

# Old Oak and Park Royal Development Corporation

## Draft CIL Charging Schedule Statement of Compliance

This statement has been produced to demonstrate OPDC's compliance with the requirements set out in the Planning Act 2008 and the CIL Regulations 2010 (as amended) in the preparation of the Draft CIL Charging Schedule for submission for independent examination.

Table 1 below demonstrates that, as the charging authority OPDC has:

- complied with the requirements of Part 11 of the Planning Act 2008 and Part 3 (Charging Schedules) of the CIL Regulations 2010 (as amended);
- has used appropriate available evidence to prepare its draft Charging Schedule; and
- has dealt with any other matters prescribed by the CIL Regulations 2010 (as amended).

Table 1: Statement of Compliance

Legal requirement	Compliance
<b>Planning Act 2008 Section 206:</b>  Specifies that a local planning authority is the charging authority for an area and may charge a CIL in respect of the development of land.	The Old Oak and Park Royal Development Corporation (OPDC) as a Mayoral Development Corporation is the local planning authority and CIL charging authority for the OPDC area.
<b>Planning Act 2008 Section 211:</b>  Requires a charging authority to issue a charging schedule, setting rates, or other criteria, by reference to which the amount of CIL chargeable in respect of development in its area is to be determined.  These rates should be set having regard to the actual and expected costs of infrastructure, matters specified by the CIL Regulations relating to the economic viability of development and other actual and expected sources of funding for infrastructure.  A charging authority may consult, or take other steps, in connection with the preparation of a charging schedule (subject to CIL Regulations).	OPDC has produced and submitted a Draft Charging Schedule (SD1) which sets out the rates by which CIL will be charged set at pounds per square metre.  OPDC has had reference to the actual and expected costs of infrastructure as set out in the Infrastructure Delivery Plan (SD8). This establishes that there is a funding shortfall, and that CIL is required to help fund the infrastructure required to support development. The CIL Viability Study (SD6) and Revised CIL Viability Study (SD7) examined the viability of development and its ability to help fund infrastructure requirements. It recommended appropriate rates that

Legal requirement	Compliance
<p>A charging authority must use appropriate evidence to inform the charging authority's preparation of a charging schedule.</p>	<p>have been set out in the submitted Draft Charging Schedule (SD1).</p> <p>OPDC carried out an 8-week public consultation exercise as set out in the Consultation Statement (SD2).</p> <p>The CIL Viability Study (SD6) and Revised CIL Viability Study (SD7) have included appropriate market evidence to inform and recommend appropriate rates that have been set out in the submitted Draft Charging schedule (SD1).</p>
<p><b>Regulation 12(2):</b></p> <p>Requires a draft charging schedule incorporating specific information to be submitted for examination.</p>	<p>The Draft Charging Schedule (SD1) contains:</p> <ul style="list-style-type: none"> <li>• The name of the charging authority</li> <li>• The rates by which CIL will be charged set at pounds per square metre for different uses</li> <li>• Identifies the location and boundaries of the charging zones on a map based on an Ordnance Survey map.</li> </ul>
<p><b>Regulation 13:</b></p> <p>Allows a charging authority to set differential rates based on different development zones, different intended uses, and different intended development sizes (gross internal area or no. units).</p>	<p>The Draft Charging Schedule (SD1) sets CIL rates according to different land uses and different zones as informed by the CIL Viability Study (SD6) and Revised CIL Viability Study (SD7).</p>
<p><b>Regulation 14(1):</b></p> <p>Requires that in setting rates (including differential rates) in a charging schedule, a charging authority must aim to strike an appropriate balance between a) the desirability of funding from CIL (in whole or in part) the actual and expected 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 developments across its area.</p>	<p>The Draft Charging Schedule (SD1) has been informed by the Infrastructure Delivery Plan (SD8) and the CIL Viability Study (SD6) and Revised CIL Viability Study (SD7). The proposed CIL rates seek to strike an appropriate balance between securing sufficient revenue to fund necessary infrastructure on the one hand and the potentially adverse impact of CIL upon the viability of development across the whole area on the other. The proposed CIL rates include an appropriate viability buffer.</p>

Legal requirement	Compliance
<p><b>Regulation 14(2):</b></p> <p>In setting rates in a charging schedule, a charging authority may also have regard to actual and expected administrative expenses in connection with CIL to the extent that those expenses can be funded from CIL in accordance with regulation 61.</p>	<p>OPDC has had regard to the expected administrative expenses in connection with CIL.</p>
<p><b>Regulation 14 (5):</b></p> <p>Clarifies that a charging authorities draft infrastructure list in appropriate evidence to inform the preparation of a charge.</p>	<p>OPDC has had reference to the actual and expected costs of infrastructure as set out in the Infrastructure Delivery Plan (SD8) prepared for the adoption of the Local Plan 2022. This establishes that there is a funding shortfall of £347 million for essential infrastructure, and that CIL is required to help fund the infrastructure required to support development.</p>
<p><b>Regulation 16:</b></p> <p>Specifies the consultation requirements in respect of the draft charging schedule.</p>	<p>The Consultation Statement (SD2) sets out how OPDC consulted.</p> <p>The consultation period took place for 8 weeks from 28 November 2022 to 23 January 2023, exceeding the minimum time recommended in the National Planning Practice Guidance</p> <p>Notices were placed in two local newspapers and emails sent to statutory consultees and over 500 stakeholders on OPDC's planning consultation database, notifying potential respondents that a consultation was underway, how to find out more and how to make representations.</p> <p>A dedicated consultation <a href="#">website</a> contained all the consultation documents and paper copies of consultation documents were made available in 5 public venues.</p> <p>Officers held an online public consultation event and an in-person drop-in session at a local venue.</p> <p>16 representations were received. Taken together OPDC considers that</p>

Legal requirement	Compliance
	the Regulation 16 consultation requirements were met.
<p><b>Regulation 17:</b></p> <p>Clarifies that any person may make a representation within the specified consultation period, and that those consultation responses must be taken into account before the charging schedule is submitted for examination.</p>	<p>The Consultation Statement (SD2) demonstrates that any person was welcomed to make a representation during the consultation period. 16 representations were received.</p> <p>A schedule setting out each of the representations received and a response is also included within the Consultation Statement (SD2) at Table 1, demonstrating that OPDC has taken into account the representations received and resultant modifications have been made to the Submission Draft Charging Schedule. These are set out in the Statement of Modifications (SD3).</p>
<p><b>Regulation 19:</b></p> <p>Specifies the documentation that should be submitted for the purposes of examination, and also specifies how charging authorities should go about notifying people of the examination</p>	<p>OPDC will make available to view hard copies of all submission documents which were made available under Regulation 16, and will notify all representors of the submission of its Draft Charging Schedule to the independent examiner.</p>
<p><b>Regulation 19(4):</b></p> <p>Sets out where the charging authority modified the draft charging schedule after it was published in accordance with regulation 16, the charging authority must send a copy of the statement of modifications to each of the persons invited to make representations under regulation 16.</p>	<p>Everyone invited to make representations on the Draft Charging Schedule (under Reg 16) has received an email notifying them that OPDC has made modifications to the Schedule and explaining how they can request to be heard by the Examiner regarding any of those modifications (in accordance with Reg 21).</p>