

CONSULTATION RESPONSE

(online submission by 9th June 2023)

Technical consultation on the Infrastructure Levy

<https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy/technical-consultation-on-the-infrastructure-levy>

Question 2: Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Yes. It is reasonable to expect developers to continue to provide necessary infrastructure that only or mostly benefits those who inhabit the development, or that is required to mitigate the effects of the development elsewhere.

Question 4: Do you agree that local authorities should have the flexibility to use some of their levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

No. Levy funding should be strictly for local infrastructure to help mitigate the impacts of the development. Local infrastructure is in great need of investment and there is no situation where it can be envisaged that there would be a surplus. The owners of properties developed will in effect pay for the levy payments through the purchase of their properties, and the levy scheme should be directly beneficial to them. To widen the latitude to include service provision would risk abuse of the system.

Question 5: Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.

Yes. Infrastructure and affordable housing should be prioritised to the exclusion of non-infrastructure items, as per response to question 4.

Question 9: Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Yes, new dwellings created under permitted development rights have the potential to place a similar demand on infrastructure as new housing development and this should be reflected. For no levy to be charged, there would need to be clear evidence that the benefits of the development to the local community (beyond the provision of the new dwellings themselves) would outweigh the loss of funds to support infrastructure.

Question 18: To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer.

Agree. See answer to question 19.

Question 19: Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your where necessary.

Chobham Parish Council supports phased Levy payments in long term development projects, particularly where the development is completed in phases and its demands on local infrastructure are felt long before overall completion.

Question 21: To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/ Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary.

Unsure. It is not clear whether the local community would effectively be taking on the risk of the loan and funding the costs of servicing the loan (interest payments etc.), which would not be acceptable.

Question 26: Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.

Yes. This would go a long way to ensuring that the infrastructure that is the most important to local people can be prioritised.

Question 27: Do you agree that a spending plan in the Infrastructure Delivery Strategy should include:

- Identification of general integral infrastructure requirements
- Identification of infrastructure/types of infrastructure that are to be funded by the Levy- Prioritisation of infrastructure and how the Levy will be spent
- Approach to affordable housing including right to require proportion and tenure mix
- Approach to any discretionary elements for the neighbourhood share
- Proportion for administration
- The anticipated borrowing that will be required to deliver infrastructure
- Other – please explain your answer
- All of the above

The Council supports all of the above for maximum transparency in the process. It should be noted that there are challenges involved in planning for spending of the “neighbourhood share” due to lack of prior visibility of the actual amounts to be expected for parished areas (see response to question 35).

Question 29: To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Neutral. While well-established general infrastructure requirements should be easily identifiable, those arising from unexpected planning applications may only be identifiable upon receipt of a planning proposal.

Question 34: Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]

Yes.

Question 35: In calculating the value of the Neighbourhood Share, do you think this should A) reflect the amount secured under CIL in parished areas (noting this will be a smaller proportion of total revenues), B) be higher than this equivalent amount C)

be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary

A higher than equivalent amount than that currently secured under CIL is supported for the Neighbourhood Share, to help offset the demands placed on the immediate local area by development, address local infrastructure needs and benefit the community. It is unclear whether the current percentage uplift for areas with a Neighbourhood Plan is proposed to continue, but it is felt this incentive should not be removed as it provides a valuable opportunity for local people to become involved in the planning process and communicate their priorities.

Chobham Parish Council also urges far greater upfront transparency and reporting on amounts due to be paid to parished areas, to allow for more efficient project planning and prioritisation. Amounts to be expected from CIL are currently impossible to estimate due to variables at the post-application stage (floorspace calculations, self-build exemption eligibility, refused schemes allowed upon appeal, provision of SANG in lieu of higher rate CIL, planning authority negotiations etc.).

Question 40: To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Agree. The approach should reflect the existing position.

Question 43: Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Agree. Robust enforcement measures for payment of the Levy are crucial to ensuring that public money is not used to subsidise or delay private developers' Levy liabilities.

Question 45: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Any potential for undermining the delivery of affordable housing, social care or other services may disproportionately impact some protected groups who are more likely to require access to such housing and services.