

Rother District Council – Community Infrastructure Levy  
Examination ED/7

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Dear Mr Marlow

Thank you for your letter of 22 July 2015, dealing with the matters discussed at the Hearing on 14 July; and thank you for providing the full text of the Opinion provided by Mr Paul Brown QC. I am also grateful to Mr Brown for responding to your request for advice so promptly.

I have now had time to carefully read and consider this Opinion. I am satisfied that it meets my own view, albeit, expressed more eloquently, in respect of the need for 'zones' to be identified on a map, and that other differentiation by particular type of sites which cannot be identified by zones does not meet the requirements of the CIL Regulations, in particular, regulation 12(2)(c)(i).

That having been settled, Mr Brown goes on to consider the situation of modifications, to correct the error in the differentiation of charges by reference to brownfield and greenfield, proposed either by the Council or by me. It is perhaps impertinent of me to say that I agree with his analysis of the question of whether or not there is a need for further consultation in the circumstances he considers, but I do.

As a result of the clarity which now exists I am able to proceed with writing my report to your Council, and I am able to tell you that the modifications which I will recommend will not involve any additional consultation, and therefore will not cause further delay to matters.

I therefore now turn to provide you with a date by which you can expect to receive my report for 'fact check'. I remind you that the Planning Inspectorate has a system of "Quality Assurance" in respect of reports on examinations of development plans and CIL submissions, and that I have to allow three weeks for this process. Having considered how my reporting on this examination fits in with my commitments for other work, it is my intention that you should receive the fact check version of my report by the last day of August.

I will, of course try to reduce this period, but I can make no promises in this regard.

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Yours sincerely

*Terry Kemman-Lane*

Examiner