

# Questionnaire

## About you

### i) Your details:

Name:	Noël James
Position:	Director
Name of organisation (if applicable):	Historic Towns Forum
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### ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

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):	National membership body, representing LAs, Civic and Amenity Societies, private and public practitioners, individual members
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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 built environment
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**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):	We cover the whole of the UK
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

While there is a logic behind this proposal, we are concerned that large parts of the country are excluded. There may be alternative vehicles capable of taking on this role, or at least a role as 'steering group'. These could include community forums for neighbourhood planning (where they have been formed), community development trusts, and RSLs.

The phrase 'meaningful proportion' is problematic. We are concerned that the concept and detailed provisions of the CIL have been developed on the assumption of economic conditions in south-east of England inland areas or high-growth pockets elsewhere. In many areas, development land is very marginal and there is no scope to charge a levy. Only essential infrastructure under S106 is possible, and even this can be too onerous in some areas. In other areas, only a very low level of levy will be possible.

At the same time, it is often under-performing areas that have most need of investment in community infrastructure as a means to attracting investment and supporting local communities.

Thus there is a perverse logic underlying the CIL, which will raise funds in high growth areas, but not those areas most in need of support. This issue is not addressed by the original CIL legislation, amendments made by the Localism Act 2011, the draft regulations or this consultation.

### 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

Engagement with residents and businesses should be a requirement in areas not covered by a parish or town council, but also in those areas that are. We would promote a participatory approach to the use and allocation of such funds. At the same time, such engagement needs to be proportionate to the amount of funding in question.

We are concerned over the proposal to use guidance rather than regulations. Many local authorities have a poor track record in community engagement, and a lack of community engagement skills among their workforce. In particular, many local authorities have failed to grasp the concept of front-loading. Unfortunately, it is local communities that suffer from poor practice. While we recognise that community engagement needs to be designed for the specific circumstances of each locality, we do not think poorly performing councils (in terms of community engagement) should remain unchallenged.

The neighbourhood planning process may be an effective means of identifying infrastructure requirements. Where such plans are based on robust front-loaded community engagement and identify community infrastructure needs, it would not be necessary to carry out further consultation.

### Question 3:

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

#### Comments

This is an unanswerable question, based on the assumption that all areas are economically equal, with similar infrastructure needs. This is clearly not the case.

As stated above, many areas will have little or no scope to charge a levy. However a 'meaningful proportion' is interpreted, any proportion of zero is zero.

Many of the areas that have most need of CIL funds will therefore be unable to raise them. It is essential that this issue be addressed before finalising the regulations. The entire basis of the CIL collapses if the areas most in need of community infrastructure are unable to benefit.

### Question 4:

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

#### Comments

We would resist a 'one-size-fits-all' approach to this. There could be instances where a sparsely populated area served a wider catchment area and therefore had infrastructure needs unrelated to the immediate number of households. The proposed cap effectively precludes addressing infrastructure in a strategic manner and could therefore lead to poor planning outcomes.

Rather than a cap based solely on the number of dwellings, we would suggest that criteria be developed that allows a more strategic approach to be taken.

### 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

A balanced approach is required, but transparency is crucial and this includes accessibility (see answer to next question).



### 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

It is unclear why a parish or town council would not have a website. This should be an essential requirement for any public or semi-public body. A live website could be continually updated. We are concerned that information on the CIL combined in other reports may have limited circulation or be difficult for some people to access.

### 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

Planning obligations covering essential works necessary to allow a development to proceed should be considered independently of spending decisions by parish or town councils. This ensures that the planning system operates properly, ensuring specific infrastructure is provided by the developer. At the same time, parish and town councils are able to set their own priorities for expenditure, responding to the needs and preferences of local communities rather than reacting to development activity.

### 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



It is clearly desirable that administrative charges be kept to a minimum, ensuring that expenditure for community benefit is maximised. At the same time, the Historic Towns Forum strongly advocates effective engagement of communities, businesses and other stakeholders in determining how CIL funds should be spent. We believe that this is essential to making sure spending decisions genuinely respond to local need and deliver maximum benefit for the area concerned.

However, we are concerned that much community engagement by local authorities is not always well done. We would therefore suggest that the following principles be issued by DCLG to support this aspect of the regulations (and indeed other aspects of community engagement in planning):

1. Communities should be engaged BEFORE proposals are drawn up (front-loading), not after time and resources have been expended in producing detailed proposals. LPAs should not be producing detailed designs or options until such engagement has taken place.
2. The purpose of community engagement is for people to influence outcomes. Tokenistic engagement should be avoided.
3. Hard-to-engage groups should be targeted.
4. Consultation should be designed to be relevant, stimulating and engaging.
5. Local authorities should consider the need for capacity building as part of the consultation process.
6. The cost and complexity of community engagement exercises should be proportionate to the size of the fund involved.
7. Community engagement requires specific skills and should be designed and undertaken by people with the necessary qualifications and/or experience.

## 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 legitimate use of the CIL. However, this question is very much skewed towards high-growth areas. It is unclear how affordable housing will be supported where there is little or no scope for imposing a CIL.

Also, we would like to see similar emphasis placed on areas where the need is to attract investment and employment rather than housing supply.

Finally, we are concerned that the emphasis of policy for the CIL and in other planning reforms is on housing supply. We believe that housing demand needs to have a similar focus and this means addressing problems of economic disadvantage.

### 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

We support this approach in principle, but have concerns over the practice. While local authorities should have flexibility, we do have real concerns that affordable housing could be concentrated in certain places, possibly utilising inferior sites, rather than being integrated into new developments. We would emphasise the importance of encouraging mixed-tenure and tenure-blind development.

LPAs in areas where economic conditions will not allow significant funding to be raised through the CIL will be disadvantaged. This issue is not addressed in the consultation document.

### 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

LPA's should demonstrate that they are promoting mixed-tenure and tenure-blind development. The presumption should be that affordable housing be integrated into new development.

### 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

No. We are concerned that this would allow affordable housing to be concentrated, probably utilising inferior sites, rather than forming an integral part of each new housing development.

## 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

A consistent approach should be taken where the Mayor establishes development corporations.