

# Questionnaire

## About you

### i) Your details:

Name:	James Caird
Position:	Consultant Consultations Co-ordinator
Name of organisation (if applicable):	Institute of Historic Building Conservation
Address:	
Email:	
Telephone number:	

### ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response   
Comments from the Institute of Historic Building Conservation

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):	Professional Institute
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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):

Historic environment

**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):	The IHBC is a UK-wide body
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

The Institute supports this proposal in its principle. The Government's support for neighbourhood planning should be an adequate indicator that there are many possibilities for the distribution of CIL outside the formal structure of local authorities. The proposal is also inadequate as it fails to cover the situation where the infrastructure requirements arising from the proposal occur outside the Parish in which the development takes place. This might be expected to be a fairly common occurrence, for example, where major developments are taking place on the edge of market towns on land in adjacent parishes. We think a mechanism for rectifying this anomaly is needed. The whole system is undermined by the flaw that areas in greatest need of support will often be the ones in which will produce the smallest CIL returns.

### 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

But Regulations would be better than Guidance. This process of engagement might also apply in cases where the cross-boundary circumstances outlined in our answer to Question 1 are expected to occur.

### Question 3:

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

Comments

We think a universal fixed proportion provides an inflexible approach. The Regulations do not appear to deal with circumstances in which a parish council fails to apply its share of CIL receipts in accordance with the Regulations. We think that local councils should be required to publish indicative proposals before receiving their share, which should then be based on a local assessment of requirements.

### Question 4:

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

Comments

We have no view on this.

### 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

The proposals seem appropriate.

### 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

This issue could be resolved by a requirement for charging authorities to retain a list of parish councils with a link to the relevant report on the parish council's website or to a report hosted on their own website.

### 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

We agree with this. We would not wish to see local councils involved in disputes between developers and charging authorities as to whether their expenditure meets the terms of the Regulations.

### 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

We think a cap is appropriate. Charging Authorities should be expected to administer CIL with minimum administrative outlay.

## 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

Affordable housing is a major infrastructure requirement.

### 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

It seems reasonable to allow charging authorities to require a s106 contribution from a developer in relation to affordable housing requirements of the development as well as funding further provision arising from background need.

### 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

Authorities should be required to justify their s106 on-site provision or contributions in the normal way through their SHMA. The delivery of further provision through CIL should be justified on the basis of meeting need assessed in the SHMA as being incapable of delivery through s106 contributions.

### 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

It should be excluded because the assessed capacity of market developments to deliver affordable housing is a different issue from the total perceived need.

## 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

We have no view on this.