

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

Or posted to:

Planning and Infrastructure Division
Ministry of Housing, Communities and Local Government
2nd floor, South East
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2 Marsham Street
LONDON
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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)

North Hertfordshire District Council

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?

Click here to enter text.

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?

Click here to enter text.

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?

Please select an answer from this drop down menu

- 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?

No view on this. North Hertfordshire is a high house price area and would be likely to fall outside of any alternate threshold to the bottom 10% of authorities being proposed.

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

NHDC supports option (i) (basing the lifting of the pooling restriction on a set percentage of homes, set out in a plan, being delivered through a limited number of strategic sites).

- 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?

The District Council considers that, for consistency, any definition of strategic sites should follow the broad format of the existing statutory definition of 'major sites'. This would encompass a threshold for site size, floorspace and number of dwellings with a development needing to meet any one of these to qualify. The District Council has no firm view on the most appropriate site size or floorspace thresholds. However, it is considered that 500 homes represents the most appropriate threshold for the definition of a 'strategic site'.

Question 9

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

Further clarification is required on the time period used to assess whether 'significant development is planned on strategic sites' e.g. whole plan period, remainder of plan period, next 10 years etc. NHDC would urge some caution in using a 'whole plan period' approach. A number of emerging plans in this area, including North Hertfordshire's own, are backdated to a 2011 start. However, development

from that point to the present has been constrained by the existing policy environment, notably the presence of tightly defined Green Belt boundaries. These severely limit the opportunity to begin delivering strategic-scale development until such time as those boundaries have been reviewed. NHDC considers a forward-looking 'remainder of plan period' or '10 year' approach would be most appropriate. Under these conditions, NHDC would support the qualifying threshold of 50% of new homes being delivered on strategic sites. NHDC agrees that qualifying authorities should then be able to lift the pooling restriction across the whole authority area. (More than five) Smaller developments may rely upon infrastructure provided within, or co-funded by, strategic developments in order to be acceptable themselves in planning terms. They should therefore be able to contribute towards specified projects.

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?

Please select an answer from this drop down menu

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?

Click here to enter text.

Question 12

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

Click here to enter text.

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?

Please select an answer from this drop down menu

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?

Please select an answer from this drop down menu

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?

Yes

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?

Please select an answer from this drop down menu

- 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

Please select an answer from this drop down menu

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?

Please select an answer from this dropdown menu

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?

Click here to enter text.

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?

Click here to enter text.

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

Please select an answer from this drop down menu

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

Please select an answer from this drop down menu

Question 20

Do you agree with the Government's proposal to index CIL to a different metric for non-residential development?

Please select an answer from this drop down menu

Question 21

If yes, do you believe that indexation for non-residential development should be based on:

- i. the Consumer Price Index? OR

Please select an answer from this drop down menu

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

Please select an answer from this drop down menu

Question 22

What alternative regularly updated, robust, nationally applied and publicly available data could be used to index CIL for non-residential development?

Click here to enter text.

Question 23

Do you have any further comments on how the way in which CIL is indexed can be made more market responsive?

Click here to enter text.

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?

NHDC broadly supports the concept of the removal of restrictions in regulation 123 and regulation 123 lists and the introduction of Infrastructure Funding Statements (IFS). This is subject to the IFS not introducing significant new burdens or unnecessarily duplicating other infrastructure assessments. Local Plans are required to be supported by Infrastructure Delivery Plans (IDPs) which are kept up-to-date over the lifetime of the plan. The IDP and IFS 'regimes' should be combined into a single process.

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.

NHDC supports the principle of including a sum for monitoring within s106 planning obligations.

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?

Please select an answer from this drop down menu

Question 28

Do you agree with the proposed definition of strategic infrastructure?

Please select an answer from this drop down menu

Question 29

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

Click here to enter text.

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?

Please select an answer from this drop down menu

Question 31

If so, what proportion of the funding raised through SIT do you think should be spent on local infrastructure priorities?

Click here to enter text.

Question 32

Do you agree that the SIT should be collected by local authorities on behalf of the SIT charging authority?

Please select an answer from this drop down menu

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?

Please select an answer from this drop down menu

Technical clarifications

Question 34

Do you have any comments on the other technical clarifications to CIL?

[Click here to enter text.](#)