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Fiona Marshall
Chief Executive
Maldon District Council

Your Ref:

Our Ref: PINS/X1545/429/2

Date: 31 October 2014

Dear Ms Marshall,

EXAMINATION OF THE MALDON DISTRICT COUNCIL COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE - FACT CHECK

Thank you for your letter of 23 October.

I am very sorry that you are disappointed in the examiner's (David Vickery) decision to delay the holding of the examination into your Council's Community Infrastructure Levy (CIL) until after he is satisfied that your Local Plan is sound and as such, this is unlikely to be before next Summer.

It is our usual practice when a Local Plan and CIL are submitted simultaneously for the Local Plan examination to be held first and the CIL examination to follow at a later date. This was made clear to your Council's officials before submission of the Local Plan and CIL.

It is not possible or practical for the necessary viability testing of your Council's evidence supporting the proposed CIL rates to be carried out until such time as the examiner is satisfied that your Plan can be taken forward and put in place. This is because the examiner must consider whether the rates put forward would put at risk the delivery of the scale and general locations of development in the Local Plan, including in respect of the necessary associated infrastructure.

Given that a CIL examination cannot reopen the issue of soundness in relation to infrastructure provision and therefore cannot separately consider what additional infrastructure might (or might not) be necessary to deliver any increased level of new housing, the CIL examination can only realistically take place once there is a full and up to date plan in place or that the examiner is satisfied that a Plan can be found sound.

You have cited the approach of the Inspector dealing with the Local Plan and CIL examinations for West Dorset and Weymouth & Portland as one where the hearings are dealt with concurrently. As you may or may not be aware, their Local Plan and CIL were submitted in June 2013 and have been subject to delays which culminated in

a consultation on proposed modifications to their Local Plan from August to October this year. It is only as a result of this that the Inspector is satisfied he is able to proceed further and to set dates for the examinations.

I do fully appreciate the position your Council is in and that you wish to have a CIL put in place as quickly as possible. However, taking the circumstances into account, procedurally it is not practicable to take the CIL examination forward any earlier. I can assure you, however, that the Inspector will deal with your CIL examination as quickly as possible following the Local Plan hearings and once he is satisfied that the Plan can proceed further. Once the Inspector has held the hearings into your Council's housing policy issues which are set for next January, he will be in a better position to know when the CIL examination can take place. I can further assure you that the Inspector will not wait until he has written his Local Plan report before starting on your CIL matters and that he will be working on the two simultaneously.

Yours sincerely

Andy Gadsby

Andy Gadsby
Plans Team