

Questionnaire

i) Your details:

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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

iii) Please tick the box which best describes you or your organisation:

Other - Professional Institute

iv) What is your main area of expertise or interest in this work (please tick one box)?

Planning policy/implementation

v) Do your views/experiences mainly relate to one or more specific regions within England and Wales, to one or both countries?

All of England and Wales

Would you be happy for us to contact you again in relation to this questionnaire?

Yes

The Landscape Institute

The Landscape Institute (LI) is the royal chartered body for landscape architects. As a professional organisation and educational charity, we work to protect, conserve and enhance the natural and built environment for the public benefit. We accredit university courses and promote professional development to ensure that landscape architects deliver the highest standards of practice. We work with government to improve the planning, design and management of urban and rural landscape. Through our advocacy programmes and support to our members we champion landscape, and the landscape profession, in order to inspire great places where people want to live, work and visit.

The LI's membership currently stands at approximately 6,000 landscape planners, designers, managers and scientists, all of whom often work at the landscape-scale and have a significant interest in both the intrinsic value of the environment in addition to the economic and social benefits to be gained through the protection and enhancement of ecosystem services.

The LI is particularly concerned that CIL should cover broad green infrastructure interventions as well as provision, management and/or improvements to open space. Our comments largely cover aspects relating to green infrastructure, which is the sphere in which our members are involved. However the landscape component of all grey and blue infrastructure is also an area in which our members are employed.

Chapter 1 – Neighbourhood Funds (p11-18)

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?

No

Comments

The LI is keen to see the opportunity for CIL to fund open space provision, improvement and management and maintenance and green infrastructure enhancement/provision in all areas. Unparished urban areas and rural areas may have shortfalls in open space provision/type that are not necessarily fully identified in a location-specific way in open space or other planning strategies may pre-date the projected population increases that will arise from the development. The LI considers that all communities that receive development should expect an enhanced, not a reduced, quality of life and that new residents should also be able to enjoy a high standard of green infrastructure in terms of their access to green space of different types (local, town and strategic e.g. country parks). These will be real costs associated with hosting the proposed development.

Open space strategies may well overlook the small interventions that make a difference to a local community. Often a cut-off size of less than, for example, 1 hectare, is used for including an open space site, green route or corridor in the audit that forms the evidence base for a formal Open Space Strategy. For this reason also, it is important that existing residents and businesses are able to determine how CIL will be spent in their own neighbourhoods, with or without a locally elected council.

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

Comments

This will apply to many urban areas. The LI considers there may well be green infrastructure such as play areas, parks, park improvements, footpath and cycleway connections, wildlife corridors, which is required as a result of development in a neighbourhood. Equally important will be the setting up of trusts, community investment companies etc to ensure the long term management and maintenance of the green infrastructure assets.

Whilst some authorities will have up-to-date green infrastructure and open space strategies, which have had recent community input, that spell out the requirements for a particular neighbourhood, this will not be the case everywhere. Open space and the quality of local environs are important to everybody and regularly rate highly in terms of quality of life in surveys. It is essential that local people are given a meaningful opportunity to discuss the potential impacts of new development and to indicate what they feel will need doing in their neighbourhoods as a result of planned growth.

The engagement should also encompass Local Area Partnerships (where they exist). The engagement needs to be undertaken in a meaningful way and where local statements of community aspiration exist, such as in neighbourhood, community and/or parish plans, these should be taken into consideration. From the landscape and green infrastructure point of view, where up-to-date open space and green infrastructure strategies do not exist, the consultation should extend to those local and national organisations that may be aware of local infrastructure needs that are not covered by the District or Unitary Infrastructure Plan.

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

Comments

The LI disagrees with the suggestion that a fixed proportion of CIL receipts should be passed down to locally elected councils. The levy is intended to ensure that, where a neighbourhood bears the brunt of a new development, it will receive sufficient money to help it manage those impacts (CIL Overview). The funds necessary to provide local infrastructure will vary in every case, depending on the potential local impacts of a particular development and the strategic infrastructure needs of the wider area.

So that (Chapter1 Context) “*neighbourhoods can see that the needs arising from development are being directly met and with meaningful control over the funds placed with the community itself*” it would be better to deal with this matter by requiring meaningful engagement (as above) with local communities in each individual case, to agree the proportion of receipts to be passed to their local councils.

If a charging authority passes less than a 'meaningful' proportion of the CIL levy (as defined by the parish or community council or a representative neighbourhood organisation) then the CIL monitoring reports of income and expenditure should be used by the charging authority to provide a reasoned justification that is open to challenge by the local community.

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

Comments

As above, the LI disagrees with the suggestion that a cap should be set per household. In sparsely populated areas identified for significant growth, the parish will need substantial funds to provide local infrastructure for both new and existing residents. To limit the level of receipts because the area is sparsely populated defeats the objective of encouraging growth and giving incentives to the existing population. It is clear that CIL is intended to address the cumulative impacts of development across the whole area. Therefore, where development is planned for a thinly populated parish adjacent to an urban area, there will need to be discussions between the local parish and town councils, with input from the District or Unitary Council/s, to understand the bigger picture.

A more satisfactory way to set a realistic limit to the level of receipts to be passed down to local communities would be to require the charging authority to undertake open, transparent and meaningful engagement (as above) with the local communities who will be affected by the development, to discuss and agree with them the proportion of receipts to be passed to their local councils.

The LI wishes to emphasise the importance to local authorities of adopting clear open space and green infrastructure strategies that identify local needs associated with increases in population. It will be essential that CIL receipts can be allocated either to small local projects and/or as contributions to larger, more strategic green infrastructure projects, which may not be in the immediate environs of a development site. However in order for parish and community councils to appreciate that they are in a position to determine the priorities for spending in their area, there is a need for leadership in this regard from the local authority.

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

Yes

Comments

In relation to the timing of payments, the LI is concerned to ensure that upfront payments can be secured when necessary to fund advance structure planting as part of green infrastructure provision, where this has not been included in the development itself. This might be on and off-site planting (or management and maintenance), to mitigate visual and ecological impacts. In terms of provision of any infrastructure, it is important that it is completed and operational in time for the arrival of the new residents/businesses and not left until the end of the development. This is particularly important for new developments that may be phased over 15 to 20 year time-scales. Whilst the school may not be needed on Day 1, the play area probably will be.

The LI agrees that a balance needs to be struck between transparency and burdening parish councils with excessive reporting. The flexibility proposed is therefore welcomed, but some parish councils may appreciate guidance. It seems pointless for each parish council to invent a system for itself, so some non-obligatory guidance from the local planning authority could be beneficial.

- 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

The LI has members involved in community planning in rural areas where parish councils do not have web sites. Usually there are other umbrella organisations that are willing to host information. These might include the Local Area Partnerships (LAPs) and/or the relevant District or Unitary authority.

- 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

Comments

CIL for parishes or communities should be used for local infrastructure and/or the management and maintenance thereof. The LI agrees that neighbourhood funding should not be restricted to that infrastructure that has found its way into a District or Unitary Council Infrastructure Plan. The parish or neighbourhood forum may be aware of small interventions, which may be the subject of e.g. a parish plan, but too small to have been included in the overall Infrastructure Plan. Additionally, some parish/community councils will not necessarily have undertaken a parish plan, nor engaged in detail with the District/Unitary Infrastructure Plan, so limitations in community spending would be restrictive in terms of local impacts associated with hosting the development.

Similarly, the LI agrees that developers should not be 'double-charged' for site-specific measures required by S.106 legal agreements that are necessary to make a development acceptable in planning terms. However, S.106 agreements will still be necessary, even in cases where the parish or community council chooses to use CIL funding to meet local priorities for infrastructure that supplement or extend the measures required by a S.106 legal agreement.

- 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?**

Comments

CIL is intended to fund necessary infrastructure to support the growth of sustainable communities. Whilst the charging authority may have some administrative overheads, there should not be a presumption that these can be charged at cost to the detriment of the delivery of community infrastructure. However the Institute acknowledges that where there is no parish or community council and in some areas where they do exist, but are moribund, there will be additional costs associated with the need to engage with residents and businesses to understand what the cumulative impacts of additional development will be and how these will be mitigated.

However, in the experience of our members, a real and frequent frustration for local residents and businesses is the tendency of local authorities to consult, discuss, revise and reconsult on future proposals, rather than to deliver infrastructure on the ground, preferably in advance of new development. In our view, local communities will not want to see large proportions of the funds they understand to be intended to meet the impacts of development in their local area being spent on administration, including consultation.

It is not only the charging authorities that will have administrative costs. In addition, there will be administrative costs for the parish and community councils. Many will not be prepared for the level of engagement, reporting and administration that will be required, and support for them must be included in any proposals.

Chapter 2 – Affordable Housing (p19-21)

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?

No

Comments

Affordable housing and CIL should be kept separate. CIL funding is intended to make growth sustainable and the development of affordable housing will itself increase the need for supporting infrastructure, to be provided for by CIL. The use of CIL receipts for affordable housing will significantly reduce the funds available for necessary infrastructure, so that both incoming residents and existing communities will be disadvantaged.

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?

No

Comments

In our view, S.106 planning obligations, backed up by clear local planning policies, are the most transparent mechanism for achieving affordable housing contributions from development. CIL regulations should not be confused with local authority housing priorities.

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

We disagree that local authorities should be able to use both.

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?

Comments

We disagree that local authorities should be able to use CIL for affordable housing. There are other mechanisms for this.

Chapter 3 – Mayoral Development Corporations (p22)

13. Do the proposed changes represent fair operation of the levy in Mayoral Development Corporation areas?

Comments

No Comment