

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
DRAFT COMMUNITY INFRASTRUCTURE LEVY (CIL) SCHEDULE
EXAMINATION

IDENTIFICATION OF MAIN ISSUES AND QUESTIONS

1 Examiner

- 1.1. My name is Philip Staddon BSc, Dip, MBA, MRTPI. I have been appointed to undertake an independent examination of the Draft CIL Charging Schedule published by Rhondda Cynon Taf County Borough Council.

2 Programme Officer

- 2.1 The Programme Officer is Helen Simmonds.
- 2.2 The Programme Officer acts as an impartial officer of the examination, under the my direction, and not as an employee of the Council. All procedural and administrative matters should be directed to the Programme Officer. The Programme Officer's contact details are:

Mrs Helen Simmonds - CIL Programme Officer

Telephone: 01443 866448 Email: cilprogrammeofficer@caerphilly.gov.uk

3 Hearing

- 3.1 The examination Hearing sessions will commence at 9.30 a.m. on Wednesday 7 May 2014. The Hearing is expected to conclude on that day.
- 3.2 The venue will be Valleys Innovation Centre, Navigation Park, Abercynon, Mountain Ash, CF45 4SN.
- 3.3 Anyone needing any further information should contact the Programme Officer, Helen Simmonds (details above).

4 Scope of the Examination and the Examiner's role

- 4.1 The examination is to consider whether the Draft Community Infrastructure Levy (CIL) Charging Schedule and the associated Statement of Modifications, published by Rhondda Cynon Taf County Borough Council, meet the requirements of the Planning Act 2008 and the associated Regulations in respect of legal compliance and economic viability.

- 4.2 The examination of the CIL schedule through the Hearing process will be in the form of structured 'round table' discussions. Prior to the examination Hearing, I will have studied all of the submitted written evidence, background documents and representations.
- 4.3 I will be focusing on what I consider the main issues and questions that I need to explore at the Hearing to produce my examination report. These matters relate to areas of contention and dispute and / or areas where I need to probe the evidence and the way it has been used.
- 4.4 The Hearing will run on a rolling programme. Each of the topic issues will be discussed in full in the order set out in Section 5 below. Breaks will be taken at suitable times mid-morning, lunchtime and mid-afternoon.
- 4.5 All Representors who have, prior to the Hearing, made requests to exercise their 'right to be heard' will be able to speak to present their views. I have, very deliberately, structured some of the Hearing sessions questions to enable issues raised by Representors to be explored. I have also separated the residential and commercial CIL issues to assist the examination process.
- 4.6 I may add to or amend the programme if I consider this to be appropriate and necessary to assist the examination. There is, inevitably, some duplication and overlap between the issues set out in the agenda, but it is necessary to examine thoroughly each of the issues.
- 4.7 The Hearing will be open to the public and the media. Any filming / recording of the Hearing will be at my discretion.

5 The Hearing Agenda and the Main Issues and Questions

Session 1 – Introductions and Scene Setting

Welcome and housekeeping matters (Examiner and Programme Officer).

Overview of CIL. Brief outline of the Rhondda Cynon Taf CBC CIL proposals. Explanation of the examination process. (Examiner).

Welcome and introductions from Rhondda Cynon Taf CBC and their viability consultants, District Valuer Services (DVS).

Introductions from Representors intending to appear.

Session 2 – Evidence Base – Development Plan and Infrastructure

Although I have read the Rhondda Cynon Taf Local Development Plan (LDP), to assist the examination process I will ask the Council to explain (briefly) the Plan's strategic approach to sustainable growth in terms of scale, type and location of housing and commercial development. I will

also ask the Council to outline progress on delivery of the plan's objectives.

The session will then explore the following key questions:

- i. Whether the infrastructure requirements set out in the Infrastructure Assessment Background Paper (March 2013) are reasonable and necessary to support planned development in the area?*
- ii. Whether the infrastructure funding gap of £243.1 million set out in the Infrastructure Assessment Background Paper (Revised March 2013) is reasonable and whether full account been taken of other (non CIL) funding sources?*
- iii. To what extent will anticipated CIL receipts fill the infrastructure funding gap?*
- iv. Is the Draft Regulation 123 List sufficiently comprehensive and clear on the use of CIL receipts? Does the list's focus on education and (road) transportation projects create any delivery issues about other types of infrastructure?*
- v. Whether the residual role for S.106 planning agreements is clear and reasonable?*

Session 3 – Residential CIL

The Council's consultants have made a range of assumptions that it has used in its assessment of development viability on different sites, which it has then used to determine its proposed CIL zones and rates. The key questions I will explore in this session are:

- i. Has appropriate available evidence been used to establish land values and benchmark land values and have these been applied consistently?*
- ii. Has appropriate available evidence been used to establish sales values and have these been applied consistently?*
- iii. Are accurate build costs properly reflected in the viability modelling?*
- iv. Is the Council's approach of not making allowances in the modelling for site-specific infrastructure costs (S.106 and S.278) sound?*
- v. Is there a case for making greater allowances for abnormals, sustainability features and the future requirement for costs of fire sprinklers in residential properties?*

- vi. *Has the viability testing included a good range of development sites that reflect the variety of residential developments that are anticipated to meet the LDP housing requirements?*
- vii. *Does the viability evidence support the differentiation into the three charging zones and, specifically, does the evidence support the modification to the zones which moves the Tonyrefail area from Zone 3 to Zone 2?*
- viii. *Does the evidence support the proposed £0 per square metre (psm) CIL charge in Zone 1?*
- ix. *Does the evidence support the £40 psm CIL charge in Zone 2 and does it allow for reasonable viability 'buffers' or headroom to accommodate the variability of site specific costs and viability across the zone?*
- x. *Does the evidence support the £85 psm CIL charge in Zone 3 and does it allow for reasonable viability 'buffers' or headroom to accommodate the variability of site specific costs and scheme viability across the zone? In particular, what will the effect of the charge be on strategic sites including those with known issues such as the Cwm cokeworks site?*
- xi. *Does the evidence suggest a need to adopt a different approach for specialist residential development for elderly people?*
- xii. *Should Agricultural Worker's dwellings be treated differently?*
- xiii. *What would be the overall effect of the residential CIL proposals on the provision of new housing across the county borough?*
- xiv. *What would be the overall effect of the residential CIL proposals on the provision of affordable housing across the county borough?*

Session 4 – Commercial CIL

This session will explore the proposed commercial CIL charges in turn.

Class A1 Retail

- i. *Is the Council's viability modelling of retail development robust, reasonable and up to date, in terms of assumptions made about likely development scenarios, land values, development costs, rents and yields?*
- ii. *Does the viability evidence support the Councils' proposal for a £100 psm CIL charge for all retail development and does it allow for satisfactory viability buffers and is it reasonable in all other respects?*

- iii. *Has the concern that there may be circumstances where a 'fresh' planning application for a retail development might result in 'double dipping' been resolved (the issue raised by Sainsbury's / Talbot Green Developments Ltd)?*

Class A3 Development

- iv. *Is the Council's viability modelling of Class A3 development robust, reasonable and up to date, in terms of assumptions made about likely development scenarios, land values, development costs, rents and yields?*
- v. *Does the viability evidence support the Council's proposal for a £25 psm CIL charge for all Class A3 development and does it allow for satisfactory viability buffers and is it reasonable in all other respects?*

Class D1 Primary Healthcare Development

- vi. *Does the viability evidence support the Council's proposal for a £10 psm CIL charge for all Class D1 Primary Healthcare development?*

All Other Development

- vii. *Does the viability evidence support the absence of CIL charges on all other types of development and if so, should this be stated in the Charging Schedule for clarity?*

Session 5 – Other CIL Matters

- i. *What is the Council's up to date position on offering Discretionary Relief for Exceptional Circumstances?*
- ii. *Any other matters that the Council and Representors wish to raise?*

Session 6 – Round Up and Conclusions

In this final session, I will give the participants an opportunity to sum up their views on the evidence. The focus of this session will be on an overarching examination question which is:

- i. *Does the evidence demonstrate that the proposed CIL zones and charges rates strike an 'appropriate balance' between funding necessary infrastructure and development viability such that the delivery of the Local Development Plan as a whole would not be threatened?*

After this discussion I will close the Hearing. I will then prepare my report, which will contain conclusions and recommendations. The examination will remain open until the report is submitted to the Council, but I will not accept further evidence from any party unless it is information that I have specifically requested.

Mr. P.J. Staddon – Appointed Examiner – 11 April 2014