

Reducing Complexity and Increasing Certainty

Question 1

Do you agree with the Governments' proposals to set out that:

- i. Evidence of local infrastructure need for CIL-setting purposes can be the same infrastructure planning and viability evidence produced for plan making?

Yes

- ii. Evidence of a funding gap significantly greater than anticipated CIL income is likely to be sufficient as evidence of infrastructure need?

Yes

- iii. Where charging authorities consider there may have been significant changes in market conditions since evidence was produced, it may be appropriate for charging authorities to take a pragmatic approach to supplementing this information as part of setting CIL – for instance, assessing recent economic and development trends and working with developers (e.g. through local development forums), rather than procuring new and costly evidence?

Yes

Question 2

Are there any factors that the Government should take into account when implementing proposals to align the evidence for CIL charging schedules and plan making?

The Government may need to take into account the delivery of development that relies on infrastructure being in place: CIL contributions may take a number of months and years to build up and there could be unwanted consequences that the amount of development coming forward may need to be restricted (i.e. through Grampian style planning conditions) until particular infrastructure is in place. A further factor will be to address who the responsibility to provide the infrastructure lies with. There may also be an issue in the capacity and resources available to local planning authorities to align and progress evidence for both CIL and the Local Plan (the presumption being that consultation, submission and examination processes would ensue for both at similar times, although a joint examination might be possible).

Ensuring that consultation is proportionate

Question 3

Do you agree with the Government's proposal to replace the current statutory consultation requirements with a requirement on the charging authority to publish a statement on how it has sought an appropriate level of engagement?

Yes

Question 4

Do you have views on how guidance can ensure that consultation is proportionate to the scale of any charge being introduced or amended?

Guidance could provide case studies or examples of good practice. It will also need to be ensured that consultation is in accordance with a Council's Statement of Community Involvement

Removing unnecessary barriers: the pooling restriction

Question 5

Do you agree with the Government's proposal to allow local authorities to pool section 106 planning obligations:

- i. Where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106?

Yes

- ii. Where significant development is planned on several large strategic sites?

Yes

Question 6

- i. Do you agree that, if the pooling restriction is to be lifted where it would not be feasible for the authority to adopt CIL in addition to securing the necessary developer contributions through section 106, this should be measures based on the tenth percentile of average new build house prices?

No

- ii. What comments, if any, do you have on how the restriction is lifted in areas where CIL is not feasible, or in national parks?

No further comments

Question 7

Do you believe that, if lifting the pooling restriction where significant development is planned on several large strategic sites, this should be based on either:

- i. a set percentage of homes, set out in a plan, are being delivered through a limited number of strategic sites; or

No comments

- ii. all planning obligations from a strategic site count as one planning obligation?

Option ii would be simpler and would also make it easier to promote the contribution that a single site is making towards infrastructure.

Question 8

What factors should the Government take into account when defining 'strategic sites' for the purposes of lifting the pooling restriction?

Factors should include whether the site is allocated in an up to date local plan, the period of time that it is anticipated for the development to be completed, the size of the site in area, the importance of the site to wider regeneration objectives, the number of homes or new floorspace to be created and the amount of infrastructure that is necessary. There is unlikely to be a single, reliable factor and it may be that an element of judgement will be involved taking account of the above factors.

Question 9

What further comments, if any, do you have on how pooling restrictions should be lifted?

No further comments

Improvements to the operation of CIL

Question 10

Do you agree with the Government's proposal to introduce a 2 month grace period for developers to submit a Commencement Notice in relation to exempted development?

Yes

Question 11

If introducing a grace period, what other factors, such as a small penalty for submitting a Commencement Notice during the grace period, should the Government take into account?

Any penalty or grace period may take into account the size of the developer (number of homes built per year), or whether the project is self-build. Penalties levied at an early stage of a development to a self-builder or SME may have a disproportionate impact on cash flow. It would also be important to take into account the time and cost to local authorities for chasing up commencement notices.

Question 12

How else can the Government seek to take a more proportionate approach to administering exemptions?

As noted in our response to question 11, the grace period could be provided for SME and self-build projects only and perhaps also for affordable housing.

Question 13

Do you agree that Government should amend regulations so that they allow a development originally permitted before CIL came into force, to balance CIL liabilities between different phases of the same development?

Yes

Question 14

Are there any particular factors the Government should take into account in allowing abatement for phased planning permissions secured before introduction of CIL?

The government may consider whether the abatement would allow a development to be built out more quickly – particularly in relation to housing.

Question 15

Do you agree that Government should amend regulations on how indexation applies to development that is both originally permitted and then amended while CIL is in force to align with the approach taken in the recently amended CIL regulations?

Yes

Increasing market responsiveness

Question 16

Do you agree with the Government's proposal to allow local authorities to set differential CIL rates based on the existing use of land?

Yes

Question 17

If implementing this proposal do you agree that the Government should:

- i. encourage authorities to set a single CIL rate for strategic sites?

Yes

- ii. for sites with multiple existing uses, set out that CIL liabilities should be calculated on the basis of the majority existing use for small sites? Yes/No

No

- iii. set out that, for other sites, CIL liabilities should be calculated on the basis of the majority existing use where 80% or more of the site is in a single existing use?

No

- iv. What comments, if any, do you have on using a threshold of 80% or more of a site being in a single existing use, to determine where CIL liabilities should be calculated on the basis of the majority existing use?

This seems an arbitrary figure and may be too simplistic. There may need to be an element of judgement as to what the single use of a site is.

Question 18

What further comments, if any, do you have on how CIL should operate on sites with multiple existing uses, including the avoidance of gaming?

For sites with multiple existing uses there could be two possibilities. The first would be to consider what the main use is (if applicable) as a matter of fact and degree. If there are a number of main uses then perhaps a methodology of averaging the rates of the different uses could be used.

Indexing CIL rates to house prices

Question 19

Do you have a preference that CIL rates for residential development being indexed to either:

- a) The change in seasonally adjusted regional house price indexation on a monthly or quarterly basis; OR

Yes

- b) The change in local authority-level house price indexation on an annual basis

No

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development?

Yes

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

- i. the Consumer Price Index? OR

No

- ii. a combined proportion of the House Price Index and Consumer Prices Index?

Yes

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

No suggestions

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

No further comments

Improving transparency and increasing accountability

Question 24

Do you agree with the Government's proposal to?

- i. remove the restrictions in regulation 123, and regulation 123 lists?

Yes

- ii. introduce a requirement for local authorities to provide an annual Infrastructure Funding Statement?

Yes

Question 25

What details should the Government require or encourage Infrastructure Funding Statements to include?

It would be useful if the Infrastructure Funding Statement could be produced alongside the CIL Annual Monitoring Report or perhaps combined as a single document. It would also be useful to link the projects reported to specific priorities in the Local Plan that need to be delivered.

Question 26

What views do you have on whether local planning authorities may need to seek a sum as part of Section 106 planning obligations for monitoring planning obligations? Any views on potential impacts would also be welcomed.

The potential to seek a sum for monitoring purposes would be strongly encouraged as it would help to provide better resources in local authorities for the monitoring of developments. Monitoring is increasingly important not only in terms of s106 but also in terms of CIL and the housing delivery test. The greater resources would allow local authorities to be more proactive with monitoring and improve the quality of data that they hold, and would also improve transparency and public understanding of the development process.

A Strategic Infrastructure Tariff (SIT)

Question 27

Do you agree that Combined Authorities and Joint Committees with strategic planning powers should be given the ability to charge a SIT?

Yes

Question 28

Do you agree with the proposed definition of strategic infrastructure?

Yes

Question 29

Do you have any further comments on the definition of strategic infrastructure?

No further comments

Question 30

Do you agree that a proportion of funding raised through SIT could be used to fund local infrastructure priorities that mitigate the impacts of strategic infrastructure?

Yes

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

Perhaps 20% would achieve an appropriate balance

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority?

Yes

Question 33

Do you agree that the local authority should be able to keep up to 4% of the SIT receipts to cover the administrative costs of collecting the SIT?

Yes

Technical clarifications

Question 34

Do you have any comments on the other technical clarifications to CIL?

No further comments