

23 October 2014

# MALDON DISTRICT COUNCIL

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Dear Mr Gadsby

## **Examination of the Maldon District Community Infrastructure Levy Draft Charging Schedule**

The Maldon District Community Infrastructure Levy (CIL) Charging Schedule was submitted to the Secretary of State for an Examination-in-Public on 12 September 2014. Since then the Secretary of State has appointed Mr David Vickery to undertake the Examination of the Charging Schedule. Mr Vickery is also the appointed Inspector for the on-going Maldon District Local Development Plan (LDP) Examination.

The Inspector has recently informed the Council that *“any hearing sessions for the CIL examination will only take place after the Maldon District Local Development Plan hearing sessions and after the Inspector is satisfied that the LDP is sound and legally compliant..... the CIL examination hearings are not likely to start before Summer 2015”*. This approach was further supported by Mr Carnaby from the Planning Inspectorate during a recent telephone conversation. This creates significant difficulties for the Council and I am therefore writing to request that the Planning Inspectorate reconsider the approach and timings for the Charging Schedule examination.

The Council is of a firm view that the LDP and the CIL are intrinsically linked and therefore public examinations of these two documents should be carried out concurrently (see also paragraph four of CED08). Both the LDP and CIL utilise the same evidence base including the Infrastructure Delivery Plan and various iterations of the Viability Study. The viability of the strategic sites planned in the LDP takes into account planned developer contributions in terms of both S106 and CIL revenue, therefore issues associated with the viability of infrastructure delivery and developer contributions directly relate to both documents.

On a practical level CIL revenue will be required where contributions need to be pooled from more than five individual schemes in order to fund specific infrastructure improvements that will benefit the wider area. While the key and essential infrastructure projects identified in the LDP are scheduled to be delivered under S106 agreements, the delivery of a number of other important projects will be dependent on planned CIL revenue to be collected across the strategic sites (see Appendix 13 of CED10). The Council has been planning to adopt the LDP and the CIL concurrently in order to secure the necessary developer contributions from both S106 and CIL revenue. The decision to delay the examination of the CIL schedule therefore has significant ramifications.

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My officers have researched other cases and have not been able to conclude reasons why the CIL examination hearings cannot take place concurrently, or immediately after the LDP examination hearings. It appears that this is the approach adopted by the Planning Inspectorate in other cases such as the West Dorset, Weymouth and Portland Local Plan and Community Infrastructure Levy Examination. I would therefore like to request that the Planning Inspectorate reconsider your proposed approach.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Fiona Marshall  
Chief Executive