CLG Consultation on Community Infrastructure Levy further reforms: Portfolio Holder Report

Recommendation

That the proposed response is sent to CLG as Sevenoaks District Council's representations on the proposals.

Background

The original CIL Regulations were introduced in 2010 and there have since been amendments published in 2011, 2012 and 2013. The 'Consultation on Community Infrastructure Levy further reforms' document sets out some significant changes to the way that CIL will operate which are intended to address issues that have been faced by those authorities that are already charging CIL. These changes are not considered to significantly affect the process of preparing a Charging Schedule and there is not considered to be a need to delay the preparation of the Council's Charging Schedule as a result of the draft proposals.

Summary of Key Issues in the Council's Response

The proposed SDC response and a summary of all of the detailed issues raised in the consultation document are set out in annex A. Many of the issues raised in the consultation document relate to detailed operational issues. The main proposals, in terms of future impact on the Council, are considered to be:

1. Allowing relief for 'self-build' housing (question 21). This is objected to on the basis that 'self-build' housing places a demand on infrastructure, that it threatens to distort the land market and that it potentially allows developers to circumvent the need to pay CIL in certain circumstances.
2. To amend the test for existing floorspace that can be taken into account when calculating the net floorspace on which CIL is chargeable from in use for 6 months of the last 12 to not abandoned (question 15). This is objected to on the basis that a change of a site's use can place a demand on local infrastructure and that the change would lead to local authorities missing out on CIL payments for necessary infrastructure on more developments. It is also noted that 'abandonment' is a contested concept in planning terms.
3. Allowing local authorities discretion to widen the definition of 'affordable housing' that can be granted relief from CIL (question 17). The Council doesn't object to the proposal to give local authorities discretion on this matter. However, it is felt that only offering relief to affordable housing that meets the NPPF definition may be a more robust approach.
4. Relaxing restrictions on the use of 'exceptional circumstances relief' from CIL (question 20). No objection to this is raised but it is considered that Government

needs to address the relationship between this relief and State Aid, which it has not done and which is considered to be a more significant factor in why very few, if any, authorities to date have introduced a policy to allow this relief.

5. Allowing authorities an additional year to get their Charging Schedules in place by amending the date that restrictions on the use of planning obligations come into affect (question 6). This should not affect Sevenoaks District Council due to the progress already made on its CIL Charging Schedule.
6. Allowing authorities to accept the development of infrastructure in lieu of CIL payments (question 8). This is supported.
7. Requiring authorities to consult on the list of infrastructure, or types of infrastructure, that they will allocate CIL to before amending it. No objection to this is raised. However, it is noted that no right of appeal exists for a person that feels aggrieved by any change made following consultation and that this may, in certain circumstances, result in legal challenge.

Annex A: Summary of Issues Raised by the Consultation and Proposed Sevenoaks District Council Response

The Council's proposed response is shown in *italics*.

Rate Setting and Evidence

Question 1

The Government proposes to amend regulation 14 of the CIL Regulations 2010 (as amended) so that it no longer requires the charging authority to aim to strike 'what appears to the charging authority' to be an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy rates on the economic viability of development across its area. Instead, it is proposed that the charging authority should be required to strike an appropriate balance, which will need to be justified by evidence.

Question 1 - We are proposing to require a charging authority to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of the levy on the economic viability of development across the area.

Do you agree with this proposed change?

The proposed change transfers power from local authorities to inspectors to decide whether the balance between funding infrastructure and the impacts on economic viability is appropriate. In reality, inspectors are already recommending changes to CIL Charging Schedules where they consider that the impacts on viability will be unacceptable, in accordance with the statutory guidance. The only real potential impact of the proposed change is, therefore, to allow an Inspector to recommend increasing CIL charges if he/she considers that the charging authority has been too cautious and that the infrastructure funding gap warrants a higher charge. A local authority may have very good reasons for setting rates below the margins of viability, e.g. they wish to encourage development or they wish to ensure that the delivery of affordable housing is not put at significant risk. The local authority should continue to have discretion over this. If the proposed change is made then the statutory guidance should be reviewed to make it clear that an Inspector should only require a change to the proposed charges on the grounds of viability not a greater contribution to infrastructure. Subject to this, SDC does not object to the proposal.

Question 2

The CIL Regulations 2010 (as amended) allow charging authorities to set different rates by area and use. The Government proposes to amend the regulations to explicitly allow different rates for different scales of development.

Question 2 - We are proposing to allow charging authorities to set differential rates by reference to both the intended use and the scale of development.

Do you agree with the proposed change?

A number of local authorities have already adopted charging schedules that set differential rates for different scales of development on the basis that scale represents a means of identifying different uses. The use of a size threshold for retail charges is the most common example of this. The proposed change would offer further confirmation that this existing practice is consistent with the regulations and is, therefore, supported. The change may also lead to authorities proposing different charges for different sizes of other types of development, such as different sizes of dwelling, which may lead to more complicated charging schedules. However, charging authorities would still be under no obligation to set differential rates, as a result of the proposed change.

Question 3

The CIL Regulations currently require charging authorities to consult on draft charging schedules for a period of at least 4 weeks. The Government proposes to increase this to 6 weeks. Consistent with its common arrangements for consulting on planning policy documents, SDC is consulting on its draft charging schedule for 6 weeks.

Question 3 - Should the period of consultation on the draft charging schedule be extended from "at least 4 weeks" to "at least 6 weeks"?

SDC supports the proposed extension of consultation on the draft charging schedule to 6 weeks.

The Infrastructure List

Question 4

Regulations do not currently require charging authorities to submit a list of the schemes or type of infrastructure that CIL will be used to fund (known as the Reg 123 list). However, statutory guidance published in December 2012 does require a draft list to be submitted, as SDC has done. This is intended to ensure that a developer has certainty over what types of infrastructure may still be sought through a planning obligation. Government now proposes that the list of infrastructure to be funded through CIL should be required to be part of the examination documents as set out in regulations.

Question 4 - Should the regulation 123 list form part of the relevant evidence under section 211(7A) and (7B) so that it is available during the rate setting process, including at the examination?

SDC notes that this proposal is largely consistent with the recently revised statutory guidance, although the guidance requires only a 'draft' Reg 123 list to be available at the time of the examination. SDC does not object to the proposed change but suggests that if it is implemented it will be important that the inspector is able to recommend

changes at examination to ensure that charging schedules are not found unsound on the basis of minor issues in, what would now be assumed to be, a final reg. 123 list.

Question 5

Currently, regulations allow a charging authority to bring forward changes to a Reg 123 list at any stage. Therefore, whilst the list will be part of the inspector's consideration of the soundness of the charging schedule, the authority can change it immediately to change what CIL will be spent on and what planning obligations can be used for. The Government does not propose to change this but is proposing that the charging authority should at least consult on any proposals to change the list. This is already required by the statutory guidance.

Question 5 - We propose to amend the regulations so that a new infrastructure list can only be brought forward after proportionate consultation with interested parties.
Do you agree that this approach provides an appropriate balance between transparency and flexibility?

This proposal is consistent with the existing requirements of the statutory guidance and, on this basis, SDC does not object. It is noted that a party aggrieved by a proposed change to a Reg 123 list would not have any right to appeal against this change if, following consultation, the charging authority was determined to make it. It must be ensured that this does not lead to judicial review of charges imposed by the charging authority following the change to Reg 123 list. SDC would object to any suggestion that a change to a Reg 123 list requires a further examination of the charging schedule.

The relationship between the Community Infrastructure Levy, Section 106 Planning Obligations and Section 278 Highways Agreements

Question 6

The Government is proposing to move the date when the limitations on the pooling of planning obligations for the provision of infrastructure come into affect from April 2014 to April 2015.

Question 6 - We are proposing to move the date from when further limitations on the use of pooled planning obligations will apply (to areas that have not adopted the levy) from April 2014 to April 2015.
Do you agree?

Sevenoaks District Council has published a Draft Charging Schedule and hopes to be in a position to adopt it by April 2014. Therefore, the Council is not affected by this proposal and has no comment to make.

Question 7

Currently Section 278 agreements under the Highways Act are not covered by the limitations that apply to planning obligations to ensure that they can not be used for a project that CIL funding could be contributing towards. The restriction on using funding from planning obligations and CIL to fund the same project is intended to ensure that a developer is not charged twice for an infrastructure project. The Government is consulting on whether this restriction should be extended to Section 278 agreements. This is unlikely to be an issue in Sevenoaks District, where major strategic highways schemes have not been identified as being necessary to support development and where CIL is not intended to be used for site-specific access improvements.

Question 7 - Do you agree that regulation 123 (excluding regulation 123(3)) should be extended to include section 278 agreements so that they cannot be used to fund infrastructure for which the levy is earmarked?

Sevenoaks District Council does not object to this proposed change, which will prevent developers being charged twice for infrastructure.

Community Infrastructure Levy Payments

Question 8

Under the CIL Regulations 2010 (as amended) a charging authority is able to accept land as payment in kind. The Government proposes to extend this power to allow charging authorities to also accept the delivery of infrastructure as payment in kind. The process for accepting land is complex and is unlikely to be commonly used. The Government's proposals suggest that the process for accepting infrastructure as payment in kind will be equally complex.

Question 8 - Do you agree that, where appropriate and acceptable to the charging authority, the levy liability should be able to be paid (in whole or in part) through the provision of both land and/or on-site or off-site infrastructure?

SDC agrees in principle that charging authorities should be able to accept infrastructure as payment in kind as it will provide welcome flexibility on larger sites. Currently local authorities would need to specifically exclude on-site infrastructure from their Reg 123 lists in order that they can secure it through planning obligations and would now need to take this into account in setting CIL rates. Identifying infrastructure required on-site for sites phased towards the end of the plan period or for windfall sites in advance will be very challenging. The proposal would go some way towards solving this problem.

Question 9

It is proposed that charging authorities should agree with the developer the cost of providing the infrastructure prior to the development. The cost should then be used to reduce the developer's liability for CIL payments. Once the development of the infrastructure scheme is complete, the developer will be expected to submit evidence of costs and any underspend will need to be reclaimed from the developer by the charging authority.

Question 9 - Do you agree that actual construction costs and fees related to the design of the infrastructure should be used to calculate the sum by which the amount of levy payable will be reduced, when the levy is paid by providing infrastructure in kind?

SDC supports this approach in principle. However, it is noted that the Government proposes that whilst any underspend by the developer must be reclaimed by the charging authority, there is no mechanism for any overspend on the delivery of the infrastructure to be reclaimed from the local authority. There appears, therefore, to be little potential benefit to the developer of providing infrastructure in kind but a risk that he/she may be liable for any overspend. In these circumstances the number of developers wishing to provide infrastructure in kind may be very limited

It is not clear from the consultation document whether infrastructure in kind can only be provided where it will be 100% funded by the developer or whether it can be part-funded by the local authority, with CIL payments reduced on the basis of the developer's contribution to the scheme. The latter approach would clearly provide greater flexibility and would be SDC's preference. This would also address an issue that would otherwise exist with the scheme whereby a local authority would not be able to accept infrastructure in kind if on a phased development the CIL payment associated with each phase was lower than the cost of providing the infrastructure. Given that the majority of larger developments (where a charging authority is more likely to seek on-site infrastructure) are more likely to be completed in phases, this represents a real risk to the effectiveness of this proposal.

Question 10

The Government proposes that any infrastructure delivered in kind must cost less than the thresholds set out in the EU competitive tendering procurement rules. These thresholds currently stand at approximately £4,500,000 for works and £175,000 for goods and services.

Question 10 - Should the payment in kind provisions be limited to the capital value ceilings as set out in the EU procurement rules – currently thresholds of £173,934 for goods and services and £4,348,350 for works?

No comment.

Question 11

Currently the CIL Regulations 2010 (as amended) allow only outline planning permissions that are to be completed in phases to pay CIL separately on each of these phases. The Government proposes to extend this to allow full planning permissions that are to be completed in phases to also pay CIL on the basis of these phases.

Question 11 - Should all planning permissions (outline and full) be capable of being treated as phased development with each phase a new chargeable development?

The principle of this is supported, given that outline permissions to be completed in phases are already charged CIL on each phase. However, SDC suggests that a threshold should be considered so that sites of relatively few dwellings are not able pay CIL in phases as this would add to administrative burden on local authorities.

Question 12

Liability to pay CIL is linked to commencement of development. Currently a development is deemed to have commenced when any 'material operation' begins to be carried out on the relevant land. The Government notes that this may cause an issue on certain sites where lengthy and expensive ground clearance and decontamination need to be carried out before construction begins as the developer would be liable to pay CIL long before any profitable development is undertaken. It is proposed that in these circumstances planning permission should be granted to allow development to be completed in phases, with the first phase relating solely to site preparation. This would mean that the developer would not be liable to pay CIL until the construction work begins.

Question 12 - Do you agree that the phasing of levy payments will make adequate provision in relation to site preparation?

SDC agrees that this could help to bring forward development on sites with major contamination issues, for example. However, under the proposal, it is understood that the floorspace of any buildings cleared during the site preparation phase could not be subtracted from the new floorspace to be constructed during later phases. This may limit the attractiveness of the approach on some sites.

Question 13

Under existing regulations a charging authority is able to recalculate the social housing relief from CIL granted to a developer up to the point that development commences and CIL becomes payable. The Government proposes that the regulations should be amended to allow a recalculation after development has commenced. This would allow

the developer and the local authority to renegotiate the provision of affordable housing after development has commenced and amend CIL liability accordingly, which should provide welcome flexibility.

Question 13 - Do you agree that the regulations should make it possible for a charging authority to re-calculate the levy liability of a development when the provision of affordable housing is varied?

SDC supports this proposal.

Question 14

Currently CIL is calculated at the time planning permission first permits development, which is defined by the regulations as the date that the final pre-commencement condition is cleared. The Government proposes to amend this so that planning permission is considered to first permit development on the date of approval of the last reserved matter associated with the permission or phase. This should make the administration of CIL more straightforward for local authorities.

Question 14 - Should we amend the regulations so that the date at which planning permission first permits development is the date of the final approval of the last reserved matter associated with the permission or phase?

SDC supports this proposal, which should make the administration of CIL more straightforward.

Question 15

The CIL Regulations 2010 (as amended) allow for the floorspace of buildings that have been in continuous use for 6 months of the last 12 to be subtracted from the new floorspace to be developed when calculating the CIL charge for a development. The Government proposes that this test should be replaced by one that allows the floorspace of any non-abandoned buildings to be subtracted from the new floorspace.

Question 15 - Should we change the regulations to remove the vacancy test, meaning the levy would generally only be payable on any increases in floorspace in refurbishment and redevelopment schemes, provided that the use of the buildings on site had not been abandoned?

Sevenoaks District Council questions the Government's view that the original test is justified on the basis that 'if a building has been in recent use the infrastructure should be in place to support the development'. It is commonly the case that local authorities receive significantly more requests for infrastructure to support residential development than any other form of development. The original test fails to recognise this fact by

treating all floorspace the same regardless of its use. Therefore, a redevelopment of an in-use warehouse site, for example, to a residential development of the same floorspace does not attract CIL despite the greater infrastructure requirement of the residential development.

At present, the test requiring a building to be in use at the time planning permission is granted limits the number of occasions that a Charging Authority will not be able to collect funds for necessary infrastructure from a site redeveloped from a non-residential use to a residential use (or other form of use making a significant demand on infrastructure). This is especially the case where a local planning authority may require evidence to be submitted that a site is no longer suitable for its designated or existing use prior to granting planning permission for an alternative use.

The proposed change to allow floorspace of any non-abandoned buildings to be subtracted from the floorspace of new buildings will mean that there will be more sites where charging authorities will miss out on CIL receipts required to provide necessary infrastructure. As a result, Sevenoaks District Council strongly opposes this proposed change.

SDC also considers that whether the use of a building has been abandoned or not will frequently be open to debate and challenge, as case law indicates. The proposed change could, therefore, result in an increase in the number of legal challenges against the decisions of Charging Authorities. Introducing a change that will provide greater uncertainty is not in the interests of charging authorities, infrastructure providers or developers.

Question 16

Currently, if a developer commences a development and pays some, or all, of the CIL payable on it but then decides to submit a new application for a similar development (subject to a design change, for example) the developer would need to pay CIL again for the whole of the development. The Government proposes to amend the regulations so that the amount paid as a result of the previous development would be credited against the charge related to the new permission, subject to there not being an increase in floorspace.

Questions 16 – We are proposing to amend the regulations so that new applications bringing forward design changes, but not increasing floorspace (other than section 73 applications), would trigger an additional liability to pay the levy but the amount payable would be reduced by the levy already paid under the earlier permission. Do you agree with the proposed change?

The Council agrees with this change but questions why it would not apply to applications where there is an increase in floorspace if the original development is not completed. As

currently proposed, a developer would not be credited for the CIL payments made in respect of an earlier application if he/she obtain planning permission for a development that is larger than one previously permitted, which was started but not completed. Effectively, a developer could, therefore, be required to pay CIL twice, once on the commenced development that he/she no longer wishes to pursue and once on the new permission. This may encourage developers to complete the original development and then seek to extend or alter the design of the building. This may lead to poor quality design and harm to local character, contrary to the objectives of the NPPF.

Exemptions and Reliefs

Question 17

Currently the CIL Regulations offer relief for social housing for rent or shared ownership housing. The Government is proposing to offer local authorities the discretion to develop policies that would allow relief to be offered to 'other innovative forms of affordable housing being provided through intermediate tenures, including homes for sale provided at a cost below market levels, provided to eligible households whose needs are not met by the market. Any housing offered relief would need to meet criteria that ensure that the dwellings continue to be used in the way that qualified them for the relief in the first place and that they are for 'disadvantaged citizens or socially less advantaged groups, who due to insolvency constraints are unable to obtain housing at market conditions'.

Question 17 – Would you support giving charging authorities the discretion to apply social housing relief for discount market sales within their local area, subject to meeting European and national criteria?

Sevenoaks District Council does necessarily object to the proposal to give local authorities discretion in this area. However, it is considered that ensuring that social housing relief is offered to dwellings developed consistent with the NPPF definition of affordable housing is a more robust approach.

Question 18

Question 18 - If the social housing relief was to be extended, do you agree the key national criteria for defining the types of affordable housing provided through intermediate tenures, to which social housing relief could apply, should be that:

1. The housing is provided at an affordable rent / price (at least 20% below open market levels);
2. The housing is meeting the needs of those whose needs are not being met by the market, having regard to local income levels and local house prices (either rent or sales prices); and

3. The housing should either remain at an affordable price for future eligible households or, if not, the subsidy (amount of social housing relief) should be recycled for alternative affordable housing provision?

These appear to be appropriate criteria if social housing relief is extended.

Question 19

Currently social housing relief is offered on qualifying dwellings but not on communal areas serving social housing. The Government proposes to extend relief to these areas.

Question 19 - Do you agree that we should amend regulation 49 so that the areas taken into account when assessing eligibility for social housing relief include the gross internal area of all communal areas (including stairs and corridors) and communal ancillary areas (such as car parking) which are wholly used by - or fairly apportioned to - people occupying social housing?

The proposed change is strongly supported.

Question 20

Currently local authorities have the discretion to offer relief from CIL in exceptional circumstances. Due to the tests for offering exceptional circumstances relief set out in the CIL regulations, the discretionary power has rarely been used. These tests require that an amount payable by the developer to the local planning authority through a s106 agreement is higher than the amount payable through CIL; that the requirement to pay CIL would have an unacceptable impact on economic viability; and that the grant of relief would not constitute a notifiable State aid. The Government is seeking views on how to relax these requirements.

Question 20 - Which of the following options do you prefer (a) remove the requirement for a planning obligation which is greater than the value of the CIL charge to be in place, before discretionary relief in exceptional circumstances can be provided, or (b) change the requirement so that the relevant planning obligation must be greater than a set percentage of the value of the CIL charge (for example, 80%), or (c) keep the existing requirement?

In giving initial consideration to whether to offer exceptional circumstances relief or not, Sevenoaks District Council's primary concern has been whether relief can be offered without being considered to be notifiable State Aid. Anecdotally, it is understood that it is this issue that is the primary reason why a number of authorities have not, or are not planning to, introduce exceptional circumstances relief. The Government's guidance on CIL and State Aid suggests that the exceptional circumstances relief could constitute State Aid but does not provide a definitive position. The aim for Government, if it is of

the view that exceptional circumstances relief is a valuable instrument, should be to establish under what circumstances the relief would not constitute State Aid and draft regulations to ensure that it is offered on this basis. The suggestions for amendments to the regulations on the relationship between s106 agreements and CIL should be considered only once this exercise has been carried out. Until this, Sevenoaks District Council has no comments to make on the proposals.

Question 21

Currently, if residential development is included as a chargeable form of development within a CIL Charging Schedule all forms of residential development are liable to pay CIL (although social housing is offered a 100% relief). The Government proposes that self-build housing should be offered relief from CIL because it wishes to encourage this form of development and because 'many self-builders… consider the levy to undermine the viability of their projects'. It is proposed that the relief would cover 'homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders'.

Question 21 - Should we introduce a relief from the payment of the levy for self-build homes for individuals as set out above?

Sevenoaks District Council agrees with the Government that 'self-build' housing has an impact on local infrastructure. In this respect, it is no different from any other form of housing development. On this basis, the Council objects to the principle of the proposed relief. The Council is also concerned about some of the consequences of the proposal. These are set out below.

Part of ensuring that development remains viable is ensuring that it is able to compete with other forms of development in the land market. The Government note that self-build housing developers are 'often at a disadvantage because of budget constraints, or of cashflow limitations because they are often not able to benefit from large discounts on material costs'. It is not disputed that self-builders may face these constraints. However, self-builders are also not required to make a profit on development (often between 15% and 20% of Gross Development Value). If it is assumed that a self-build scheme is viable if it can be built for a cost (including the purchase of land) that at least matches the open market value of the completed development (which is likely to be a key consideration for any mortgage lender), then it is entirely possible that self-build developers already have an advantage over house building companies in the land market because of the lack of a need to generate a profit. This may be especially true of small house building companies that may also be disadvantaged because they are unable to secure large discounts on material costs. By giving a competitive advantage to 'self-builders', the Government risks landowners holding out for a 'self-builder' to purchase their land at a higher price than house-building companies can afford. This would have a significant adverse impact on the viability of market developments,

especially those undertaken by small house-building companies. SDC believe that the impact of this would be to reduce housing development, which it does not consider to be consistent with the Government's aims.

Whilst the Council is concerned that the proposal may adversely impact on the competitiveness of, particularly small, house-building companies, there may also be unwelcome opportunities for market housing developers to circumvent the need to pay CIL through this self-build relief. The Government must ensure that regulations are tightly written to ensure that the definition of self build ('homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders) does not result in, for example, dwellings bought 'off-plan' from a developer prior to commencement constituting self-build.

Question 22

Applicants for 'self-build' relief would need to prove that the project met criteria to qualify as a 'self-build' prior to commencement and on completion. This would include evidence that the house was to be owner occupied. The 'self-builder' would also need to prove to the charging authority that the relief would be compliant with State Aid legislation. The development would also be subject to 'disqualifying events' for a number of years after the development is complete, which would require CIL to be paid in the event that it no longer qualified as 'self-build' housing.

Question 22 - We are proposing to amend the regulations to reflect the above process and the evidence self-builders would need to provide to qualify for relief from the levy, including provisions to avoid misuse by non-self-builders.

Do you agree that this approach provides a suitable framework to provide relief for genuine self-builders?

If the principle of the relief is accepted then the requirements set out appear to be reasonable. However, SDC wishes to reiterate its concerns about the proposed definition of 'self-build' development.

Appeals

Question 23

Under Regulation 120, during an appeal undertaken by written representations, interested parties are given 14 days in which to send their comments. Early experience has found that determining when comments were 'sent' is both administratively difficult to monitor and open to questioning by third parties. There is no provision in the regulations for this period to be varied by the appointed person in particular cases.

Question 23 - Should we change regulation 120 so that any comments must be received within 14 days and allow discretion for the appointed person to extend the representations period in any particular case?

This is supported. However, it is considered that any discretion to extend the period for submissions should be exercised in advance or should be subject to an upper time limit. This would prevent delays in appeals due to substantially late representations.

Question 24

Under the regulations there is no right to request a review or appeal against the chargeable amount once development has commenced. This could raise issues where a planning permission is granted after the commencement of development (e.g. through a retrospective planning permission), so no appeal would be available against the chargeable amount.

Question 24 - Should we amend the regulations to allow for the review or appeal of the chargeable amount in relation to planning permissions granted after development has commenced?

This is supported. However there should be a set time period for this appeal to be lodged.

Transitional Measures

Question 25

The Government proposes to introduce some of the changes subject to transitional arrangements.

Question 25 - Do you agree that changes related to the charge setting process and examination should not apply to authorities who have already published a draft charging schedule?

SDC supports the proposal to introduce transitional arrangements in the regulations that follow this consultation.