

# Questionnaire

## About you

### i) Your details:

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Position:	Vice President
Name of organisation (if applicable):	Planning Officers Society
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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  yes
- 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):	Voice of Local Government planners
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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):	
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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):	
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

To be clear POS agrees that a meaningful proportion of receipts should only be passed on to a democratic and incorporated body with the responsibility and accountability for spending money on behalf of the community. Where such a body does not exist the responsibility for spending the meaningful proportion should rest with the charging authority to spend in consultation with the local community.

### 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

Guidance should be restricted to the basic principles of process and should allow flexibility to reflect the many successful models for community engagement already utilised in Local Authorities throughout the country

**Question 3:**

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

Comments

Many authorities would want to see no set minimum with the proportion being left to local discretion to suit the local circumstances. If there is to be a minimum it should be no more than 5%, with no maximum. 5% would provide sufficient incentive for local communities to consider the sum worthwhile while not impacting on the ability of the charging authority to deliver necessary infrastructure to support growth. There should be flexibility and discretion for charging authorities to increase the proportion to cater for local circumstances where locally driven priorities would meet infrastructure needs.

**Question 4:**

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

Comments

no comment - while accepting the principle of capping, POS has no means of calculating a reasonable cap level.

**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

### 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

Parish and community Councils should be able to pass on reports for publication on the relevant local authority website.  
Alternatively it could be published in a local paper

### 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

From a practical perspective it would be extremely onerous and restrictive on both parish/community councils and local authorities to have to comply with the limitations on planning obligations. As long as the proportion passed on to neighbourhoods is relatively modest (say 5%) this would not result in excessive 'double counting'.  
If the proportion was significantly greater, this could lead to 'double counting' if there is a conflict between the neighbourhood expenditure and the Regulation 123 list. However to comply with the current regulations limiting planning obligations would involve agreeing with parish/community councils what should be included in the R123 list across the authority area. This would limit the range of neighbourhood spending, add significantly to the administrative burden and in many areas with limited development potential would be a hypothetical exercise which would only raise expectations.

### 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

Particularly where there are no parish or community councils the cost of engaging with neighbourhoods to establish spending priorities, and of procurement and contract monitoring can be substantial. This would all be additional expenditure over and above that envisaged when the regulations were originally drafted.

## 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

POS believes that Planning Obligations will remain the most effective mechanism for delivering affordable housing, on site and in mixed and balanced communities. S106 agreements for affordable housing have in general significant advantages over CIL in that they can deliver sites and can be negotiated with developers to achieve a mutually acceptable outcome. However local circumstances will vary considerably and where local authorities have sites available, or where housing development is typically on many small sites, local authorities should have the flexibility to decide how CIL and S106 can best be utilised to deliver the best outcome.

### 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

POS would reject the option of CIL being the only mechanism for delivering affordable housing. The ability to use obligations in this respect is critical to delivering local and national policy. However in some circumstances the levy could provide much needed monies. Having the choice could therefore be of benefit in some circumstances.

### 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

POS agrees that there is a need for transparency and fairness. There is also a need for processes which are straightforward, practical and manageable. We do not agree that this is best achieved through the local plan process, because of the timescales involved and the different tests applied to local plans and CIL at examination. It would not seem appropriate that a single aspect of CIL should be tested against soundness at LP examination while all other aspects are required only to be reasonable. How an authority is to apply CIL/S106 in response to affordable housing will also have implications for its CIL charging schedule rates which are tested at the CIL examination. It would seem more straightforward and more relevant if this was a part of the CIL examination.

The use of CIL/S106 obligations is an implementation issue, and while the authority's approach needs to be based on and consistent with policy as set out in the local plan there is no need for it to be a part of the plan itself.

### 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. To only allow 5 affordable housing contributions would severely restrict authority's flexibility to deliver affordable housing.

## 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