

WODC's proposed Community Infrastructure Levy (CIL)

Background

The **2011 Localism Act**, introduced under David Cameron, included

- new freedoms and flexibilities for local government
- **new rights and powers for communities** and individuals
- reform to make the planning system more democratic and more effective
- reform to ensure that **decisions about housing are taken locally**.

This act states:

“As well as being able to influence planning decisions, local people should be able to feel the benefits of new development in their neighbourhood. Local authorities are allowed to require developers to pay a levy when they build new houses, businesses or shops. The money raised must go to support new infrastructure - such as roads, schools, leisure and community facilities. This is called the Community Infrastructure Levy (CIL)”.

The Localism Act changed the levy to make it more flexible. It allows some of the money raised to be spent on things other than infrastructure. It gave local authorities greater freedom in setting the rate that developers should pay. And crucially, the Act gives the Government the power to require that

some of the money raised from the levy goes directly to the neighbourhoods where development takes place. This will help ensure that the people who say ‘yes’ to new development feel the benefit of that decision.

There have been several, unsuccessful attempts to introduce a CIL charging schedule in West Oxfordshire. There was a consultation in 2013/14 which contained a proposed CIL rate of £200/sq m, another one in 2016 with a rate of £100/sq m and a further one this year with a zero rate for the five Strategic Sites (would have been £125/sq m without the creation of special rate). The 2020 proposed rates are:

Residential CIL				
	1-10 Dwellings	11+ Dwellings	Extra Care Housing	Strategic Sites
Low	£200	£100	£100	£0
Medium	£250	£125	£100	£0
High	£300	£150	£100	£0

All five of the Strategic sites are in the Medium Zone (£125/m²) and the proposal is that the rate be set to zero.

This will remove estimated CIL infrastructure funding of in excess of £43 million:

Cotswolds Garden Village	£13.461m
West Eynsham	£6.287m
West Chipping Norton	£10.059m
East Witney	£3.235m
North Witney	£10.059m
TOTAL reduction	£43.111m

As well as developing CIL flexibility, the Localism Act also introduced Neighbourhood Planning.

WODC has actively encouraged Town and Parish Councils to develop Neighbourhood Plans and four of the five SDAs are located in areas where a Neighbourhood Plan has been adopted by WODC.

Under the 2011 Localism Act, Town and Parish Councils have the right to decide how to spend 15% of CIL funding on infrastructure. This rises to 25% if a Neighbourhood Plan has been adopted.

If the proposed zero rate CIL is accepted it will completely disenfranchise the associated Town and Parish Councils from involvement in the allocation of CIL funding.

Additionally, the Neighbourhood Plans developed by Town and Parish Councils and adopted by WODC are undermined by the proposal to zero-rate CIL as are many of the WODC plans outlined in their Infrastructure Development Plan (IDP).

West Oxfordshire District Council's Infrastructure Funding Gap Analysis (June 2020)

WODC have an Infrastructure Development Plan which details all of the projects they would like to provide during the period up to 2031. However, there is insufficient funding available. The zero-rating recommendation reduces available CIL funding from £70m to £24m.

The consequential funding gap is £192.2m – £198m

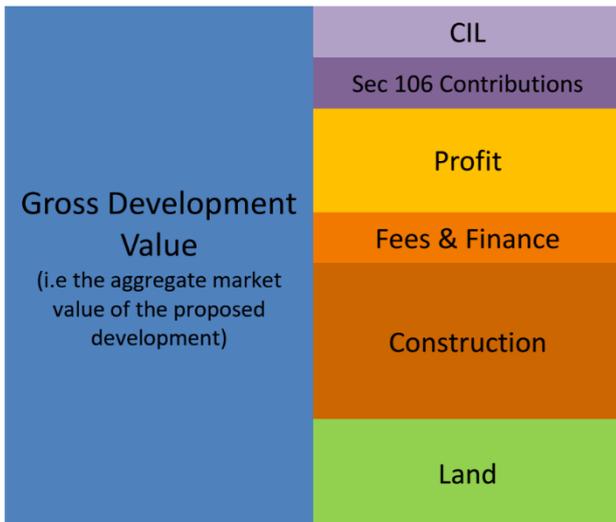
- £104m for 'critical' projects
- £48.5m - £48.7m for necessary projects.

In this scenario it is unlikely that any of the 'necessary' projects will obtain funding as critical projects will inevitably have priority. Details of the funding shortfall are:

Critical Projects	
Public transport improvements	£104m
Necessary Projects	
Highway improvements	£9.7m
Public transport improvements	£2.3m
Walking, cycling and riding	£1.4m
Parking	£2.9m
Surface water, drainage, flood alleviation and defence	£4.75m
Education	£1m
Leisure and Sport	£14.2m
Health	£4.5m
Public Safety	£0.52 - £0.78m
Informal and formal open (green) space	£7.2m
Total Necessary Projects	£48.5 - £48.7m

The withdrawal of the £43m of CIL from the Strategic Development Areas, by zero rating them, **removes a potential funding source for these projects.**

What's the justification / evidence for zero rating CIL for the five SDAs?



Development Value **Development Cost** WODC justify the decision to zero rate the Strategic Sites on the grounds of viability, supported by a Consultant's report from NCS¹ along with an accompanying financial model².

Viability is measured by subtracting the cost of the development (the right hand side of this illustration) from the income or Gross Development Value (i.e. the value of all of the houses when sold).

If the cost minus the value is positive then the development is viable.

If the cost minus the value is negative the development is non-viable.

Viability of the five SDA sites

¹ WODC Community Infrastructure Levy Viability Assessment January 2020 – Nationwide CIL Service (NCS)

² CIL Viability Appraisals_Combined

Strategic Site Viability Assessment Results

	Units	£106 per Unit	Gross Viability	Max CIL Rate
Oxfordshire Cotswolds Garden Village	2200	£22,000	-£19,217,000	£0
West Eynsham SDA	763*	£29,678	-£14,318,000	£0
East Chipping Norton SDA	1027*	£25,906	-£11,113,000	£0
East Witney SDA	450	£15,000	-£25,000	£0
North Witney SDA	1400	£23,000	-£20,535,000	£0

*residual number of dwellings taking account of existing commitments

The Nationwide CIL Service (NCS) report dated January 2020 **DECLARES ALL FIVE OF THE SITES TO BE NON-VIABLE**

For one of the five SDA's to become even marginally non-viable would be a surprise but for all five to be declared non-viable, after CIL has been removed, is stretching credibility.

This is even more surprising given that the 2016 CIL Viability Assessment³ report (part of the Local Plan evidence base accepted by the Government Inspector) INCLUDED A CIL CHARGE and declared ALL OF THE FIVE SITES TO BE VIABLE – see APPENDIX I

³ Local Plan and CIL Viability Assessment – Second Update – December 2016 – Aspinall Verdi

A comparison of the two Viability Reports

This section compares the financial models behind each of the two reports in an effort to understand what has caused these non-viabilities..

1. Number of houses, unit area, site area and affordable housing

Strategic Development Area	Number of housing units	Housing unit area – 2016 model (sq metres)	Housing unit area – 2019 model (sq metres)	Net Developable Site Area (Hectares)	Affordable Housing (unchanged)
Oxfordshire Cotswolds Garden Village	2200	205,700	215,380	62.86	50%
West Eynsham	763 / 1000	93,500	70,795	22 / 28.57	50%
East Chipping Norton	1027 / 1400	132,930	85,350	29.34 / 40	40%
East Witney	450	42,727	43,130	13	40%
North Witney	1400	132,930	134,120	40	40%

Apart from West Eynsham and East Chipping Norton SDAs the number of housing units, housing unit area and percentage of Affordable Housing are similar in both models. West Eynsham and Chipping Norton numbers differ because of existing commitments, so further comparisons of the financial models for these two sites is not always possible. **There are no significant differences here that would tip any of the sites into non-viability.**

2. Comparison of the Gross Development Value of the SDAs showing the difference between the 2016 and 2019 valuations

Gross Development Value is the cumulative sales value of all of the properties for each site.

Strategic Development Area	Gross Development Value 2016 model	Gross Development Value 2019 model	Difference	Percentage change
Cotswolds Garden Village	£736,402,700	£639,204,764	(£97,197,936)	-13.20%
West Eynsham	£334,728,500	£208,787,198		-13.00% *
East Chipping Norton	£447,998,600	£247,758,665		-13.00% *
East Witney	£143,999,550	£125,346,994	(£18,652,556)	-12.95%
North Witney	£447,999,600	£389,787,591	(£58,212,009)	-12.99%

* back calculated estimates

This massive reduction in the sales value (income) is the largest factor in moving all of the SDA's from complete viability (including £100/m² CIL) to the non-viable declaration in the 2020 model (with zero CIL). Housing numbers and percentage of Affordable Housing are the same in both models so the difference must be caused by a change in house prices.

The overall decline in the value of house prices between the 2016 and 2020 reports is allegedly 13% - similar in all five SDAs. There are significant differences between Market and Affordable house price values – see Appendix 2 for details.

In the three years between the survey periods of the two Viability Assessments, **forecast house prices have allegedly fallen by an average of 13% and by 15% in Witney and 20% in the Cotswold Garden Village.**

Conversely, Affordable House values changed by between +2.3% and -19% but the 2016 model contained a significant number of higher value Starter Homes that are not present in the 2020 model.

LAND REGISTRY DATA DEMONSTRATE THAT HOUSE PRICES DID NOT FALL – SEE APPENDIX 3.

It is possible that an error has been made here because of an incorrect reference. On page 12 of the HEB surveyor’s report, reference is made to the February 2015 Local Plan Viability Report. This report was updated, along with house prices, in October 2016 and the later version should have been used.

3. Comparison of Costs

Fees, Finance and other Cost allowances

A significant proportion of the costs are fees and financing costs – typically charged as percentages of the Gross Development Value or of Construction costs. Given the uncertainty around the validity of the Gross Development Costs between the two models there is little point in calculating these values.

Land value charge

Again, given the uncertainty around the validity of the Gross Development Costs (from which land values are partially derived) there is no point in calculating and comparing these values.

Construction Costs are charged in both models as a £/m² rate:

2016 model £1,127/m² 2019 model £1,154/m²

That is an increase of 2.4% or £2,430 for a 3 bed house and £3,920 for a 4/5 bed house.

S106 Infrastructure allowances and Abnormal Site opening up costs.

There is very inconsistent handling of the revision of these costs in the 2020 report. Some elements remain unchanged, some reflect inflation and some are significantly increased – without any explanation. Main changes are:

- Primary schools costs have increased, although the Costwold Garden Village school has been reduced from 4FE to 3FE
- £20m has been added to the Costwold Garden Village for A40 crossings
- East Witney highway improvements have increased from £6.35 to £7m
- Other Infrastructure Costs have been increased by an unexplained over £29 million or 50% - see ‘Changed Assumptions’ below.

4. Errors and Unexplained charges

In each of the 2020 financial models for the five SDA’s, a contingency charge of 5% of construction costs is declared (identical to the 2016 model). However the actual numbers used in the viability calculations are greater than the 5% declared with no explanation.

	Cotswold Garden Village	West Eynsham	East Chipping Norton	East Witney	North Witney
Cost in model	£14,869,339	£4,849,891	£5,758,474	£3,060,979	£10,390,247
5% of Construction Cost	£12,610,499	£4,120,269	£4,961,550	£2,510,166	£7,805,784
Overcharge	£2,258,840	£729,622	£796,924	£550,813	£2,584,463

The total of these discrepancies is £6,920,662

Changed Assumptions

In the assumptions for each of the five SDAs there is a line that reads:

SI06 Infrastructure Allowances – Other £15,000 per unit

Section 4.27 of the NCS CIL report refers to this type of cost and recommends:

“Residual Planning Obligations for site specific mitigation’ of £10,000 per unit for sites where there are more than 50 dwellings”.

This assumption increases these costs by 50% or £29 million. The allowance of £15,000 per unit is not mentioned, explained or justified in any of the report text. These additional costs are:

	Cotswold Garden Village	West Eynsham	East Chipping Norton	East Witney	North Witney
Additional Cost	£11,000,000	£3,815,000	£5,135,000	2,250,000	£7,000,000
Total of increased Infrastructure Allowances £29,200,000					

Taken together, the error and the unexplained additional charges charges total £36,120,662 or 84% of the normal rate of CIL (£43,111,000) for medium areas. They could easily be redirected to finance a substantial portion of the CIL.

Conclusions

1. Viability

A major surprise is that not one but all five of the Strategic Development Sites have been declared non-viable by the NCS CIL report⁴. This should be a major concern to WODC as it undermines a major portion of the Local Plan 2031. All is not lost however as we believe that the assumptions underlying this report are erroneous and flawed.

2. Gross Development Value and House Prices

- The 2020 report’s assertion on the fall in house prices is clearly at variance with the 2016 report and is inconsistent with actual Land Registry houses prices. These discrepancies are too substantial to be ignored.
- If the house prices from the 2016 report had been used, they would have added over £240 million to the Gross Development Value and zero rating CIL ‘saves’ £43 million. If the 2020 report’s negative house price inflation numbers were to be replaced with the positive Land Registry house price growth numbers in the 2020 report, there is little doubt that the viability of all five SDA’s would be massively transformed. There should be no problem with replacing the proposed zero-rate CIL for the SDAs with the full £125/m² enjoyed in other ‘medium zones’.
- Either the 2016 report is invalid (which would completely undermine the Local Plan – it was a key piece of supporting evidence on viability) or the 2020 report is flawed.
- A more consistent approach would be to withdraw the 2020 report and ask the original (2016 report) consultant to provide an update. It is unclear why a new consultant was appointed to carry out this work.

3. Errors and unexplained charges

- It is obvious that the 2020 report was hurried, contains too many errors and approximations compared to the substantially more detailed reports delivered in 2015 and 2016 by the previous consultants – Aspinall Verdi.

⁴ Para 6.8 on Page 50 of the WODC CIL Viability Assessment January 2020 by NCS

- The combination of the error in the calculation of the contingency cost (should be 5% of the cost of construction) and the unexplained 50% increase in Infrastructure Allowances represent about 84% of the cost of CIL, or £36 million, and could easily be diverted to restore most of the £125/ m² enjoyed elsewhere.
- A concern here is that these changes may have been made in order to prevent Town and Parish Councils from participating in the allocation of CIL funding as permitted in the 2011 Localism Act.

4. Infrastructure spending

If the proposed zero rate CIL is accepted it will completely disenfranchise the associated Town and Parish Councils from involvement in the allocation of CIL funding to the detriment of their communities. The spending priorities identified by Town and Parish Councils in their various Neighbourhood Plans will have no force and can be ignored. The 'critical' and 'necessary' projects identified in WODCs Infrastructure Development Plan (IDP) will inevitably take priority.

5. Complaint over process

A complaint was made to WODC regarding the process leading to the decision taken by the Council on 26th February which set a zero-rated CIL charge in respect of strategic sites - item 7 on the agenda. The accompanying request for WODC to submit this complaint to the independent Inspector of the proposal was declined. See Appendix 5 for details of the complaint.

6. Complaint over absence of evidence during decision process

As can be seen from the above complaint, the decision to recommend a zero rate CIL for the five SDAs was taken at the last minute and the supporting business model (CIL Viability Appraisals_Combined.pdf) was not made available to the Councillors on 26th February, nor has it subsequently been presented to them.

Although the Council made the decision on 26th February the final copy of this model was issued on 3rd April 2020 and originally created on 10th March.

In other words, the decision to zero rate CIL for the SDAs appears to have been taken first and the evidence to justify the decision created afterwards. See Appendix 6.

This simply reinforces the concern that there is an effort to prevent Town and Parish Councils from participating in the allocation of CIL funding.

7. The CIL consultation needs to be withdrawn and all of the above the issues investigated.

Appendix I
Local Plan and CIL Viability Assessment – Second Update – December 2016
Summary page declares all five SDAs as viable

	52 East Witney SDA	53 North Witney SDA	54 Chipping Norton SDA	55 West Eynsham SDA	56 West Oxfordshire GV
Baseline Parameters:					
Site Area (net residential development) (ha)	12.86	40.00	40.00	28.57	62.86
Development density (dph)	35.0	35.0	35.0	35.0	35.0
Total No. Units	450	1,400	1,400	1,000	2,200
Affordable Housing (%). Of which...	40.00%	40.00%	40.00%	50.00%	50.00%
Starter Homes (%)	50.00%	50.00%	50.00%	40.00%	40.00%
Affordable Rent (%)	33.00%	33.00%	33.00%	39.60%	39.60%
Int / Sub-Market (%)	17.00%	17.00%	17.00%	20.40%	20.40%
CIL (£ psm)	£100.00	£100.00	£100.00	£100.00	£100.00
Appraisal:					
Total GDV (£)	143,999,550	447,998,600	447,998,600	334,728,500	736,402,700
CIL (£ per unit) (all units)	6,045	6,045	6,045	5,038	5,038
Site Specific S106 (£ per unit) (all units)	10,000	16,429	16,429	18,200	18,182
Infrastructure Costs (£ per unit) (all units)	14,111	20,000	5,714	0,000	2,273
Developers Profit (£)	26,606,313	82,775,196	82,775,196	59,633,710	131,194,162
Developers Profit (% blended)	18.48%	18.48%	18.48%	17.82%	17.82%
Total Cost (including profit) (£)	110,509,412	375,232,491	339,235,468	243,803,379	522,007,437
RLV (net) (£)	28,299,166	61,487,362	91,904,846	76,831,727	181,163,997
RLV (£/acre)	890,751	622,090	929,835	1,088,268	1,166,392
RLV (£/ha)	2,201,046	1,537,184	2,297,621	2,689,110	2,882,155
RLV comments	Viable	Viable	Viable	Viable	Viable
Balance for Plan VA:					
TLV (£/acre)	281,250	281,250	281,250	337,500	337,500
TLV (£/ha)	694,969	694,969	694,969	833,963	833,963
Surplus/Deficit (£/acre)	609,501	340,840	648,585	750,768	828,892
Surplus/Deficit (£/ha)	1,506,078	842,215	1,602,652	1,855,148	2,048,192
Surplus/Deficit comments	Viable	Viable	Viable	Viable	Viable
					(AspinallVerdi reference 161107_v5)

Appendix 2

Comparison of the House Values of the SDAs – Market and Affordable Houses

House values	Prices and values	2016 model	2019 model	% change
Cotswolds Garden Village	Market houses	£ 465,000	£ 372,020	-20.0%
	Affordable housing	£ 204,457	£ 209,075	2.3%
❖ West Eynsham	Market houses	£ 465,000	£ 352,583	-24.2%
	Affordable housing	£ 204,457	£ 194,696	-4.8%
❖ East Chipping Norton	Market houses	£ 395,000	£ 290,531	-26.4%
	Affordable housing	£ 207,498	£ 167,317	-19.4%
East Witney	Market houses	£ 395,000	£ 335,456	-15.1%
	Affordable housing	£ 207,498	£ 193,189	-6.9%
North Witney	Market houses	£ 395,000	£ 335,300	-15.1%
	Affordable housing	£ 207,498	£ 193,099	-6.9%

These house prices are simply derived by dividing the Gross Development Values by the number of houses. For each SDA the overall house price reduction is about 13% in every case.

- ❖ West Eynsham and Chipping Norton numbers are distorted because of existing commitments – developers like to build higher value housing first. The residual smaller number of houses in the 2019 model are therefore of lower value, which contributes some but not all of the drop in house prices. All other areas are comparing like with like.

Appendix 3
Land Registry records of actual sales values

West Oxfordshire - new build	Detached	Semi-det	Terraced	Flat/mais	Overall average
2016	£537,833	£366,129	£392,390	£339,006	£405,636
2017	£573,761	£344,396	£398,307	£405,600	£448,083
2018	£515,377	£345,853	£335,213	£327,153	£442,316
2019	£530,970	£354,857	£315,281	£307,011	£443,992
	Annual change				
2017	6.7%	-5.9%	1.5%	19.6%	10.5%
2018	-10.2%	0.4%	-15.8%	-19.3%	-1.3%
2019	3.0%	2.6%	-5.9%	-6.2%	0.4%
Overall change	-1.3%	-3.1%	-19.7%	-9.4%	9.5%

West Oxfordshire old housing	Detached	Semi-det	Terraced	Flat/mais	Overall average
2016	£510,349	£338,638	£301,080	£204,036	£356,076
2017	£531,987	£349,717	£301,958	£204,986	£376,208
2018	£586,148	£343,002	£328,287	£200,251	£394,991
2019	£545,232	£348,347	£315,264	£193,031	£382,737
	Annual change				
2017	4.2%	3.3%	0.3%	0.5%	5.7%
2018	10.2%	-1.9%	8.7%	-2.3%	5.0%
2019	-7.0%	1.6%	-4.0%	-3.6%	-3.1%
Overall change	6.8%	2.9%	4.7%	-5.4%	7.5%

West Oxfordshire All housing	Detached	Semi-det	Terraced	Flat/mais	Overall average
2016	£513,484	£341,522	£306,720	£238,276	£362,176
2017	£538,358	£348,970	£306,631	£251,640	£385,934
2018	£568,004	£343,387	£328,778	£208,145	£402,242
2019	£540,787	£349,985	£315,265	£202,630	£395,919
	Annual change				
2017	4.8%	2.2%	0.0%	5.6%	6.6%
2018	5.5%	-1.6%	7.2%	-17.3%	4.2%
2019	-4.8%	1.9%	-4.1%	-2.6%	-1.6%
Overall change	5.3%	2.5%	2.8%	-15.0%	9.3%

Witney					
All housing	Detached	Semi-det	Terraced	Flat/mais	Overall average
2016	£441,966	£315,634	£296,609	£257,189	£314,082
2017	£471,774	£321,722	£298,181	£269,793	£334,264
2018	£461,134	£310,686	£300,503	£210,398	£310,323
2019	£449,265	£341,921	£284,447	£195,869	£321,431
	Annual change				
2017	6.7%	1.9%	0.5%	4.9%	6.4%
2018	-2.3%	-3.4%	0.8%	-22.0%	-7.2%
2019	-2.6%	10.1%	-5.3%	-6.9%	3.6%
Overall change	1.7%	8.3%	-4.1%	-23.8%	2.3%

Chipping Norton					
All housing	Detached	Semi-det	Terraced	Flat/mais	Overall average
2016	£526,518	£307,553	£284,936	£259,909	£321,314
2017	£470,699	£336,789	£283,517	£250,109	£340,104
2018	£498,597	£321,788	£305,581	£210,213	£349,716
2019	£491,597	£329,483	£283,699	£229,459	£341,635
	Annual change				
2017	-10.6%	9.5%	-0.5%	-3.8%	5.8%
2018	5.9%	-4.5%	7.8%	-16.0%	2.8%
2019	-1.4%	2.4%	-7.2%	9.2%	-2.3%
Overall change	-6.6%	7.1%	-0.4%	-11.7%	6.3%

Eynsham					
All housing	Detached	Semi-det	Terraced	Flat/mais	Overall average
2016	£506,674	£373,885	£312,477	£186,900	£367,774
2017	£530,772	£362,879	£306,965	£190,083	£382,463
2018	£646,828	£332,050	£380,498	£290,521	£428,198
2019	£563,161	£471,958	£303,068	£303,333	£434,919
	Annual change				
2017	4.8%	-2.9%	-1.8%	1.7%	4.0%
2018	21.9%	-8.5%	24.0%	52.8%	12.0%
2019	-12.9%	42.1%	-20.3%	4.4%	1.6%
Overall change	11.1%	26.2%	-3.0%	62.3%	18.3%

Appendix 4

Infrastructure Costs

Strategic Development Area	Infrastructure	2016	2020
		£m	£m
Cotswold Garden Village	Link Road	5.00	5.00
	A40 crossings		20.00
	4FE (2016) 3FE Primary (2020)	18.00	15.40
	Other	22.00	33.00
	TOTAL	45.00	73.40
West Eynsham	Western Link Road	8.00	8.00
	2FE Primary	8.20	11.20
	Other	10.00	11.45
	TOTAL	26.20	30.65
East Chipping Norton	Eastern Link Road	8.00	8.00
	2FE Primary	9.00	11.20
	Other	14.00	15.41
	TOTAL	31.00	34.61
East Witney	Highway improvements	6.35	7.00
	Other	4.50	6.75
	TOTAL	10.85	13.75
North Witney	West End Link Road	23.20	23.20
	Northern Distributor Road	6.00	6.00
	Highway improvements	4.00	4.00
	Foul drainage upgrade	3.00	3.00
	Flood alleviation	3.00	3.00
	2FE Primary	9.00	11.20
	Other	14.00	21.00
	TOTAL	62.20	71.40

Appendix 5

The following complaint was submitted on 2nd March 2020 to harry.eaglestone@westoxon.gov.uk, jeff.haine@westoxon.gov.uk, keith.butler@westoxon.gov.uk

Gentlemen

I attended the Council meeting on Wednesday 26th February and, as both a member of the public and a Parish Councillor, I would like to lodge a complaint concerning the process undertaken by the Chair (Cllr Eaglestone), the Secretary of the meeting (Keith Butler) and the Cabinet member for Strategic Planning (Cllr Haine).

I am referring to the process leading to the decision taken by the Council which set a zero-rated CIL charge in respect of strategic sites - item 7 on the agenda.

The document detailing this recommendation was not disclosed to the public until item 7 was reached, despite it being circulated to Councillors prior to the meeting.

As a visitor I was given the public document pack of papers ahead of the meeting but the above document containing the recommendation was withheld. Once the discussion on agenda item 7 began, the document was distributed on the instruction of the Secretary. As a consequence of this process, there was no opportunity for members of the public to make a submission under agenda item 5 (Participation of members of the public) as this agenda item had already been covered.

The supporting evidence to which Councillor Haine referred during the subsequent discussion was not available during the discussion, not published in advance and has not subsequently appeared on your website. I have submitted a Freedom of Information Request to obtain this supporting evidence.

I believe that this failure to provide the public with an opportunity to make a submission is a serious breach of the Council's rules of procedure. I expect this complaint, along with your response, to be submitted to the Government Inspector examining your recommendations on CIL.

Graham Knaggs
Hailey Parish Council

On 2020-03-05 15:32, Keith Butler wrote:
Dear Mr Knaggs

Thank you for your email. I have consulted with the other recipients and the following are the key points:

1. Obviously it is preferable if all materials are available in advance of a meeting, but it simply is not always possible, and the supplementary note was available only immediately before the Council meeting.
2. The report to and comments at the meeting of the Cabinet on 12 February (which I believe you attended) made reference to the outstanding information, and also alluded to the fact that it is often the case that strategic sites are zero-rated for CIL purposes.
3. Had you asked to make a submission at the meeting the request would have been declined, because the scheme for public participation excludes matters subject to statutory consultation.
4. Whilst you could of course have made views known to some or all members of the Council I feel it is important to make the point that this stage of the process in relation to CIL was not about public views, because of the statutory consultation period which follows and is for that purpose. It is equally important to recognise that the Council has not made a decision that the strategic sites will be zero-rated, rather it has decided to consult on that basis, having received and taken into account the specialist advice which it sought.
5. Comments made during the consultation period will be sent to the independent examiner and his/her assessment and conclusions will take all relevant matters into account and will be for the Council to

consider in due course. My understanding is that when the Council receives the report from the examiner it will, as with the Local Plan, have the options of approving the recommendations or not, as opposed to varying them. Thus if it did not agree with the independent conclusions it would have the option not to adopt the CIL charging schedule.

6. When the consultation takes place, relevant evidence will be made available so that those who wish to make submissions will be able to take it into account.

7. It follows that you and others who wish to comment are able to and should take the opportunity to do so during the consultation. I understand that the consultation period will begin on around 13 March.

8. We have noted your request for your complaint to be copied to the examiner. However, the role of the examiner is to consider what the Council has submitted together with the associated evidence and representations, as opposed to being directly concerned with all elements of the processes which have preceded that. For that reason we are not minded to copy this correspondence, but you are of course completely free to include it with any submission you make, should you wish to do so.

I hope that this is some help.

Yours sincerely

Keith Butler

Appendix 6

Creation date and issue date of CIL Appraisals_Combined.pdf file

The screenshot displays the Windows File Explorer interface for the file 'CIL Viability Appraisals_Combined.pdf'. The file is located in the path C:\Users\pc\Documents\North Witney\CIL Viability Appraisals_Combined.pdf. The 'Properties' dialog box is open, showing the 'General' tab with the following information:

Property	Value
File	C:\Users\pc\Documents\North Witney\CIL Viability Appraisals_Combined.pdf
PDF Version	PDF-1.6
Fast Web View	No
Page Size	[8.27 * 11.69 inch]
Pages	228
Title	None
Subject	None
Author	Adrian
Creator	Microsoft® Excel® 2010
Producer	Microsoft® Excel® 2010
Keywords	None

The 'Related Dates' section shows:

Property	Value
Last Modified	2020-03-11 09:04:12
Created	2020-03-10 16:31:28

The 'Security' section shows:

Property	Value
Attributes	<input type="checkbox"/> Read-only <input type="checkbox"/> Hidden
Security	This file came from another computer and might be blocked to help protect this computer. <input type="checkbox"/> Unblock