Opening Statement

Good morning, ladies and gentlemen, and welcome to the Examination Hearings for the Arun District Council Community Infrastructure Levy Charging Schedule.

1 EXAMINER

My name is Nigel Payne and I am an independent chartered town planner and member of the chartered management institute and for 20 years I was a Principal Planning Inspector with PINS, during which time I conducted a large number of CIL examinations, including the first one in Newark, Notts, in the summer of 2010.

I have been appointed by the Council as the Examiner for this CIL charging schedule and presently expect my report to be sent to the Council in early December 2019.

2 PROGRAMME OFFICER

The Programme Officer [PO] is Chris Banks. For the purposes of the examination he is an impartial officer of the Examination, under the Examiner’s direction, and not an employee of the Council.

His principal functions are to liaise with all parties to ensure the smooth running of the examination, ensure that all the documents received before the hearings are recorded and distributed, maintain the Examination Document list and assist me with all procedural and administrative matters.

He will advise you on all practical and procedural points relating to the hearings.

He may pass them on to me for a reply, if necessary, but carries my authority to act in accord with the regulations.

Are the Press present ?

If so, could you please give your contact details to the PO and he will ensure that you get a copy of my report in due course.

Could I also please remind everyone to please sign the attendance sheet near the door, if you have not done so already. The P.O needs a record of all who are here just in case we need to contact you again, as do the Council for fire safety etc.
### 3 HEARINGS

During the hearings today it is my role to consider whether the Community Infrastructure Levy [CIL] Charging Schedule meets the requirements of the Planning Act 2008 and the relevant CIL Regulations, as amended, in respect of **legal compliance and viability**.

The examination will focus on viability. I have to disappoint those **seeking changes to how the Council proposes to spend the anticipated CIL income, as that is a matter for the Council and beyond my remit to consider. Nor will I be dealing with that matter in my report, other than in the most general background terms**.

The process of examining a CIL Schedule is similar to development plans. I consider the viability of the schedule, having regard to the evidence available and representations submitted, rather than just objections made. The process of **examination** hearings is akin to a structured debate, with “round table”/”informal hearing” sessions addressing particular topics, rather than the traditional form of public inquiry.

After the hearing sessions, I will prepare a **Report** to the Council with conclusions and decisions as to the action it needs to take with regard to the viability of the schedule. This report is not fully binding on the Council but it should amend the document accordingly, moving swiftly to formal adoption.

And, for the avoidance of doubt, my recommendations may include an increase in one or more charging rates, as well as a decrease, if viable, appropriate and justified by the evidence.

In terms of published documents DCLG’s CIL Regulations (as recently amended), and the online Planning Guidance, including the NPPF and PPG, should help interested parties with further understanding, but there is also other advice available on the DCLG, PINS, and Council/Examination websites.

Representors should seek advice from the Council or the PO if still not clear.

### 4 PROCEDURAL QUESTIONS FOR THE COUNCIL

I now have to ask the Council formally has the Schedule has been prepared in accordance with:-

- the statutory procedures?
- the adopted Arun Local Plan of 2018 covering the Council’s area and the Council’s Infrastructure Delivery Plan?
- the consultation requirements set out in the Regulations?
- is it supported by a viability appraisal(s)?
- are there any fundamental procedural shortcomings?
5  PROCEDURE OF THE HEARINGS

The Examination Hearings will be progressed in an **effective and efficient** manner, with a tight rein on the discussions and time taken.

There is a list of **Examination Documents (ED)** on the website, in the Examination Library or available from the PO. These include the draft charging schedule, background papers and other documents that parties may wish to refer to.

6  EXAMINATION ARRANGEMENTS

A short break will be taken mid morning and mid afternoon, with around an hour for lunch from about 1300 and a finish no later than 1730.

A separate session will be held on **each issue** identified in the programme and all sessions are open to the public and the press to observe, but only those invited to participate around the table as a representative of a representor may speak.

The sessions will take the form of **Round Table/Informal Hearing Sessions**, with several parties are present. This approach will provide an informal setting for dealing with issues, by way of a discussion that I lead. There will be **no formal presentation** of evidence or cross-examination.

I have, of course, read all the statements, as well as being familiar with all the background documents too, so you do not have to repeat anything that they contain or read out any prepared statements, as that will not achieve anything in terms of furthering debate nor assist me in my deliberations.

**But, in all other respects, “You are all here to help me”,** as I always say at these events, because I may well ask you some direct questions.

That can best be done through a round table debate on the main issues that I have identified for discussion.

**There are two strict rules for the discussions – first is not to interrupt one another when making contributions [although I am allowed to break that rule if necessary to move things along!] and second is that mobile phones and similar devices need to be switched off when we are in session [they may be used in breaks].

Those present will be asked to introduce themselves, and just that initially. I may then make a **brief statement** on my understanding of the issues under discussion and then **invite participants** to make their contribution in response to the points raised starting usually, but not exclusively, with the Council.
The hearing will then progress by drawing those present into the discussion in such a way as to enable me to gain the information necessary to come to a decision on the relevant matters. All involved may join in the discussion, when invited to do so, so if you want to make a contribution at any time please invert your nameplate (like so) and I will bring you in as soon as possible.

7 SITE VISITS

I have visited relevant parts of the area, unaccompanied, yesterday.

8 CLOSE OF THE EXAMINATION

Once all the information necessary to come to reasoned conclusions and decisions on the issues has been gathered, I will write the Report. The Examination itself technically remains open until this is submitted to the Council. However, once the hearing session part of the Examination is completed I can receive no further information from any party, unless it is a matter on which I have specifically requested it. Any unsolicited items sent in will be returned.

9 PRACTICAL MATTERS

The Council is now going to tell you about the practical arrangements for this venue. Toilets, refreshments inside and outside the building, and any fire drills expected.

10 ANY QUESTIONS ON THE PROCEDURES?

[After questions, if any,]

11 OPENING INTRODUCTIONS

Before we hear the Council’s opening statement and start the debates can I please ask that everyone around the table just says who they are and who they represent, so that we all know who is present.

NAP – 18/10/2019