

**BASSETLAW DISTRICT COUNCIL**  
**COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE EXAMINATION**  
**BRIEFING NOTES**

**1. EXAMINER**

The Examiner is Anne Jordan BA(Hons) MRTPI.

**2. PROGRAMME OFFICER**

The Programme Officer (PO) is Mrs Carmel Edwards. For the purposes of the examination the PO acts as an impartial officer of the Examination, under the Examiner's direction and not as an employee of the Council.

Detail of how to contact her up to and during the examination hearings are set out at the end of these notes. The principal functions of the PO include:

- Liaison with all parties to ensure the smooth running of the examination;
- Ensuring that all the documents received before the hearings are recorded and distributed;
- Maintaining the Examination document list/library;
- Assisting the Examiner with all procedural and administrative matters.

The PO will advise on any programming queries and all practical and procedural points should be addressed to her. She will pass them on to the Examiner for a reply as necessary but carries her authority to act in accordance with the Regulations.

**3. HEARINGS**

The hearings will commence at **09.30 on Thursday 7th September 2023**. The hearing will take place virtually via Teams. Please contact the PO for details of how to attend.

**4. SCOPE OF THE EXAMINATION AND EXAMINER'S ROLE**

This is to consider whether the Community Infrastructure Levy (CIL) Charging Schedule meets the requirements of the Planning Act 2008 and the relevant CIL Regulations, as amended, in respect of legal compliance and viability.

The examination will focus on viability. The Council should rely on evidence collected whilst preparing the schedule to demonstrate that it is viable. Those seeking changes have to demonstrate why that is not the case.

The process of examining a CIL Schedule is similar to development plans. The Examiner considers the viability of the Schedule, having regard to the evidence available and the representations submitted, rather than just the objections made.

Only representors who have made a timely representation relating to the original Charging Schedule or a timely representation on the specific modifications contained in the Statement of Modifications have a right to be heard. The process of an Examination Hearing is akin to a

structured debate, led by the Examiner, with a round table discussion addressing topics and issues. It is not a formal public inquiry.

After the hearings sessions are complete, the Examiner will prepare a report to the Council with conclusions and decisions as to the action it needs to take with regard to the viability of the submitted Charging Schedule. The report is not binding on the Council but it should amend the document accordingly and adopt the Schedule.

The relevant Regulations are available online in conjunction with the published advice of the Planning Practice Guidance. Other sources of information are available.

Representors should seek advice from the Council or the PO if unclear as to the next steps.

<https://www.gov.uk/guidance/community-infrastructure-levy>

[Community Infrastructure Levy | Bassetlaw District Council](#)

The Council is not expected to put forward any more substantive changes to the schedule. If, exceptionally, fundamental changes are proposed, the Council must fully explain and justify the reasons for the changes, with supporting evidence.

They should also indicate the implications in terms of the viability of the schedule and ensure that they have been subject to the same process of financial appraisal, publicity and opportunity to make representations as the submitted version.

## 5. PROCEDURAL QUESTIONS FOR THE COUNCIL

At the start of the Examination the Council will be asked whether the Charging Schedule has been prepared in accordance with:

- The statutory procedures;
- The relevant development plan and infrastructure delivery intentions;
- The consultation requirements set out in the Regulations;
- Is supported by a suitable viability evidence;
- And whether there are any known procedural shortcomings.

## 6. PROCEDURE PRIOR TO THE OPENING OF THE HEARINGS

The Examination Hearings are intended to provide the Examiner with all the information necessary to reach a view on the acceptability of the charging schedule. With this in mind, as part of that process the amount of written material should be limited to that submitted in response to the Council's consultations for the Examiner to come to informed conclusions on the issues.

Those who have made representations on the Schedule within the relevant time period ["representors"] should have already decided whether their views have been adequately expressed in written form or whether they wish to also present them orally at a hearing session. Both methods will carry the same weight and the Examiner will have equal regard to views put orally or in writing.

Attendance at a hearing session will only be useful and helpful to the Examiner if participants can engage in a debate. Anyone participating in a hearing session must confirm attendance at the hearings by **Thursday 24<sup>th</sup> August 2023** so arrangements can be finalised. Please indicate specifically which hearing issue or part of your representations you wish to discuss.

The Examiner considers that there is no requirement for any further written submissions and that the information already submitted as part of the Council's consultation processes, along with the oral representations, will enable all areas to be fully examined. However, should interested parties wish to submit a further written representation this should be concise (no more than 1500 words including appendices) and be submitted to the PO by **Thursday 24<sup>th</sup> August 2023** (Midday - electronic deadline). An electronic and a paper copy of each statement must be submitted to the PO.

The Council should respond with its own further written statement on each issue, setting out why it considers the Schedule to be viable in that respect and, as necessary, explaining why the changes sought by other parties would not be acceptable, by no later than **Thursday 24<sup>th</sup> August 2023** (Midday electronic deadline).

Essentially, the Examiner needs to know the following from those making oral representations:

- What particular part of the schedule is unviable/unrealistic/unreasonable?
- Which test[s] does it fail?
- Why does it fail?
- How could the schedule be made viable/realistic/reasonable?
- What is the precise change/wording sought?

## EXAMINATION ARRANGEMENTS AND PROCEDURE

The draft programme indicates that the hearing will be for one day only.

A short break will be taken mid-morning, and if necessary mid-afternoon, with around an hour for lunch from about 13:00 and a finish no later than about 17:00.

The sessions will take the form of Round Table/Informal Hearing Sessions, where several parties are present. There will be no formal presentation of evidence or cross-examination.

Those attending may bring professional advocates. Advocates/legal representatives take part as a normal participant/member of a team, rather than in a traditional advocate's role, as no cross examination or opening/closing statements will normally be permitted.

The discussion will focus on the issues in the programme and any additional points arising from the written submissions in response to the Council's consultation on the modifications.

Those present will be asked to introduce themselves. The Examiner may then make a brief statement as to her understanding of the issues under discussion and then invite participants to make their contribution in response to the points raised starting usually, but not exclusively, with the Council.

The hearing will then progress with the Examiner drawing those present into the discussion in such a way as to enable her to gain the information necessary to come to a decision on the relevant matters. There should be opportunities within the discussion to ask questions of

the other parties, with the Examiner's approval, and all involved may join in the discussion, when invited to do so.

## 8. SITE VISITS

The Examiner will visit relevant parts of the area, unaccompanied, if necessary.

## 9. CLOSE OF THE EXAMINATION

Once all the information necessary to come to reasoned conclusions and decisions on the issues has been gathered by the Examiner, she will write the Report. The Examination itself remains open until this is submitted to the Council. However, once the hearing sessions part of the Examination is completed the Examiner can receive no further information from any party, unless it is a matter on which she specifically requests. Any unsolicited items sent in will be returned.

## 10. SUBMISSION OF THE REPORT TO THE COUNCIL

The report should be submitted to the Council during the final quarter of 2023.

## 11. EXAMINATION PROGRAMME

The purpose of the issues listed for the examination is to focus attention where the Examiner is seeking a fuller understanding of the comments and respective positions. If you think that a programme or issue change should be made, please inform the PO without delay, but with reasons, and the Examiner will consider it.

## 12. CLOSING REMARKS

The Examiner urges everyone to:

- Make the best use of the remaining time before the start of the hearing sessions to prepare for fully participating in the 'round table discussions'.
- Ensure that the timescales and deadlines are adhered to; otherwise examination attendance may have to be rearranged or curtailed at best.
- Be aware of the Examination Documents, the supporting evidence and any other relevant material produced by the Council.
- Keep looking at the website and/or in contact with the PO.

The Examiner looks forward to the event in September.

## *PO CONTACT DETAILS*

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