

# Developer Contributions Consultation response form

If you are responding by email or in writing, please reply using this questionnaire proforma, which should be read alongside the consultation document. You are able to expand the comments box should you need more space. Required fields are indicated with an asterisk (\*)

This form should be returned to  
[developercontributionsconsultation@communities.gsi.gov.uk](mailto:developercontributionsconsultation@communities.gsi.gov.uk)

Or posted to:

Planning and Infrastructure Division  
Ministry of Housing, Communities and Local Government  
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**By 10 May 2018**

## Your details

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Are the views expressed on this consultation your own personal views or an official response from an organisation you represent?\*

## Organisational response

If you are responding on behalf of an organisation, please select the option which best describes your organisation.\*

**Local authority (including National Parks, Broads Authority, the Greater London Authority and London Boroughs)**

If you selected other, please state the type of organisation

Click here to enter text.

Please provide the name of the organisation (if applicable)

Click here to enter text.

## 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?

Whilst point iii sounds a good idea in principle it could be time consuming and it may be difficult to get consensus from the development industry regarding costs.

## 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?

Where charging schedules are to be amended targeted consultation should be encouraged. Council Web sites could be used to bring the consultation to the attention of the wider population.

### 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?

Please select an answer from this drop down menu

- 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?

There should be no threshold and the restriction should be lifted.

### 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

Option i seems more pragmatic and less complicated.

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

Click here to enter text.

### Question 8

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

Major development is defined in the Glossary of the draft revised NPPF. A strategic site would therefore be expected to be bigger but much bigger would have to be determined. It could potentially be defined as having 50 or more homes or a site area of 2 ha or more.

### Question 9

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

For the purposes of simplicity and clarity pooling restrictions should be removed across the board.

## 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?

Agree that a small penalty for submitting a Commencement Notice during the grace period would be appropriate. However, this would be another administrative burden on charging authorities.

### Question 12

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

Applicants should be made aware of their obligations relating to CIL via Council web sites. A reminder could be sent out by charging authorities with decision notices. The template planning application form could be amended to include a note reminding applicants that they need to submit a Commencement Notice in order to apply for any CIL exemptions prior to commencing work. On a more general point, the CIL exemption for self and custom build homes has a significant impact on the sums achievable through the levy in many rural authorities where a significant number of dwellings are delivered on small sites.

### 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?

Click here to enter text.

### 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?

**No**

### 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?

**No**

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?

Large strategic sites are often not viable for CIL due to the extensive infrastructure costs associated with their delivery. If differential rates are to be set and these are based on existing use values and thresholds are to be set, this will increase the level of complexity around the whole process. The consultation document recognises this and states that such an approach should only be undertaken where there is a strong case for doing so. The approach of encouraging authorities to set a single CIL rate (including a nil rate where appropriate) is encouraged (127 a)).

### **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?

No further comments.

## **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

**No**

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

**Yes**

### **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

**Yes**

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

**No**

### **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.

## **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?

- Monies secured via CIL and S.106 during the financial year.
- Monies collected via CIL and S.106 during the financial year.
- CIL and S.106 monies spent during the financial year.
- CIL and S.106 priorities for the coming year based upon expected income.

### **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.

If S.106 monies are set aside for administrative costs it will reduce the amount of money available to be spent on infrastructure. LPAs should be provided with an annual sum from Government to cover the costs of the all new burdens as with Brownfield Registers.

## **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?

**No**

### **Question 29**

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

Currently strategic infrastructure does not seem to be clearly defined with alternatives being offered.

### **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?

As stated in the consultation document the introduction of a SIT alongside CIL and S.106 is likely to add further complexity, and it may not be viable on developments outside of major cities. Any sum to be used to mitigate local impacts may help to get local buy in, but will be added to overall costs and therefore have an impact on viability. There is not a bottomless pit of money available for these tariffs. What would be the dividing line between a strategic project and a national infrastructure project?

### **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?

Any further technical clarification to CIL is welcomed.