been met
<b>Planning Act 2008 (As amended by the Localism Act 2011)</b>	
Section 206	A charging authority may charge CIL in respect of development of land in its area. A Local Planning Authority is the charging authority for its area. The City of Bradford Metropolitan District Council (the Council) is the charging authority for the purposes of the CIL Draft Charging Schedule.
Section 211(1)	The Council has prepared a Draft Charging Schedule setting rates in accordance with Section 211(1). The DCS sets out what amount of CIL will be chargeable in respect of development in the District.
Section 211(2)	In preparing the Draft Charging Schedule, the Council has had regard to the actual and expected costs of infrastructure as set out in the Local Infrastructure Plan (December 2015 Update); the economic viability of development as set out in the CIL Economic Viability Assessment Evidence (2015) and the CIL Viability Addendum (2015), representations received on the Preliminary Draft Charging Schedule (CIL Statement of Consultation Appendix E – Summary of Representations and Responses 2015); and other actual or expected sources of funding for infrastructure as set out in the Local Infrastructure Plan Evidence (December Update 2015) and the Draft Regulation 123 list
Section 211(4)	In preparing the Draft Charging Schedule the Council has had regard to the actual or expected administrative expenses in connection with CIL.
Section 211 (7)	<p>In accordance with Section 211 (7) the Council has consulted a range of stakeholders in preparing the Draft Charging Schedule as outlined below.</p> <ul style="list-style-type: none"> <li>• CIL Stakeholder workshop event and questionnaire- July 2012</li> <li>• CIL Member Briefing – May 2013</li> <li>• CIL stakeholder further viability engagement- September/October 2014</li> <li>• PAS CIL Training for Members and Officers – January 2015</li> <li>• Publication of Preliminary Draft Charging Schedule – 31 July to 11 September 2015</li> <li>• Publication of Draft Charging Schedule – 14 December 2015 to 8 February 2016</li> <li>• On-going engagement with internal and external consultees and infrastructure providers</li> <li>• On-going engagement with Leeds City Region CIL Working Group</li> </ul> <p>This consultation has informed the Local Infrastructure Plan Evidence (Dec Update 2015), the CIL Economic Viability Assessment Evidence (2015) and the CIL Viability Addendum (2015) and the Draft Regulation 123 List.</p>
Section 211 (7A)	<p>In accordance with section 211 (7A) (as inserted by the Localism Act 2011), the Council has used appropriate and available evidence to prepare its CIL Draft Charging Schedule (DCS).</p> <p>This includes a detailed assessment of infrastructure needs as well as an assessment of proposed CIL rates on the economic viability of</p>

	<p>development across the District.</p> <p>Appropriate evidence on infrastructure is provided in the Local Infrastructure Plan (December 215 Update) prepared by the Council. This has been used to provide evidence of an aggregate funding gap to justify a CIL charge. It has also been used to inform the Draft Regulation 123 list and the proposals for the continued use of Section 106 contributions.</p> <p>The economic viability evidence prepared by DTZ/Cushman and Wakefield has been used to justify what level of CIL could be charged in the Bradford District without deterring development (CIL Economic Viability Assessment Evidence (June 2015), CIL Viability Evidence Addendum (December 2015).</p>
Section 221	<p>The Secretary of State has issued guidance relating to CIL through the Government's National Planning Practice Guidance (NPPG). The Council confirms that it has had regard to this guidance in setting the levy rates.</p> <p>This is set out in the Council's CIL Self-Assessment Checklist (2016) and CIL DCS Background Paper (2016).</p>
<b>CIL regulations 2010 (as amended)</b>	
Regulation 12	<p>The Bradford CIL Draft Charging Schedule contains the information required by the Regulations, namely:</p> <ul style="list-style-type: none"> <li>(a) the name of the charging authority;</li> <li>(b) the rates (in pounds per square metre) at which CIL is to be chargeable in the authority's area;</li> <li>(c) a map which identifies the location and boundaries of the differential charging zones reproduced from an Ordnance Survey map; and</li> <li>(d) an explanation of how the chargeable amount will be calculated</li> </ul>
Regulation 13	<p>In accordance with Regulation 13, the DCS sets different rates based upon the intended uses of development and for different geographical zones. Different CIL rates are proposed for residential, retail warehouses and large supermarkets over 2000 sq m. A zero rate is proposed for all other development. These rates are set out in the CIL DCS and are supported by the economic viability evidence.</p> <p>Different rates for different geographical zones in which development would be situated have been set for residential and retail warehousing. The zones are identified on CIL Draft Charging Zone Map in the DCS.</p>
Regulation 14	<p>In setting its levy rates, the Council has complied with Regulation 14(1), which requires that it "must strike an appropriate balance between (a) the desirability of funding from CIL (in whole or in part) the actual and expected estimated costs of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and (b) the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area."</p> <p>This appropriate balance is shown in the explanation in the Draft Charging Schedule itself, the supporting available evidence, responses to the representations received as set out in the Statement of Consultation (2015 and 2016), the CIL DCS Background paper (2016) and in the formal meetings of the Council during the period in which work</p>

	<p>has been underway on the CIL in Bradford.</p> <p>Regulation 14 (2)- The Council has had regard to actual and expected administrative expenses in connection with CIL when setting the proposed CIL rates</p>
Regulation 15	<p>A Preliminary Draft Charging Schedule (PDCS) was approved by the Council's Executive on 21 July 2015 and published on 31 July to 11 September 2015, together with the accompanying evidence base and supporting documents.</p> <p>Consultation occurred in accordance with the CIL Regulations over the period from 31 July to 11 September 2015 with the prescribed consultation bodies.</p> <p>Information about the CIL consultation was provided by mail/email to addresses from the Council's consultation database, including the development industry, community groups, infrastructure providers, and residents. Emails were also sent to all councillor's, all town, and parish councils, and neighbouring authorities.</p> <p>Hard copies of the consultation material were displayed at the main Planning offices and the main libraries across the District. There was a press release and all consultation material was available on the Council's website.</p> <p>46 responses were received to the PDCS consultation. These were reported to the council's Executive on 3 November 2015 and informed the preparation of the DCS. Full details of the consultation on the PDCS are set out in the document 'CIL Draft Charging Schedule: Statement of Pre-Submission Consultation and Summary of Representations (October, 2015).</p>
Regulation 16	<p>In accordance with Regulation 16 (1) the Council made available a copy of the Draft Charging Schedule at the Council's principle planning office and on the Council's website on 14 December 2015 to 8 February 2016, together with all the relevant evidence and the Statement of the Representations Procedure. The Statement of the Representations Procedure included all the requirements of Regulation 16(2) (a) to (e).</p> <p>The Statement of the Representations Procedure and a weblink to the available evidence was sent to each of the prescribed consultation bodies, all previous respondents on the PDCS, and the wider list of addresses as set out under Regulation 15 above.</p> <p>The Council made available and republished the Draft Charging Schedule alongside a Local Advertisement Notice in accordance with CIL Regulation 16 1(d) for a further 4 weeks from Friday 25<sup>th</sup> march to Friday 22<sup>nd</sup> April 2016.</p> <p>Full details of the publication of the DCS, Statement of the Representations Procedure and notification methods used are set out in the Community Infrastructure Levy: Draft Charging Schedule Statement of Consultation and Summary of Representations (2016)</p>
Regulation 17	<p>In accordance with Regulation 17, the Council specified a period of 8 weeks to receive representations from 14 December 2015 to 8 February</p>

	<p>2016. The Council made available and republished the Draft Charging Schedule alongside a Local Advertisement Notice in accordance with CIL Regulation 16 1(d) for a further 4 weeks from Friday 25<sup>th</sup> march to Friday 22<sup>nd</sup> April 2016.</p> <p>A total of 23 Representations were considered to be duly made, in accordance with regulation CIL Regulation 17.</p> <p>Full details are set out in the Community Infrastructure Levy: Draft Charging Schedule Statement of Consultation and Summary of Representations (March, 2016)</p>
Regulation 19	<p>Following consultation on the DCS the Council intend to submit the following to the examiner in accordance with the regulations:-</p> <ul style="list-style-type: none"> <li>(a) The Draft Charging Schedule;</li> <li>(b) A summary of the main issues raised by the representations to the Draft Charging Schedule;</li> <li>(c) Copies of the representations to the Draft Charging Schedule;</li> <li>(d) Any Statement of Modifications and a Draft Charging Schedule Submission (Incorporating Modifications);</li> <li>(e) Copies of the relevant evidence.</li> </ul> <p>Copies of the above documents will be made available as soon as practical after submission at the Council's main Planning Offices and Libraries, as required by the Regulations. All documents will be made available on the Council's website and a statement of the fact that the documents are available for inspection and where they can be inspected will be published.</p>
Regulation 21	<p>The time and place of the examination and the name of the examiner will be published on the Council's website at least 4 weeks before the opening of the examination. An advert will be placed in the local press publicising the time and place of the examination and name of examiner.</p> <p>All persons who made representations and requests to be heard in relation to the Draft Charging Schedule will be notified in accordance with the regulations within the prescribed timeframe.</p>