

Solihull Metropolitan Borough Council
Regulation 19 -Draft CIL Charging Schedule Statement of Compliance

1. Introduction

This statement has been produced to demonstrate Solihull Metropolitan Borough Council's compliance with the requirements set out in Part 11 of the Planning Act 2008 (as amended) and the CIL Regulations 2010 (as amended).

2. Declaration required under Section 212 (4) of the Planning Act 2008.

2.1 Solihull Metropolitan Borough Council declares that:

- (a) As the charging authority, it has complied with the Regulations of Section 212 (4) of the Planning Act 2008 and the CIL Regulations 2010 (as amended);
- (b) That the charging authority has used appropriate available evidence to inform the Draft Charging Schedule;
- (c) That any other matters prescribed in the CIL Regulations 2010 (as amended) have been addressed.

3. Compliance with the requirements of the Planning Act and CIL Regulations

3.1 Legislation relating to the introduction of CIL is set out in Part 11 of the Planning Act 2008 as amended by the Localism Act 2011. The provisions relating to the examination of a CIL Charging Schedule are set out in the following sections and the table below demonstrates how the Council has complied with these provisions.

Planning Act 2008	
Section 211 (Amount)	In setting the rates and preparing the Draft Charging Schedule, Solihull MBC has given regard to the actual and expected costs of infrastructure, the economic viability of development, other actual or expected sources of funding for infrastructure, the actual or expected administrative expenses in connection with CIL and the Statutory Guidance.
Section 212 (Charging Schedule Examination)	<p>The Council has submitted the CIL Draft Charging Schedule and accompanying evidence to the Planning Inspectorate (PINS) who will provide an independent Inspector to examine the Draft CIL Charging Schedule. The appointed Examiner will have suitable experience and expertise and will be independent of the Council.</p> <p>All persons who have submitted representations to the consultation on the Draft Charging Schedule have been given the opportunity to be heard at the examination and those who requested this right will be given the opportunity to do so.</p> <p>The following appropriate documentation has informed the Draft Charging Schedule:</p> <ul style="list-style-type: none"> • Solihull Local Plan (Dec, 2013) • Solihull Infrastructure Delivery Plan (Sept, 2012)

	<ul style="list-style-type: none"> • CIL Viability Study updated (Aug, 2013) • Draft Regulation 123 List (2013) • Consultation responses from the Preliminary Draft Charging Schedule (2013) <p>All of these documents will be available on the Council's website.</p>
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3.2 The Planning Act 2008 allows for the production of CIL Regulations. These are contained in the CIL Regulations 2010 (as amended). The Regulations that apply to the processes involved in the progressing a CIL Draft Charging Schedule to examination are as follows:

The Community Infrastructure Regulations 2010 (as amended)	
Regulation 12 – Format and content of Charging Schedules	<p>Solihull MBC's Draft CIL Charging Schedule contains the information required by Regulation 12, including:</p> <ul style="list-style-type: none"> a) The name of the Charging Authority b) The rate in pounds per square metre at which CIL is to be charged in the authority's area c) An explanation of how the chargeable amount will be calculated
Regulation 13 – Differential rates	<p>Solihull MBC does propose differential rates for different zones, divided up as the North Solihull Regeneration Area, Mature Suburbs and Rural Area. In addition, differential rates are proposed with regard to the intended use of development, and for retail, size of development. These are described in full in the CIL Draft Charging Schedule.</p>
Regulation 14 – Setting Rates	<p>In setting its rate, Solihull MBC has complied with Regulation 14 (1) which requires that it 'must aim to strike what appears to the charging authority to be an appropriate balance between</p> <ul style="list-style-type: none"> (a) the desirability of funding from CIL (in whole or in part), the actual and expected estimated total cost 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>This is set out in the:</p> <ul style="list-style-type: none"> • CIL Background Paper (June 2014) • CIL Viability Report and Update (August 2013) • Other evidence base documents submitted as part of the examination.
Regulation 15 – Consultation on Preliminary Draft Charging Schedule	<p>Solihull MBC published a CIL Preliminary Draft Charging Schedule (PDCS) for consultation between 15th March 2013 and 26th April 2013, a period of six weeks.</p> <p>The Council complied with Regulation 15 in terms of the requirements for consultation on the PDCS. Regulation 15 sets out that a charging authority must send a copy of the PDCS to each of the consultation bodies and invite them to make The Council also invited representations on the PDCS from persons who are residents or</p>

	<p>conduct business in the Borough, including voluntary bodies and bodies that represent the interests of persons carrying out business in the Borough.</p> <p>The following methods of consultation were used:</p> <ul style="list-style-type: none"> • Email and letter notification to consultees; • Information about the consultation, including documents and how to respond, available on the Council's website. <p>The Council received 35 responses to the consultation, of which one was a late representation. The Council published the Summary of Representations and Council's Response to the Representations as well as recommendations for the next stage of consultation in September 2013.</p>
Regulation 16 – Publication of Draft Charging Schedule	<p>The Draft Charging Schedule was approved for public consultation and published on the Council's website on the 21st October 2013. Published alongside it were: a Regulation 16 Statement of Representation procedure and relevant evidence base documents. A copy of the Draft Charging Schedule and a statement of the representations procedure were sent out to the consultation bodies.</p>
Regulation 17 – Representations relating to a Draft Charging Schedule	<p>A local advertisement which set out the Regulation 16 Statement of Representations procedure was published in 2 local newspapers – Solihull News and Birmingham Mail.</p> <p>For the purposes of Regulation 19 (1c) – the representations to the Draft Charging Schedule were made in accordance with Regulation 17:</p> <ul style="list-style-type: none"> • The period for representations on the Draft Charging Schedule was between 21st October 2013 and 2nd December 2013 and exceeded the 4-week statutory period. • A total of 28 representations were received. • Full copies of the representations have been submitted to the Examiner (SD10). • Details of the consultation including a summary of all representations received as well as individual responses to these representations can be found in the Summary of Representations to the Draft Charging Schedule (SD 9) and Council's Response to the DCS Representations (SD 11).
Regulation 19 – Submission of documents and information to the examiner.	<p>In accordance with Regulation 19, the Draft Charging Schedule and relevant evidence was submitted to the Examiner. These are listed in Appendix 1.</p> <p>As soon as practicable after the Council submits its Draft Charging Schedule to the Examiner, all submitted documents will be published on the Council's website together with a statement of fact that the documents were available for inspection and where they can be inspected.</p> <p>All persons who submitted responses to the CIL Draft Charging Schedule will be notified of its submission.</p>
Regulation 21 – CIL Examination: Right	<p>The Council received six requests to be heard by the Examiner within the period for making representations to the Draft CIL Charging</p>

to be heard	<p>Schedule.</p> <p>The Council has appointed a Programme Officer who will support the Planning Inspector in their work during the examination.</p> <p>The Council will publish the time and place of the CIL examination and the name of the Examiner on its website and notify all persons who made representations in accordance with Regulation 17.</p> <p>An advert will be placed in local newspapers stating the time and place of the CIL examination and the name of the Examiner at least 4 weeks before the opening of the examination.</p>
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4. Use of appropriate available evidence to inform the Draft Charging Schedule

4.1 The explanation of the Council's use of appropriate available evidence to inform the Draft Charging Schedule can be found in the Solihull CIL Levy Background Paper, June 2014 (SD 8).

5. Conclusion

5.1 The Council's Draft Charging Schedule is based on robust infrastructure planning evidence, which is in line with the adopted Solihull Local Plan and rigorous economic viability testing that would not threaten the deliverability of the Local Plan. The Council submits that the Solihull CIL Draft Charging Schedule has been prepared in accordance with the requirements of Part 11 of the Planning Act 2008 and meets the criteria set out in the Community Infrastructure Levy Regulations 2010 (as amended).

Appendix 1

List of Submission Documents

- SD1 Draft Charging Schedule Consultation document Oct 2013
- SD1a DCS Consultation Document Appendix A (Historical Section 106 Agreements)
- SD1b DCS Consultation Document Appendix B (Aggregate Funding Gap)
- SD1c CIL Draft Charging Schedule Submission Version
- SD2 Preliminary Draft Charging Schedule Consultation document Mar 2013
- SD3 CIL Viability Study Dec 2012
- SD4a CIL Viability Study Aug 2013
- SD4b CIL Viability Study Aug 2013 (Tracked Changes)
- SD5 Solihull Infrastructure Delivery Plan Sep 2012
- SD6 Solihull Local Plan 2013
- SD7 Regulation 19 CIL Submission Statement of Compliance
- SD8 Solihull CIL Background Paper Jun 2014
- SD9 DCS Summary of Representations
- SD10 Copies of original DCS Representations
- SD11 Council Response to DCS Representations
- SD12 PDCS Summary of Representations
- SD13 Copies of original PDCS Representations
- SD14 Council Response to PDCS Representations
- SD15a & b Notice in the Press DCS
- SD16 Statement of Representations DCS
- SD17a CIL Cabinet Report 20-12-12
- SD17b CIL Cabinet Report 12-09-13
- SD17c CIL Cabinet Report 10-04-14
- SD18 High Court Legal Challenge Order 15-05-14