

**Shepway District Council –**  
**Community Infrastructure Levy Examination**

via the Programme Officer  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY

12 October 2015

PD004-2-1

Mr Steven Arnett  
Community Infrastructure Levy Officer  
Shepway District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY

Dear Mr Arnett

**Shepway Community Infrastructure Levy Examination:  
Requirements under the Community Infrastructure Levy Regulations  
(2010) as Amended**

You will be conscious of my appointment as CIL Examiner and of arrangements that Programme Officer Isabelle Hill has in hand for the examination of your submitted draft charging schedule.

As preliminary actions whilst preparing for the examination, I have reviewed the submitted draft charging schedule and its appendices against the Community Infrastructure Levy Regulations (2010) (as amended) (the CIL Regulations), to check that formal requirements have been met. I have also visited the district to familiarise myself with it and to ensure that I understand the location of and basis for the zones in the submitted draft charging schedule.

As a consequence of this review and my visit, I am concerned that some of the maps in the appendices to the submitted draft charging schedule may not meet regulation 12 (2) of the CIL Regulations.

Regulation 12 (2) provides:

*(2) A draft charging schedule submitted for examination in accordance with section 212 of PA 2008 must contain—*

...

*(c) where a charging authority sets differential rates in accordance with regulation 13(1)(a), a map which—*

- (i) identifies the location and boundaries of the zones,*
- (ii) is reproduced from, or based on, an Ordnance Survey map,*
- (iii) shows National Grid lines and reference numbers, and*
- (iv) includes an explanation of any symbol or notation which it uses...*

**Examiner:** Rynd Smith LLB MA MRTPI FRSA

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**Web:** <https://www.folkestone-hythe.gov.uk/planning/community-infrastructure-levy>

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The Council is proposing to set differential rates. The maps in the appendices to the submitted draft charging schedule provide the means by which businesses and residents in Shepway can understand the CIL charges to which they would be subject. They would be used by the Council to formally determine the applicable CIL rates on individual parcels of land. It is important that the maps are fit for this purpose and comply with the CIL Regulations.

In this respect, the map in submitted Appendix 1 uses an OS base, but at a very small scale (1:115,000 when reproduced on A4 paper as intended). If the map is left at the intended scale, it is not possible to use it to tell definitively whether some locations or properties on or close to zone boundaries are in one or another adjacent zone. If the map is enlarged electronically, whilst the locations of zone boundaries can be inferred in most cases, the position and thickness of the zone boundary line notation still leaves considerable room for doubt in some locations. During my site inspections, there were a number of instances in which I could not say with certainty whether particular properties were in one or another zone. It follows that I provisionally consider that this map will need to be replaced with one at a sufficiently large scale and with a more precisely drawn boundary notation in order for regulation 12(2) c (i) to be met.

The maps in submitted Appendices 2 & 3 (the town centre insets) show the proposed zone boundaries with greater clarity than the map in Appendix 1, where these run on the centre-lines of streets or in railways, as in the large part they do. However, whilst these maps state that they contain OS survey data, they appear to be presented on a 'street atlas' rather than an OS base and they do not show the boundaries of land parcels, leading to uncertainty where zone boundaries do not follow such readily identifiable physical features. Here my provisional concern is that these maps will need to be replaced with ones that use an OS base and show National Grid lines and reference numbers in order for regulation 12(2) c (ii) or (iii) to be met.

In addition to the formal requirements of the regulations, there is a practical issue relating to implementation that could emerge if the submitted maps in Appendices 1 - 3 were to be adopted unchanged. Disputes could arise where persons subject to CIL charges and close to a zone boundary could try to claim the benefit of ambiguity to seek the lowest charge. It appears desirable to take action to reduce the potential for such disputes.

For the avoidance of doubt, the maps in submitted Appendix 4 appear to comply with regulation 12 (2) and raise no questions about boundary locations.

I have considered whether the replacement of the maps in Appendices 1 - 3 would be a modification for the purposes of regulation 21 (3), triggering a formal process requiring notice and re-opening the right to be heard. I consider that it would not be – because the maps do not need to be modified in any material particular. They only need to be clarified and no zone boundaries would change.

If the Council agrees with the position set out in this letter, can I ask that you write to me, agreeing to replace the maps in Appendices 1 - 3 to comply with regulation 12 (2) and then complete this work before the closure of the examination (which is currently anticipated to occur on 10 December 2015). On this basis, I would not need to make any formal recommendations to address this issue.

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**Programme Officer:** Isabelle Hills

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If the Council does not agree with the position set out in this letter, can I ask that you write to me, setting out reasons why the maps should not be changed. If the Council decides to take this course of action, I will give full consideration to its views before deciding whether this matter would need to be the subject of a formal recommendation on this issue in my report.

This correspondence and replies to it will be published on the examination library web page.

If you have any questions about this correspondence, please refer these to the Programme Officer who will seek my advice.

Yours sincerely

**Rynd Smith**

CIL Examiner