



**Wakefield Community Infrastructure Levy
Statement of Procedural and Legal Compliance
July 2015**

Introduction

This statement identifies the legislation and regulations relating to the production of a Community Infrastructure Levy (CIL) Draft Charging Schedule and demonstrates how Wakefield Council has complied with them.

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. However there have been Community Infrastructure Levy (Amendment) Regulations in 2011, 2012, 2013, 2014 and 2015.

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, which is an online resource on the planning portal website.

Table 1 below details how Wakefield Council, which is the 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, and can be viewed and downloaded on the council's website at www.wakefield.gov.uk/cil.

Table 1: Legislative requirements

Legislative requirement	How the Requirement has been met
Planning Act 2008 (As amended by the Localism Act 2011)	
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. Wakefield Council is therefore the charging authority for the purposes of the Draft Charging Schedule submitted for Examination
Section 211(1)	Wakefield council has prepared a draft charging schedule in accordance with 211(1) which 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, Wakefield Council has had regard to the actual and expected costs of infrastructure as set out in the Infrastructure Delivery Plan Evidence 2013, 2014 and 2015 and the Wakefield Infrastructure Study 2010; the economic viability of development as set out in the Site Specific Testing 2013, the Economic Viability Evidence 2014, the Viability Addendum 2014 and Annex 1 and 2 of the Summary of

	Comments and Council's Responses 2015; and other actual or expected sources of funding for infrastructure as set out in the Infrastructure Delivery Plan Evidence 2015, the Wakefield Infrastructure Study 2010 and the Regulation123 list and the Draft Charging Schedule Submission.
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) Wakefield Council has consulted a range of stakeholders in preparing the Draft Charging Schedule as detailed below. This has informed the Infrastructure Delivery Plan Evidence, the viability appraisal assumptions the regulation 123 list and the proposals for the continued use of section 106 obligations.</p> <ul style="list-style-type: none"> • Developer Events and questionnaires - February 2013 • Officer Awareness and Training Events - February 2013, April 2015 • Corporate Performance and Transformation Committee - September 2013 • Ongoing engagement with Leeds City Region CIL Working Group • Town and Parish Council Liaison Meetings - July 2014 and April 2015 • Member Training and Awareness Events – October 2014 and January 2015 • Districtwide Exhibitions in Libraries and Wakefield One Customer Access Centre– February and March 2015 • Ongoing engagement with internal and external consultees, infrastructure providers, and representatives from the property industry. • Preliminary Draft Charging Schedule - 11 June to 6 August 2014 • Draft Charging Schedule – 12 February to 25 March 2015 • Draft Charging Schedule Submission (Incorporating Modifications) - 9 July – 5 August
Section 211 (7A)	<p>In accordance with section 211 (7A) (as inserted by the Localism Act 2011), Wakefield Council has used appropriate and available evidence to prepare its CIL draft charging schedule. This includes a detailed assessment of infrastructure needs as well as an assessment of proposed CIL rates on the economic viability of development.</p> <p>This is set out in the Infrastructure Delivery Plan Evidence 2013, 2014 and 2015, which was updated as per national Planning Practice Guidance from the Wakefield Infrastructure Study 2010 that was a supporting evidence document for the Site Specific Policies Local Plan. These have been used to provide evidence of an aggregate funding gap of around £178 million. They have also been used to inform the regulation 123 list and the proposals for the continued use of s106 contributions. Specific Policies Local Plan.</p> <p>The economic viability evidence prepared by DTZ has been used to justify what level of CIL could be charged in Wakefield without deterring development (Site Specific Testing 2013, the Economic Viability Evidence 2014, the Viability Addendum 2014 and Annex 1 and 2 of the Summary of Comments and Council's Responses 2015). The viability evidence assesses the ability of a range of development types throughout the district to yield contributions to infrastructure requirements through CIL. Levels of CIL have been tested in combination with the council's other planning policy</p>

	and obligation requirements, including the provision of affordable housing, education contributions and other site specific matters that would continue to be required to make development acceptable in planning terms. The rates have been set below the maximum in order to provide an additional viability buffer from the lowest maximum CIL rates that have been shown to be chargeable in Value areas 1 and 2. This is in addition to an allowance for site abnormalities and contingencies.
Section 212 (1) and (2)	In accordance with section 212 (1) and (2) of the Planning Act 2008, Wakefield Council has appointed an independent examiner through the planning inspectorate who has appropriate qualifications and experience for the task.
Section 212 (4)	<p>In accordance with section 212 (4) (as amended by the Localism Act 2011) Wakefield Council declares that the drafting requirements, as demonstrated by this statement, have been met in full, including the CIL regulations as set out below.</p> <p>The Council declares that it has had regard to the matters listed in Section 211(2) and (4) as set out above.</p> <p>The council has used the following appropriate available evidence to inform its draft charging schedule:-</p> <ul style="list-style-type: none"> • Community Infrastructure Levy (CIL) Infrastructure Delivery Plan Evidence Update October 2014 (as amended July 2015) • Community Infrastructure Levy (CIL) Draft Charging Schedule Consultation Summary of Comments and Council's Response 2015 (July 2015) Annex 1 and 2. • DTZ Wakefield CIL Viability Addendum (December 2014) • Community Infrastructure Levy (CIL) Infrastructure Delivery Plan Evidence Update (October 2014) • Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule Consultation Summary of Comments and Council's Response 2014 (published February 2015) • DTZ Community Infrastructure Levy Economic Viability Evidence (February 2014) • DTZ Wakefield Site Specific CIL Testing Preliminary assessment (September 2013) • DTZ Community Infrastructure Levy Infrastructure Delivery Plan Evidence (July 2013) • ARUP Wakefield Metropolitan District Council Wakefield Infrastructure Study Final Report (April 2010)
Section 212 (9)	All persons who have made representations about the Draft Charging Schedule will be given the opportunity to be heard by the examiner.
Section 221	<p>The Secretary of State has issued guidance relating to CIL through the Government's Planning Practice Guidance. The charging authority confirms that it has had regard to this in setting the levy rates as follows:-</p> <p>The charging authority has used appropriate available evidence across the district to inform the proposed rates (as set out in response to Section 211 (7A) on the Planning Act 2008). The charging authority has set rates which</p>

	<p>will not threaten the ability to develop viably the sites and scale of development identified in the local plan, as demonstrated in the economic viability evidence prepared by DTZ on behalf of the Council. Rates have been informed by the Wakefield Infrastructure Study 2010 undertaken as part of preparing the local plan and the updated Infrastructure Delivery Plan Evidence 2013, 2014 and 2015. These have been used to identify the total cost of infrastructure the Council wishes to fund wholly or partly through the Levy, taking into account the available information on other sources of funding. An aggregate funding gap of around £178 million has been identified. The proposed rates have taken into account the requirements to achieve other policy and planning obligations.</p> <p>A regulation 123 list has been drafted to identify the projects that are to be funded wholly or partly by CIL, the reverse of which identifies the proposals for the continued use of section 106 obligations. The Infrastructure Delivery Plan Evidence 2015 identifies the amount of funding collected in recent years through section 106 agreements along with a projection of annual funding from CIL based on the remaining allocations to be developed in the local plan up to 2022. The Viability Addendum on 2014 provides evidence on section 106 obligations and the extent to which affordable housing targets have been met.</p> <p>Differential rates have been set on the basis of location and type of development, informed by the appropriate available evidence on development viability across the district. This is set out in the Draft Charging Schedule Submission which includes a schedule of rates and charging zones. More detailed viability appraisals have taken place on a sample of sites set out in the Local Plan to assess the impact of the rates. In addition, the site sizes tested were revised to reflect the main typologies expected to dominate housing delivery in the district in the short to medium term.</p> <p>The economic viability evidence that underpins the proposed rates shows the potential effects of the proposed rates on the economic viability of development across the district. A buffer has been applied to the maximum rates that have been shown to be viable. No charges are proposed in areas where rates have been shown to be unviable in terms of both location and development type. The infrastructure evidence and the regulation 123 list demonstrate how the levy will contribute towards the implementation of the local plan by providing funding towards projects with an identified shortfall.</p> <p>As set out in this section and the wider statement the appropriate available evidence has been used to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential impact upon the economic viability of development in the district.</p>
CIL regulations 2010 (as amended)	
Regulation 12	<p>The Wakefield CIL Draft Charging Schedule contains the information required by the Regulations, namely:</p> <ul style="list-style-type: none"> (a) the name of the charging authority; (b) the rates (in pounds per square metre) at which CIL is to be chargeable in the authority's area; (c) a map which identifies the location and boundaries of the differential charging zones reproduced from an Ordnance Survey map; and (d) an explanation of how the chargeable amount will be calculated.

Regulation 13	In accordance with regulation 13, the draft charging schedule proposes different rates based upon the intended uses and for residential development, for different zones. Different CIL rates are proposed for residential, retail warehouses and large supermarkets 2,000 square metres or greater. A zero rate is proposed for all other development. These rates are set out in the CIL Draft Charging Schedule and are supported by the economic viability evidence.
Regulation 14	<p>In setting its differential levy rates, Wakefield 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.” This aim for an appropriate balance has been shown in the explanation in the Draft Charging Schedule itself, the supporting available evidence including responses to the representations received, and in the formal meetings of the Council during the period in which work has been underway on the CIL in Wakefield.</p> <p>Regulation 14 (2) Wakefield 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 Cabinet on 29 April 2014 and published on 11 June 2014, together with the accompanying evidence base. Consultation occurred in accordance with the Regulations over the period from 11 June to 6 August with the prescribed consultation bodies.</p> <p>Information about the CIL consultation was provided in a direct mailshot to 629 addresses from the Council’s consultation database, including the development industry, community groups, infrastructure providers, and residents. Emails were also sent to all Local Council Members, all town, parish and community councils, and neighbouring authorities. Hard copies of the consultation material were displayed in the libraries and across the District and the main Customer Access Point. There was a press release and all material was available on the Council’s website: www.wakefield.gov.uk/cil</p> <p>39 responses were received to the PDCS. These were reported to Cabinet on 23 December 2014 and informed the preparation of the Draft Charging Schedule. Full details are set out in the document ‘Preliminary Draft Charging Schedule Summary of Comments and Council’s Responses 2014’, available on the Council’s website.</p>
Regulation 16	<p>The Draft Charging Schedule was published on the Council's website on 12 February 2015, 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 were sent to each of the prescribed consultation bodies, all previous respondents on the Preliminary Draft Charging Schedule, and the wider list of addresses as set out under Regulation 15 above. A local</p>

	advertisement notice was placed in the Wakefield Express on Friday 13 February 2015, and the Pontefract and Castleford Express and the Hemsworth and South Elmsall Express on Thursday 12 February 2015.
Regulation 17	<p>In accordance with regulation 17, Wakefield Council specified a period of six weeks to receive representations from 12 February to 25 March 2015.</p> <p>34 representations were received on the Draft Charging Schedule, with 6 requests to be heard. Full details are set out in the document 'Draft Charging Schedule Summary of Comments and Council's Response 2015', available on the Council's website.</p>
Regulation 19	<p>Wakefield Council will submit this Declaration and the following to the examiner in accordance with the regulations:-</p> <ul style="list-style-type: none"> (a) The Draft Charging Schedule; (b) A summary of the main issues raised by the representations to the Draft Charging Schedule; (c) Copies of the representations to the Draft Charging Schedule; (d) A Statement of Modifications and a Draft Charging Schedule Submission (Incorporating Modifications); (e) Copies of the relevant evidence. <p>Copies of the above documents are available at the Council's main Customer Access Point, as required by the Regulations. All documents are 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 has been published.</p> <p>A Statement of Modifications was published on the Council's website on 9 July 2015. All consultation bodies, representors, and other parties have been sent a copy of the Statement of Modifications and have been offered the right to be heard in respect of those modifications. The Statement of Modifications is also available in hard copy in all the libraries.</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 and the Statement of Modifications will be notified in accordance with the regulations within the prescribed timeframe.</p>