

**CITY OF BRADFORD METROPOLITAN
DISTRICT COUNCIL
COMMUNITY INFRASTRUCTURE LEVY
CHARGING SCHEDULE EXAMINATION**

**EXAMINER'S MATTERS AND ISSUES
FOR THE EXAMINATION**

Examiner – Louise Nurser BA (Hons.) Dip UP MRTPI

Hearing to be held on 4 October 2016
at the Victoria Hall, Victoria Road, Saltaire, BD18 3JS.

The initial draft Hearing Timetable should be read in conjunction with
the Examiner's Briefing Note

Carmel Edwards
CIL Programme Officer
c/o 15A Bolehill Road
Bolehill
Matlock
Derbyshire
DE4 4GQ

Tel: 07969 631930
Email: carmel.edwards@bradford.gov.uk
Website: www.bradford.gov.uk

**City of Bradford Metropolitan District Council
Community Infrastructure Levy Charging Schedule Examination**

Main Issues for the Examiner

1. *Has the charging authority complied with the procedural requirements in the 2008 Act (Part 11 and section 221), and the 2010 Community Infrastructure Levy Regulations (as amended) (CIL)?*
2. *Is the CIL Draft Charging Schedule (DCS) supported by appropriate available evidence on infrastructure planning and economic viability?*
3. *Are the proposed CIL charging rates informed by and consistent with the evidence?*
4. *Does the evidence show that the proposed CIL charging rates would not put at risk the overall development of the area? Has an appropriate balance been struck between helping to fund the new infrastructure required and the potential effect of the levy on the economic viability of development across the borough and the implementation of the objectives of the emerging Core Strategy Development Plan?*

Matter 1: Infrastructure planning evidence

Issues

1. What evidence is there of the need for infrastructure to support the development proposed in the local authority area in the emerging development plans? Have the infrastructure requirements been correctly identified?
2. What is the expected total cost of this infrastructure? What are the actual and expected sources of funding to meet these costs? What is the funding gap? What contribution is CIL expected to make towards filling this gap?

Matter 2: General approach to rate setting

Issues

3. Does the Draft Charging Schedule (DCS) make clear the approach that would be taken to uses not included in the charging schedule in the DCS and is this justified by the viability evidence?
4. In setting CIL rates Charging Authorities must take account of policy requirements set out in the 'relevant plan' which for the purposes of the Examination is the City of Bradford Metropolitan District Council emerging Core Strategy Development Plan and emerging Bradford City Centre and Shipley and Canal Road Corridor Area Action Plans. How are the financial implications associated with the policies of the emerging plans including the provision of Green Infrastructure, articulated and

accounted for in the valuation assessments? Has this been undertaken in a sufficiently transparent manner?¹

5. Is the future approach to the use of section 106 planning obligations as set out in the Draft Regulation 123² list sufficiently clear? Does the Draft Regulation 123 list provide adequate certainty as to which items of infrastructure CIL will contribute towards, and where section 106 obligations/section 278 agreements will continue to be used? Is there any duplication between the two?
6. Are the assumptions, such as density requirements, and the evidence on which they are based, set out in the Viability Assessment sufficiently robust, and flexible; particularly, in the absence of adopted plans that include site allocations?
7. How has the Council provided for a viability cushion or margin? How has this influenced the levels at which CIL is to be set? Is this of an appropriate size to accord with the advice set out in the National Planning Practice Guidance³?
8. What percentage of development costs does CIL, as set out in the draft Charging Schedule, represent?

Matter 3: Residential Levy Rates

Issues

9. Are the differential local levy rates for new residential accommodation justified by appropriate available, consistent and transparent viability evidence?
10. Are the site acquisition costs and benchmark land values justified by appropriate available evidence? Has evidence of recent land transactions been taken into account? If so, should it be?
11. Is there adequate economic justification to support four separate differential rates for dwellings? Has the Council sought to avoid undue complexity? Specifically, has the identification of the boundaries between the zones been accompanied by adequate viability evidence.
12. Are the assumptions relating to on-going S106 contributions sufficiently realistic and derived from an adequate evidence base? Overall, to what extent do the residential rates strike an appropriate balance between helping to fund the new infrastructure required and the potential effect on the economic viability of new residential accommodation across the four zones?

¹ National Planning Practice Guidance: Paragraph 020 Ref ID:25- 020-20140612

² CIL/006

³ NPPG: Paragraph 19 Ref ID 25-019-20140612

Affordable Housing

13. What implications, if any, would the recent Court of Appeal judgement of 11 May 2016⁴ have on the economic viability of housing and the amount of coverage available for CIL in the four charging zones?

Retirement Housing

14. Would it be possible to justify the setting of differential rates for specialist retirement housing by economic viability evidence? How would the imposition of such rates impact on the need to fund the infrastructure required and the economic viability of retirement housing and the implementation of the objectives of the emerging plans?

Matter 4: Retail Levy Rates

Issues

15. Is there adequate economic justification to support two separate differential rates for A1 retail warehousing so that they are justified by appropriate available viability evidence? Has the Council sought to avoid undue complexity?

16. Overall, do the rates strike an appropriate balance between helping to fund the new infrastructure required and the potential effect on the economic viability of new retail warehousing across the Borough?

⁴ Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441: Planning obligations and affordable housing & tariff-style contributions

Initial draft hearing timetable

Date	Morning session 10 am	Afternoon session 2 pm
Day 1 Tuesday 4 October	<ul style="list-style-type: none"> • Examiner’s opening announcements • Opening statement of the charging authority. • Matter 1 – Infrastructure planning evidence • Matter 2 – General approach to rate setting <p><i>Attendance – to be confirmed</i></p>	<ul style="list-style-type: none"> • Matter 3 – Residential Levy Rates • Matter 4 – Retail Levy Rates <p><i>Attendance – to be confirmed</i></p>