

Questionnaire

About you

i) Your details:

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Position:	Assistant Director
Name of organisation (if applicable):	pteg
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ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

iii) Please tick the box which best describes you or your organisation:

District Council

Metropolitan district council

London borough council

Unitary authority/county council/county borough council

National Park Authority

The Broads Authority

The Mayor of London

Parish council

Community council

Welsh Authority

Non-Departmental Public Body (NDPB)

- Planner
- Professional trade association
- Land owner
- Housing association/RSL
- Private developer/house builder
- Developer association
- Voluntary sector/charity
- Community Land Trust
- Rural housing enabler
- Other

(please comment):	pteg represents the interests of the six Passenger Transport Executives in England
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iv) What is your main area of expertise or interest in this work (please tick one box)?

- Chief Executive
- Planner
- Developer
- Surveyor
- Member of professional or trade association
- Councillor
- Housing provision
- Planning policy/implementation
- Environmental protection
- Other

(please comment):	
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v) Do your views/experiences mainly relate to one or more specific regions within England and Wales, to one or both countries?

- South West
- South East
- East
- East Midlands
- West Midlands
- North West
- Yorkshire & Humberside
- North East
- London
- All of England
- Wales
- Other

(please comment):	
Specific local area (please comment):	

Would you be happy for us to contact you again in relation to this questionnaire?

Yes No

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Chapter 1: Neighbourhood funds

Question 1:

Should the duty to pass on a meaningful proportion of levy receipts only apply where there is a parish or community council for the area where those receipts were raised?

Yes No

Comments

This process has the potential to distribute CIL contributions unevenly across the administrative area, as neighbourhoods with parish councils ultimately gain priority under this new protocol. This is of particular relevance to transport delivery bodies as transport schemes are often strategic projects, stretching across whole districts yet alone parish areas. The risk of this process could allow areas that receive greater funding, to have greater power of decisions, therefore influencing project delivery whilst only looking at the benefits in their area, not taking into account the strategic benefit. In addition, many urban areas are not parished and would therefore be at a disadvantage in this regard.

The original concept of CIL was based on a pool of contributions that will be drawn upon to fund large scale infrastructure that delivery district wide benefits, such as, transport schemes. The siphoning of this 'central pot' to fund local neighbourhoods will have a significant impact on the level of funding available for the strategic schemes. pteg is concerned that the term 'meaningful proportion' is not defined.

Question 2:

Do you agree that, for areas not covered by a parish or community council, statutory guidance should set out that charging authorities should engage with their residents and businesses in determining how to spend a meaningful proportion of the funds?

Yes No

Comments

Refer to concerns set out in Question 1.

If the proposal were to be taken forward, pteg believes it is very important that a constant approach is applied by each Local Authority, especially when dealing with contributions towards cross boundary schemes. A regulatory steer from central Government is welcome (providing there is enough flexibility built into the

system to allow for local circumstance to be considered).

Consultation with residents and businesses in an area may produce local benefits in terms of sustainable transport service and infrastructure provision but guidance should include the need to involve and consult LTAs (and other strategic bodies) to ensure consistency between strategic aims and local aspirations.

Question 3:

What proportion of receipts should be passed to parish or community councils?

Comments

The term 'meaningful proportion' is open to negotiation and needs to be defined within the CIL guidance. The figure that is to be agreed should be determined by the Local Authority once all the major infrastructure delivery funding has been agreed (in line with the evidenced level of need identified by the IDP). Once the large scale infrastructure has been secured, the remaining contributions should then be divided by the Local Authority in a way in which they see fit (level of development, proposed stress on existing infrastructure, households, unemployed etc.).

Question 4:

At what level should the cap be set, per council tax dwelling?

Comments

No comment

Question 5:

Do you agree that the proposed reporting requirements on parish or community councils strike the right balance between transparency and administrative burden?

Yes No

Comments

No comment

Question 6:

Draft regulation 19 (new regulation 62A(3)(a)) requires that the report is to be published on the councils website, however we recognise that not all parish or community councils will have a website and we would welcome views on appropriate alternatives.

Comments

No comment

Question 7:

Do you agree with our proposals to exclude parish or community councils' expenditure from limiting the matters that may be funded through planning obligations?

Yes No

Comments

The adoption of these proposals effectively extends the scope of CIL contributions to be spent on any piece of infrastructure on the local level (even if already provided through Section 106). pteg does not fully agree with this approach, as the CIL contribution would be taken from the 'central pot' to pay for something that already has secured funding through a planning condition.

The guidance needs to state if the CIL contribution would be intended to be used to deliver planning conditions retrospective of the CIL process. If there is the opportunity to pay for a planning condition from the CIL fund it would be cheaper for the developer, and they wouldn't have contributed to the CIL fund.

A parish council could promote development in their area by seeking to reduce planning conditions (through negotiation with the planning authority, as the decision-maker) with the vision of passing the mitigation costs to the central fund, therefore making that development cheaper to deliver at the detriment of funds to the 'central pot'. This is not what CIL was intended to do.

The above potentially passes the responsibility of planning obligations to parish councils (from planning authorities) and provides another level of administrative burden that arguably contradicts the ambition to create a streamlined planning process (as proposed by the NPPF).

Question 8:

Do you agree with our proposals to remove the cap on the amount of levy funding that charging authorities may apply to administrative expenses?

Yes No

Comments

The administration of CIL is likely to be a time consuming process. pteg supports the removal of the cap as this will ultimately ensure that the resource is in place to successfully manage the complex process. Although we recognise that an increase in administration costs would reduce the 'central pot', the smooth operation of a transparent administration system would benefit the Local Authority and its stakeholders.

These guidelines (if approved) will substantially increase the need for consultation between the district and the parish/community councils. Therefore, order to ensure that there are clear communication channels; Local Authorities must have the option to be able to increase resource if required. The lifting of the cap will allow for this.

Chapter 2: Affordable housing

Question 9:

Do you consider that local authorities should be given the choice to be able if they wish to use levy receipts for affordable housing?

Yes No

Comments

No comment

Question 10:

Do you consider that local authorities should be given the choice to be able if they wish to use both the levy and planning obligations to deliver local affordable housing priorities?

Yes No

Comments

The combination of using both CIL and Section 106 to deliver affordable housing has great potential to cause confusion. A clear and accurate administration of the process will need to be set up, which allows for complex monitoring systems. If not, this has the potential to take resources from the 'central pot' with an uncontrolled outcome. This is not the most efficient of spending public money and will draw more money away from other strategic projects that do not have access to other funding streams, such as transport.

There needs to be further clarification about the relationship between CIL and S106 agreements and how they can work in tandem. There needs to be consistency and transparency in how CIL and S106 are applied to secure infrastructure funding.

Question 11:

If local authorities are to be permitted to use both instruments, what should they be required to do to ensure that the choices being made are transparent and fair?

Comments

No comment

Question 12:

If the levy can be used for affordable housing, should affordable housing be excluded from the regulation that limits pooling of planning obligations, or should the same limits apply?

Yes No

Comments

No comment

Chapter 3: Mayoral Development Corporations

Question 13:

Do the proposed changes represent fair operation of the levy in Mayoral Development Corporation areas?

Yes No

Comments

No comment