

# HS1: Matter 1 – Procedural Requirements

## Issue 1 – Compliance with the Regulations

### QUESTION 1

Has the Council complied with the requirements of the CIL Regulations (as amended) prior to submission of the schedule for examination?

1. Yes, the Council is confident that the requirements of the CIL Regulations (as amended) have been complied with. The Statement of Legal Compliance (CSD 5) demonstrates the Council'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 Charging Schedule.
2. No Regulation 16 consultation representations raised concerns regarding compliance with the requirements of the CIL Regulations in the preparation of the draft Charging Schedule.

### QUESTION 2

What are the reasons for producing the Statement of Modifications (dated February 2023)?

3. The Council assessed in detail all comments provided within the 15 representations received to the Regulation 16 consultation. To address issues identified through the representations, modifications were made to the draft CIL Charging Schedule. In accordance with CIL Regulation 19(d), modifications made to the draft Charging Schedule were presented within a Statement of Modifications (CSD2). There are 8 modifications listed in a table within the Statement. The table includes a column called 'reason for modification', which outlines why the modifications to the Charging Schedule have been made.
4. The Planning Practice Guidance<sup>1</sup> (PPG) outlines that any changes made to the Charging Schedule between Regulation 16 consultation and submission should not be 'substantive', otherwise there would be a need to reconsult. The modifications presented within CSD2 relate to minor amendments, minor changes to the rates for a Local Plan site allocation, and minor

<sup>1</sup> Paragraph: 034 Reference ID: 25-034-20190901

changes to rates for industrial development of a specific size. These modifications were not considered to be substantive, therefore no further public consultation on the updated CIL Charging Schedule was undertaken.

### QUESTION 3

Did the Council comply with the requirements of the CIL Regulations (as amended) insofar as the Statement of Modifications of concerned, having particular regard to Regulation 19?

5. The table below presents where the Statement of Modifications is referenced within the CIL Regulations (as amended), and how the Council has complied with any requirements relating to the Statement.

Section	Text within the Regulations	How the Council has complied with this requirement
<p>11(1)</p> <p>Interpretation and application of Part 3</p>	<p>In this Part—</p> <p>“statement of modifications” means a document which—</p> <p>(a) sets out the modifications which the charging authority has made to the draft charging schedule since it was published in accordance with regulation 16, and</p> <p>(b) includes a statement specifying that a request to be heard by the examiner on those modifications may be made to the charging authority within the period of four weeks beginning with the day on which the draft charging schedule is submitted to the examiner.</p>	<p>Through CSD2 the Council has set out the modifications made to the draft Charging Schedule since the Regulation 16 consultation.</p> <p>CSD2 does not include the statement outlined in 11(1)(b). However, anyone invited to respond to the Regulation 16 consultation, and all people who provided representations on the consultation, were emailed a copy of the Statement of Modifications (further details provided below) on the 22<sup>nd</sup> March 2023. The email outlined how a request to be heard by the Examiner could be made regarding any of the modifications listed within CSD2, by stating ‘<i>any request to be heard by the Examiner on the Statement of Modifications must be received (email or hard copy), by 5pm on 20 April 2023</i>’. This email</p>

		therefore ensured that the Council met the requirements of 11(1)(b).
19(1)(d)  Submission of documents and information to the examiner	19.(1) The charging authority must submit the following to the examiner:  (d)where the charging authority modified the draft charging schedule after it was published in accordance with regulation 16, a statement of modifications;	Modifications were made to the draft Charging Schedule following Regulation 16 consultation, therefore a Statement of Modifications was produced by the Council.  The Statement of Modifications was submitted to the examiner as a Core Submission Document (CSD2).
19(4)  Submission of documents and information to the examiner	Where the charging authority modified the draft charging schedule after it was published in accordance with regulation 16, the charging authority must—  (a) send a copy of the statement of modifications to each of the consultation bodies invited to make representations under [regulation 16 ] 4; and  (b) publish the statement of modifications on its website.	A copy of the Statement of Modifications was sent each consultation body invited to respond to the Regulation 16 consultation. The list of consultation bodies contacted is presented below.
19(5)  Submission of documents and information to the examiner	The charging authority must comply with paragraph (4) before submitting to the examiner the documents mentioned in paragraph (1).	Anyone invited to respond to the Regulation 16 consultation (including the consultation bodies), and all people who provided representations on the consultation, were informed about and provided with a copy of the Statement of Modifications by email on the 22nd March 2023. The CIL Charging Schedule and associated documents were submitted on 23rd March 2023.
21(3)(4)  (5)  CIL examination: right to be heard	(3) Where a charging authority modifies a draft charging schedule after it is published in accordance with regulation 16, any person may request to be heard by the examiner in relation to those	N/A – no requirements for the Council to comply with.

	<p>modifications.</p> <p>(4) The right to be heard under paragraph (3) applies only in relation to the modifications made to the draft charging schedule as set out in the statement of modifications.</p> <p>(5) A request under paragraph (3) must—</p> <p>(b) include details of the modifications (by reference to the statement of modifications) on which the person wishes to be heard.</p>	
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6. The consultation bodies which received a copy of the Statement of Modifications were:

- Anglian Water
- Basildon and Brentwood CCG
- Basildon Council
- Billericay Town Council
- Blackmore, Hook End and Wyatts Green Parish Council
- Brentwood Gypsy Support Group
- C2C Rail
- Cadent Gas
- Campaign to Protect Rural Essex
- Castle Point Borough Council
- Chelmsford City Council
- Civil Aviation Authority
- Coal Authority
- Doddinghurst Parish Council
- Environment Agency
- Epping Forest District Council
- Essex County Council
- Essex Wildlife Trust
- Fire and Rescue Headquarters
- Greater Anglia
- Greater London Authority
- Herongate and Ingrave Parish Council
- High Ongar Parish Council
- Historic England
- Homes England
- Ingatestone and Fryerning Parish Council
- Kelvedon Hatch Parish Council
- London Borough of Havering
- Margaretting Parish Council
- Marine Consents

- Mayor of London
- Mountnessing Parish Council
- National Grid
- National Highways
- Natural England
- Navestock Parish Council
- Network Rail
- NHS
- Ongar Town Council
- Rochford District Council
- South Essex Local Enterprise Partnership
- Southend-on-Sea City Council
- Sport England
- Stanford Rivers Parish Council
- Stapleford Abbots Parish Council
- Stapleford Tawney Parish Council
- Stondon Massey Parish Council
- Thames Chase Trust
- Thames Water
- The Office for Rail Regulation
- Thurrock Council
- Transport for London
- UK Power Networks
- West Horndon Parish Council
- Agents / Others
  - Alan Wipperman
  - Anderson Group
  - Andrew Stevens
  - Barton Willmore
  - Bellway
  - Bidwells
  - Blackmore Village Heritage Association
  - BNP Paribas
  - Cala Homes
  - CEG
  - Chilmark Consulting Limited
  - Clearbrook Group
  - Countryside Partnership
  - CPC Planning Consultants
  - Croll Group
  - David Russell Associates
  - EA Strategic
  - Fairview
  - Freeths
  - GL Hearn
  - Holmes & Hills
  - House Builders Federation
  - Icen Projects
  - JTS Partnership
  - Lichfields
  - M P Architects
  - M Scott Properties Ltd
  - Marrons Planning
  - Pegasus Group
  - Phase 2 Planning

- Redrow
- Saunders Property
- Savills
- Sphere 25
- St Modwen
- Star Planning
- Stonebond
- Strutt and Parker
- Swoders
- Temple Group
- TFL – Properties consultation
- Turley
- Turn2us
- Turner Morum
- Wingfield Planning Consultancy

7. The consultation bodies were contacted by email on 22 March 2023.