

# Birmingham City Council Community Infrastructure Levy – Statement of Compliance

January 2015

## **Introduction**

This document has been prepared to show how Birmingham City Council, as the charging authority in the preparation of its Community Infrastructure Levy, has complied with the key elements, requirements of relevant legislation and guidance including the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended).

## **Declaration required under the Planning Act 2008**

Birmingham City Council hereby declares that:

- a) As the charging authority, it has complied with the requirements of Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended);
- b) As the charging authority, it has used appropriate available evidence to inform the draft charging schedule; and
- c) That any other matters prescribed by the CIL Regulations 2010 (as amended) have been dealt with

## **Compliance with the requirements of CIL legislation, regulations and guidance**

### **Planning Act 2008 Section 211**

In setting the rates and preparing the draft CIL Charging Schedule, Birmingham City Council had regard to:

- The actual and expected cost of infrastructure
- The economic viability of development;
- Other actual or expected sources of funding for infrastructure
- The CIL regulations and Statutory Guidance

Birmingham City Council has consulted partners and stakeholders in the preparation of the CIL Charging Schedule.

In accordance with CIL regulations 15 and 16 two formal consultations were undertaken:

- Preliminary Draft Charging Schedule between Monday 19 November 2012 and Monday 14 January 2013
- Draft Charging Schedule between Monday 29 September 2014 and Monday 10 November 2014.

A consultation on the Draft Charging Schedule Statement of Modifications will commence on Wednesday 4 February 2015 and will continue for four weeks until Wednesday 4 March 2015 at 5pm.

### **Section 212**

Birmingham City Council has sent its draft CIL Charging Schedule and accompanying evidence to the Planning Inspectorate. A planning inspector will be provided by the Planning Inspectorate to examine Birmingham's Draft Charging

Schedule. The appointed inspector will have suitable qualifications and experience and will be independent of the Council.

The services of a programme officer have been procured to assist the examiner, subject to the agreement of the examiner.

All persons who have submitted representations to the consultation on the draft CIL Charging Schedule stating that they would like to be heard by the examiner will be given the opportunity.

The following appropriate evidence has informed the Draft Charging Schedule submission (January 2015):

- Draft Charging Schedule (DCS)
- Regulation 123 list
- DCS Consultation Statement: Summary of representations and Council Responses
- DCS: Copies of Original Representations
- Infrastructure Delivery Plan
- CIL Economic Viability Assessment
- CIL Development Viability Study: Additional Employment Testing
- CIL Development Viability Study: Additional Miscellaneous Testing and Analysis
- CIL Development Viability Study: Additional Retail Testing
- CIL Development Viability Study: Residential Urban Extension
- CIL Development Viability Study: Residential Urban Extension
- CIL Development Viability Study : Additional Employment Testing
- CIL Viability Study: Retirement Homes, Sheltered and Homes and Extra Care Homes
- CIL Press Notice for DCS Consultation
- Scanned Copy of Press Notice for DCS Consultation
- DCS Statement of Representations Procedure
- Regulation 19 CIL Submission Statement of Compliance
- Birmingham Municipal Housing Trust DCS Paper
- CIL Final Instalment Policy
- Birmingham Development Plan
- Statement of Modifications

All these documents are available at:  
[www.birmingham.gov.uk/cilexamination](http://www.birmingham.gov.uk/cilexamination)

## **The Community Infrastructure Levy Regulations 2010 (as amended)**

### **Regulation 12**

Birmingham City Council's Draft CIL Charging Schedule contains the information required by the Regulations, namely;

- a) the name of the Charging Authority;
- b) the rates (in pounds by square metre) at which CIL is to be chargeable in the authority's area;

- c) an OS map with National Grid lines and reference numbers which identifies the location and boundaries of the charging zones for residential uses, the greenbelt and hotels, and the area, being the entire city of Birmingham, to which the remaining rates apply; and
- d) an explanation of how the chargeable amount will be calculated.

### **Regulation 13**

In setting different rates, Birmingham City Council complied with Regulation 13 which enables charging authorities to set differential rates (including nil rates) by location and different intended use of development. This is set out in Birmingham City Council's Draft CIL Charging Schedule, (January 2015) and various GVA viability analyses submitted as evidence.

### **Regulation 14 (Community Infrastructure Levy (Amendment) Regulations 2014**

In setting its levy rates, Birmingham City Council has complied with the wording of 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 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'. This is set out in the following documents:

- Birmingham City Council's CIL Charging Schedule,
- CIL Economic Viability Assessment
- CIL Development Viability Study: Additional Employment Testing
- CIL Development Viability Study: Additional Miscellaneous Testing and Analysis
- CIL Development Viability Study: Additional Retail Testing
- CIL Development Viability Study: Residential Urban Extension
- CIL Development Viability Study: Residential Urban Extension
- CIL Development Viability Study : Additional Employment Testing
- CIL Viability Study: Retirement Homes, Sheltered and Homes and Extra Care Homes
- Birmingham Municipal Housing Trust DCS Paper

### **Regulation 15**

A Preliminary Draft CIL Charging Schedule (PDCS) was approved for consultation by Cabinet on 17 October 2012. Notification of the PDCS publication, together with the accompanying evidence base, commenced on Monday 19 November 2012 with notification by email and letter to approximately 700 statutory consultees, other organisations, developers, agents and councillors and MPs. Consultation was undertaken in accordance with the Regulations over the period from Monday 19 November 2012 and Monday 14 January 2013.

The letter and emails clarified where the documents were available for inspection, the period for comment and how representations could be made.

Two public consultation events were also held on 14 December 2012 (pm) and 9 January 2013 (all day).

In total 65 representations were received.

## **Regulation 16**

In accordance with the Regulations, Birmingham City Council's CIL Draft Charging Schedule was approved by Cabinet on 15 September 2014, and published, together with a Statement of Representations Procedure and evidence base documents on the council's website on Monday 29 September 2014.

The consultation period commenced on Monday 29 September 2014 and ended on Monday 10 November 2014.

Hardcopies of these documents were made available at Birmingham City Council, Planning and Regeneration Reception and The Library of Birmingham. Upon request, the Council also provided hardcopies of these documents to consultees.

The website and Representations Procedure stated where the documents could be inspected and how representations could be made. Two public consultation events were also held on 16 October 2014 (am) and 17 October 2014 (pm).

Approximately 700 consultees were notified by email or letter and a local advertisement was placed in The Birmingham Post on 25 September 2014.

In total, 32 representations were received. Further details of the consultation undertaken, those persons or bodies consulted, the main issues raised and the council's responses to these matters is set out in the Statement of Representations which is available on the Council's website.

## **Regulation 17**

A total of 33 representations were received on the Draft Charging Schedule. Full details are set out in the Consultation Statement available online.

CgMs Consulting requested to be notified at 140 London Wall, London, EC2Y 5DN of the following: i) That the Draft Charging Schedule has been submitted to the Examiner in accordance with Section 212 of the Planning Act 2008; ii) The right to be heard by the appointed Examiner at the Examination; iii) The publication of the recommendations of the Examiner and the reason for those recommendations; and iv) The approval of the Charging Schedule by the Council.

Tyler Parkes has requested that the representation is presented to the Examiner conducting the Examination.

Jillings Hutton Planning have requested the right to appear at the eventual examination of the draft charging schedule.

Calthorpe Estates retains the right to appear at the CIL Examination and standby their previous representations as necessary.

WYG have stated they intend to appear at the hearing.

All those who made representations on the Draft Charging Schedule consultation will be informed of each subsequent stage in the Examination and adoption process, including the Submission, publication of the Examiner's report and approval of the Charging Schedule by the Charging Authority.

## **Regulation 19**

In accordance with the regulations Birmingham City Council has submitted the following documents to the examiner:

- Draft Charging Schedule (DCS)
- Regulation 123 list
- DCS Consultation Statement: Summary of representations and Council Responses
- DCS: Copies of Original Representations
- Infrastructure Delivery Plan
- CIL Economic Viability Assessment
- CIL Development Viability Study: Additional Employment Testing
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- DCS Statement of Representations Procedure
- Regulation 19 CIL Submission Statement of Compliance
- Birmingham Municipal Housing Trust DCS Paper
- CIL Final Instalment Policy
- Birmingham Development Plan
- Statement of Modifications

Copies of the above documents (where practicable) will be made available on the Council's website ([www.birmingham.gov.uk/cil](http://www.birmingham.gov.uk/cil)) and documents will be available for inspection at:

- Birmingham City Council, Lancaster Circus, Queensway, Birmingham, B4 7DQ (for sat nav please use B4 7DJ), Monday – Thursday 08:45 – 17:15, Friday 08:45 – 16:15
- The Library of Birmingham, Centenary Square, Broad Street, Birmingham, B1 2ND, Monday – Friday 08:00 – 20:00, Saturday 09:00 – 17:00, Sunday 11:00 – 16:00.

A Statement of Modifications will be published on the Council's website as soon as practicable following submission of the documents to the Examiner. All consultation bodies, representors, and other parties have been notified of the Statement of Modifications (and CIL submission) and have been offered the right to be heard in respect of those modifications.

## **Regulation 21**

The time and place of the Examination and the name of the Examiner will be published on the Council's website at least four 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 the name of the Examiner.