

Community Infrastructure Levy Consultation

**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?**

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It is important that a meaningful proportion of the levy is passed to the community to ensure that funding is available to meet local infrastructure requirements likely to result from development and that the local community affected are involved in identifying priorities for the area. Where Parish and Community Councils are relevant they should be utilised as the appropriate channel for passing on a proportion of levy receipts. There is however a need for statutory guidance to advise charging authorities on how to spend receipts in the event no Parish or Community Council exists.

**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?**

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Yes, charging authorities should have a clear understanding of the local infrastructure requirements of the community and should fully engage with residents and businesses to determine this.

**Question 3 - What proportion of receipts should be passed to parish or community councils?**

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The proportion of receipts passed to Parish Councils should be determined by the charging authority in consultation with the local community and as part of developing the CIL charging schedule. The level set should take account of local circumstances and identified infrastructure needs and be continuously subject to monitoring and review to ensure the effectiveness of infrastructure delivery over time. Without undertaking this work locally it would be inappropriate to specify a particular level.

**Question 4 - At what level should the cap be set, per council tax dwelling?**

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As above, the cap should be set by the local authority to reflect the circumstances of the area and the assumed impacts of development on that neighbourhood. If an arbitrary cap was set there should be flexibility to vary this

where circumstances necessitate higher percentage payments and be subject to an ongoing monitoring and review process.

**Question 5 - Do you agree that the proposed reporting requirements on parish or community councils strike the right balance between transparency and administrative burden?**

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Yes. It is important that the use of CIL funding is open and transparent and all bodies involved in spending the levy have detailed procedures in place for reporting this. It is anticipated that charging authorities may be required to assist Parish and Town Councils in developing monitoring and reporting regimes and this may need to be taken into account when requiring levy funding for administrative purposes.

**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.**

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It is important that information on how the CIL is being collected and spent by bodies other than the charging authority is made as transparent as possible. It is suggested that details of all CIL expenditure should be published on the Local Authority website and disseminated more widely through the community (via means such as locally distributed local authority newsletters).

**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?**

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It is important that Parish and Town Councils clearly set out the infrastructure projects that they intend to use CIL funding for to avoid duplication with priorities identified by the charging authority or those that may be delivered through planning obligations.

**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?**

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The removal of the cap is welcomed to give charging authorities the flexibility to successfully administer the CIL process. The level of finance utilised for administration should set out along with the charging schedule and be subject to

monitoring and review on an ongoing basis and for reasons of transparency reported as part of the AMR.

**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?**

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It is considered that local authorities should have flexibility to choose the most effective way of meeting the affordable housing needs of their local area. In particular we recognise the potential for CIL funding to be used in addition to securing traditional onsite or offsite provision through planning obligations to provide or subsidise alternative / additional provision.

However, it is essential that the potential use of CIL funding to support local affordable housing schemes does not compromise the availability of all existing and any future sources of funding for affordable housing. Were any of these other funding sources including national government funding for affordable housing to be reduced as a result of such future flexibility in the use of CIL this would fundamentally compromise local authorities' ability to utilise CIL to promote growth and stimulate the local economy.

**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?**

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Local authorities should have flexibility to use both the CIL and planning obligations to deliver affordable housing according to the needs of the area. It is considered that planning obligations will still play an important role in securing onsite affordable housing provision however there may be circumstances where a more effective contribution can be made to an offsite scheme.

**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?**

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Local authorities should clearly set out and justify in what circumstances CIL funding will be used to provide or subsidise affordable housing and make this available along with the charging schedule.

**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?**

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Given the considerable need for affordable housing, local authorities should be allowed to use all mechanisms available to secure maximum opportunities in their local authority area, particularly given the high cost associated with affordable housing.

However, see the response to Q9 above.

**Question 13 – Do the proposed changes represent fair operation of the levy in Mayoral Corporation areas?**

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Not applicable to this district