

APPENDIX 3 – STATEMENT OF PROPOSED MODIFICATIONS



Community Infrastructure Levy (CIL) Statement of Modifications

Regulation 19(1) (d) Statement

April 2014

1.0 Introduction

1.1 This Statement of Modifications sets out the modifications which have been made to the Council's Draft Charging Schedule (DCS) and associated policies since they were published for consultation between the 22nd January 2014 and the 12th March 2014. It has been made in accordance with Regulation 19 (1) (d)

2.0 Publication

2.1 As required under Regulation 19 of the Regulations, a copy of this Statement of Modifications has been sent to each of the persons that were invited to make representations on the Draft Charging Schedule under Regulation 15 and has been published on the Council's website.

2.2 The Statement of Modifications will also be made available at the following Civic Offices and deposit points during the hours outlined below:

Table 1 – Deposit Points and Opening times

	Berkhamsted	Hemel Hempstead	Tring
<i>Monday</i>	9am-12.30pm and 1.30pm-5pm	8.45 am - 5.15 pm	9am-12.30pm and 1.30pm-5pm
<i>Tuesday</i>	9.30am- 2pm	8.45 am - 5.15 pm	CLOSED
<i>Wednesday</i>	CLOSED	8.45 am - 5.15 pm	9.30pm-2pm
<i>Thursday</i>	9.30am-2pm	8.45 am - 5.15 pm	CLOSED
<i>Friday</i>	9.30am-2pm	8.45 am - 4.45 pm	9.30pm-2pm

3.0 Requests to be heard

3.1 Any person may request to be heard by the Examiner in relation to the modifications as set out in this Statement of Modifications. Requests to be heard must include details of the modifications on which you wish to be heard (by reference to the Statement of Modifications) together with whether you support or oppose the modification and the reason. The Council will submit a copy of each request it receives to the examiner.

3.2 Requests to be heard by the examiner must be made in writing by the **DATE TO BE INSERTED¹** to:

CIL Programme Officer
c/o Strategic Planning and Regeneration
Dacorum Borough Council

¹ 4 Weeks from the date of submission under Section 11 Interpretation and application of Part 3 of the CIL Regulations 2010 (as amended)

Civic Centre
Marlowes
Hemel Hempstead
Hertfordshire
HP1 1HH

Email: cil@dacorum.gov.uk

Further information in relation to the Examination is available at www.dacorum.gov.uk/cil

4.0 Proposed Modifications

- 4.1 Table 2 sets out our modifications to the DCS and all associated documents since they were available during consultation and the reasons for these modifications being made.
- 4.2 The modifications mainly seek to clarify existing information within the DCS and Regulation 123 list. However the Regulation 123 list has been amended in response to concerns raised by Sport England (4) and Hertfordshire County Council (19).

Table 2 - Proposed Modifications

Changes are highlighted in **bold** with ~~strike through~~ indicating deletions and underline indicating additions.

Modifications			
	Document Reference	Modification	Reason for modification
MOD 1	Draft Charging Schedule – Annex 1 – Charging Zone Maps	Addition of National Grid reference numbers to plan (see revised document)	To ensure compliance with the Regulations and relevant CIL legislation
MOD 2	Regulation 123 list	Amendment to the list of Infrastructure Project or Type (to be secured through CIL) Green Infrastructure and Open Space - <u>Including outdoor sports pitches</u>	Amendment for clarity and in response to the concerns of Sport England.
MOD3/MOD4	Regulation 123 list	Amendments to the list of Exclusions (to be secured through S.106 or other alternative measures) Except where Early Years Education and Childcare Facilities are provided within <u>alongside</u> a new schools <u>building</u> secured under S.106 The provision and maintenance of public open space, LAP, LEAP or NEAP, <u>Local Area of Play (LAP), Local Equipped Area of Play (LEAP) and Neighbourhood Equipped Area of Play (NEAP)</u> on Strategic and Local	Amended in response to a request from Hertfordshire County Council Amendment for clarity

		Allocations	
MOD5	Exceptional Circumstances Relief Policy	<p>Format and re-classify qualifying criteria within the policy</p> <p>To qualify for relief the Council must be satisfied that:</p> <ul style="list-style-type: none"> a) A valid S.106 agreement is in place for the chargeable development, b) the value of complying with a S.106 agreement for the site would exceed the CIL charge for the development b) that paying the CIL Charge in respect of the chargeable development would have an unacceptable impact on economic viability and c) the relief would not constitute State Aid..... <p>.....Exceptional Circumstances Relief will rarely be granted and will only be available where:</p> <ul style="list-style-type: none"> a) the value of complying with a S.106 agreement for the site exceeds the CIL charge for the development b) it can be demonstrated that the requirements of the S.106 provide items of infrastructure which have been identified as essential infrastructure within the Council's Infrastructure 	<p>Amendment for clarity – it is a DBC policy requirement rather than a national requirement that any scheme seeking Exceptional Circumstances Relief should have a S.106 exceeding the value of CIL.</p> <p>“Or” omitted in error on ECR policy.</p>

		<p>Delivery Plan, <u>or</u></p> <p>c) the infrastructure items secured via the S.106 are identified as being necessary to support development in a Development Plan Document or Supplementary Planning Document, or</p> <p>d) the chargeable development would constitute a large scale major development</p>	
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