

	Question	Draft TMBC response
1.	<p>Do you agree that the existing CIL definition of ‘development’ should be maintained under the Infrastructure Levy, with the following excluded from the definition:</p> <ul style="list-style-type: none"> - developments of less than 100 square metres (unless this consists of one or more dwellings and does not meet the self-build criteria) – Yes/No/Unsure - Buildings which people do not normally go into - Yes/No/Unsure - Buildings into which peoples go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery - Yes/No/Unsure - Structures which are not buildings, such as pylons and wind turbines. <p>Yes/No/Unsure</p>	<p>Yes, this would provide a consistent approach when introducing the levy. Evidence would be invited to give reasoning which shows why the exclusions to the definition are still valid.</p> <p>Concern is raised over the fees due to Sqm; this is a consistent approach for Open Space requirements, however infrastructure that has direct impacts on local services e.g., GPs, schools etc could use the average occupancy rates instead as this will give a more direct and true impact on local services.</p>
2.	<p>Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.</p>	<p>Yes, we do agree that developers should continue to provide infrastructure which is incorporated into the site. To release burdens and costs to local authorities and county councils it would be beneficial for developers to provide build out infrastructure such as schools or GP practice buildings in lieu of the levy being paid, the local councils would still be required to ensure the completion of the infrastructure in a timely manner alongside the development to ensure the facilities are available for the occupiers and local residents.</p> <p>Developers should be responsible for ensuring the provision of highways enhancements is completed prior to the occupation of more than 25-50% of units to ease the current infrastructure requirements.</p> <p>Negotiation would need to take place, if developers were not willing to provide the build out infrastructure it should be stringent in the process to enable local authorities to provide the infrastructure without risk of having to pay back or borrow from levy receipts.</p>
3.	<p>What should be the approach for setting the distinction between integral and Levy-funded infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.</p>	<p>Option B (Nationally Set list) to prevent any potential inconsistencies to approach.</p> <p>A nationally set type of infrastructure reduces the ability for questioning of definitions for the infrastructure. There may be instances that the national set list is also used alongside the locally set principles and typologies to ensure all requirements are covered to mitigate the impact of the specific development to the area.</p>
4.	<p>Do you agree that local authorities should have the flexibility to use some of their levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.</p>	<p>Yes, in certain circumstances. The main focus should be towards the provision of Levy funded infrastructure (Affordable Housing, GP services and Waste). Circumstances such as an excess remaining levy fund could be used towards providing a new service to the area that does not receive it.</p> <p>In the circumstances that the County Council provides the infrastructure, concerns over who the receiving authority would be, and whether there is a specific evidence requirement to release funds.</p>
5.	<p>Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services? [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.</p>	<p>Yes, the LA should prioritise local infrastructure and affordable housing for the development prior to providing non infrastructure which would not be a priority to mitigate the development.</p> <p>E.</p>
6.	<p>Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.</p>	<p>Community used facilities, e.g., Cemeteries.</p> <p>We have received a large number of queries requesting help with the funding to maintain or provide the village halls or extend the cemeteries by Parish Councils. The impact of the development does also branch further out than the schools, it would be useful for funds to go towards other community projects to emphasise to local residents how the development has improved the area.</p>
7.	<p>Do you have a favoured approach for setting the ‘infrastructure in-kind’ threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above]. Please provide a free text response to explain your answer, using case study examples if possible.</p>	<p>Due to the high numbers set out within the proposed thresholds, the favoured approach for TMBC will be the Local Authority Discretion threshold, giving the local authority the ability to set our own threshold to ensure it reflects local circumstances and works alongside the policies within the Local Plan.</p>
8.	<p>Is there anything else you feel the government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition? Please provide a free text response to explain your answer.</p>	<p>Further distinctions and definitions would be a useful guide for the role of S106 agreements, whether there are any particular development types which will require the S106 only routeway e.g., no residential development proposed but a significant commercial use which has other infrastructure impacts.</p>
9.	<p>Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.</p>	<p>Yes, the levy should capture the value uplift, there should still be a levy charges on new PD dwellings as there may not be a change in floor space, but there will still be an additional impact on the local infrastructure services. This may over complicate a system which is already complicated, therefore it may be simpler to use the standard thresholds applied as the same impact on the local area will be increased.</p>

		The only PD applications which should charge no levy would be the standard Housing extensions, or provision of a form of infrastructure to an area e.g., telecoms.
10.	Do you have views on the proposal to bring schemes brought forward through permitted development rights within scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how that might be decided?	<p>Schemes brought forward by PD rights would still be causing an additional impact on the local infrastructure and would bring additional maintenance and costs for the Local Authority to provide without a levy in place. TMBC supports capturing PD in the instances where it has additional infrastructure demands first.</p> <p>The appropriate value threshold for qualifying permitted development would be difficult to implement as it would vary by area within the local authority.</p> <p>The ceiling rate applied to PD sites would be best to be set as a percentage within the local levy charging rates to ensure that PD sites are still viable but there is still funding provided for the local infrastructure.</p>
11.	Is there is a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible.	<p>Currently TMBC cannot give any other cases for additional offsets from the Levy. The view at the time of this consultation is that this could bring elements of further negotiations with developers which may complicate the system, requiring the levy rates to be adjusted for individual parcels of land.</p> <p>It is understood that there are potential increases to costs for developers when dealing with issues on brownfield sites e.g., contamination, however the infrastructure will still see the same increase in pressure whether the site is brownfield or not. In these cases, further investigation would be required to resolve the above.</p>
12.	<p>The government wants the Infrastructure Levy to collect more than the existing system, whilst minimising the impact on viability. How strongly do you agree that the following components of Levy design will help achieve these aims?</p> <ul style="list-style-type: none"> - Charging the Levy on final sale GDV of a scheme [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] - The use of different Levy rates and minimum thresholds on different development uses and typologies [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] - Ability for local authorities to set 'stepped' Levy rates [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] - Separate Levy rates for thresholds for existing floorspace that is subject to change of use, and floorspace that is demolished and replaced [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] 	Responses are highlighted. See Q13 for explanations.
13.	Please provide a free text response to explain your answers above where necessary.	<p>It is understood why the proposed changes are to charge on the final GDV of the development, however this brings multiple challenges for the local authority. We will require valuation assessments at 3 stages of the development prior to the funds being transferred , there is a significant increase in manpower required to monitor, guidance on when, and how you capture final sale values and a tight definition of 'completion' of the development would be required e.g. is this at the last occupation or is this when the developer moves off site?</p> <p>A close definition is required with measures in place to ensure the payment cannot be avoided or delayed.</p> <p>Whilst it is seen as an innovative idea in writing to charge the Levy on the final sale of the scheme, there is apprehension due to the possibility of developers withholding the final sale to ensure no further payments are required. In instances such as this is there going to be legislation put in place to ensure the LA receives funding for the levy?</p>
14.	Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.	<p>TMBC is increasingly concerned as the table suggests that it has not yet been decided that the funds will be paid on completion of sales, funding paid via commencement supports the infrastructure delivery alongside the progression of the development which is a much better measure for the local authority. The risk of having to pay monies back to developers is a significant red flag and causes increased pressure for LA.</p> <p>The LA would need to set up a provision to hold back some funding, which will increase pressure on existing local services</p>
15.	Is there an alternative payment mechanism that would be more suitable for the Infrastructure Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.	The potential idea of payment of the Levy being made on an annual/phase basis by the developer depending on how many units were sold/let to create a financial income within the financial year, the GDV of these units and then charging the levy to this – this would ensure the Local Authority receives funds that also include any market changes at the time, whilst enabling the LA to provide infrastructure during the development.

		TMBC would prefer payments to be completed upon commencement over completion.
16.	Do you agree with the proposed application of a land charge at commencement of development and removal of a local land charge once the provisional levy payment is made? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary	<p>Concerns raised due to the transfer of land charges data to the land registry. This could result in data sharing complications with an external authority. The other concern would be whether the LA would be required to pay for the information.</p> <p>Further concerns over whether the information could cause legal complications for prospective buyers when purchasing a property onsite, clauses will need to be completed to state that enforcement action would not be taken against individual householders to ensure the market could still move.</p>
17.	Will removal of the local land charge at the point the provisional Levy liability is paid prevent avoidance of Infrastructure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/ Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.	Unfortunately, previous experience with developers has showed that they will seek loopholes or variations of agreements to ensure they do not need to make further payments, due to this it would be requested that the Land Charge remains until the final payment is made.
18.	To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer.	<p>It is the view of TMBC that the payment of the Levy should be made prior to site completion to ensure the new residents onsite have access to the essential services they require e.g., GP surgeries or schools. These services need to be provided prior to/as close to the occupation as possible rather than after the occupation which could in turn cause a lengthy delay for residents.</p> <p>Partial payment upon commencement would be preferred to enable the LA to provide services and ensure projects are completed close to occupation without risking LA funding.</p>
19.	Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your where necessary.	<p>Essential services such as GP provision, schools and youth services which appear to be excluded from the definition of 'Integral Infrastructure' should be prioritised as these will be needed as soon as the new residents are in situ, payment post completion could delay the infrastructure provision and cause an increased pressure on existing services within the area.</p> <p>Partial payment for these services at commencement stage of the development would be preferred to enable the LA to ensure the infrastructure is ready when the site is occupiable.</p>
20.	Do you agree that the proposed role for valuations of GDV is proportionate and necessary in the context of creating a Levy that is responsive to market conditions [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.	<p>No there are concerns over the process, the amount of extra administration that will be required for the 3 valuations on multiple developments would put a large strain on current staffing levels that are also trying to monitor existing agreements and obligations.</p> <p>Further comments can be provided when the process is outlined further.</p>
21.	To what extent do you agree that the borrowing against Infrastructure Levy proceeds will be sufficient to ensure the timely delivery of infrastructure? [Strongly Agree/Agree/Neutral/ Disagree/Strongly Disagree/Unsure]. Please provide a free text response to explain your answer where necessary.	<p>This presents many difficulties for the LA and therefore would be avoided where possible. It is better if the payments were received earlier in the process so as not to allow on LA borrowing. If interest is added to the figure that is borrowed or if payback is required to the developer, there is a substantial risk for the LA and monies would need to either come from Capitol or reserves which could jeopardise local projects not relating to developments.</p> <p>By borrowing funds, it creates an additional cost for the council as well as reducing a source of investment income (funding received in advance are invested until needed.)</p>
22.	To what extent do you agree that the government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.	Essential infrastructure not included within the definition of 'Integral Infrastructure' such as GP Surgeries, Schools etc should be specified in the upfront costs as this is where the strain of a new development is most prevalent. By making the provision of this infrastructure an upfront cost via the use of planning condition it ensures the money can be received sooner and the services provided for when residents begin to occupy properties, reducing the impact on the local area.
23.	Are there other mechanisms for ensuring infrastructure is delivered in a timely fashion that the government should consider for the new Infrastructure Levy? [Yes/No/Unsure] Please provide free text response to explain your answer where necessary.	Investigation into further financing models and payments of the levy should be sought. All comments from the outcome of this consultation should be taken into account and any other payment mechanisms outlined from the consultation should be consulted on.
24.	To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary.	<p>This will create more forward thinking when it comes to funding, ensuring that monies are used effectively rather than any last-minute spending, we would require further detail on what would be required to be included within this.</p> <p>Assuming this will work alongside council's capitol plans, we need to consider the extra administration that will be required by multiple departments within the LA, ensuring that we are able to identify the needs and site management plans.</p>
25.	In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?	The process outlined within the consultation in relation to the IDS is longer and not as streamlined. It could be streamlined if infrastructure providers are required by government to release information in a standardised way on a

		defined and regular basis. A lot of time is currently taken up by engaging with providers, finding contacts. By bringing the providers into the loop on a regular basis and them providing the information it would streamline the work for the LA.
26.	Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.	Whilst utilising the local parish councils to obtain information on a local level concern would be raised as this can cause an exceeding expectation from the local community as to what can be achieved which in turn will raise pressure for the LA to ensure expectations are managed as well as projects being provided.
27.	Do you agree that a spending plan in the Infrastructure Delivery Strategy should include: <ul style="list-style-type: none"> - Identification of general integral infrastructure requirements - Identification of infrastructure/types of infrastructure that are to be funded by the Levy- Prioritisation of infrastructure and how the Levy will be spent - Approach to affordable housing including right to require proportion and tenure mix - Approach to any discretionary elements for the neighbourhood share - Proportion for administration - The anticipated borrowing that will be required to deliver infrastructure - Other – please explain your answer - All of the above 	In principle all the information should be in the delivery strategy, but the apportionment/ ownership of tasks would be key to considering the levy. Admin cost and the cost of borrowing should also be considered in the first instance to enable the LA to consider all routes and spending.
28.	How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities? <ul style="list-style-type: none"> - Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when - Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy - Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies - Guidance to local authorities on prioritisation of funding - Implementation of statutory timescales for infrastructure providers to respond to local authority requests - Other – please explain your answer 	All of the above as well as: Engagement with County Council by use of regular monitoring group meetings, opportunities to comment at consultation stage and outline what would be requested at a county level. Use of Pre apps to include meetings with county and other service providers to negotiate Levy at initial stage.
29.	To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.	This should be possible to complete and similar to the existing process used, the processes should be integrated however additional details will be required on the expectations of the LA in this matter.
30.	To what extent do you agree that the 'right to require' will reduce the risk that affordable housing contributions are negotiated down on viability grounds? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.	This appears to include a minimum amount via the local plan; however, the method seems increasingly complex compared to the current system in place. Concerns over the redirection of other Levy resources, this seems to imply that the onus is on the LA to ensure the provision of AH rather than the developer providing it on site and transferring to an RP via the system currently in place.
31.	To what extent do you agree that local authorities should charge a highly discounted/zero-rated Infrastructure Levy rate on high percentage/100% affordable housing schemes? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary	We have found in contrary to the statement a point 5.20, in economic downturns affordable housing continues to be delivered through the RSLs as based on different finance models. It may be seen that a discounted approach to ensure deliverability of affordable housing is the most appropriate. There will still be impact on other local services with any type of development and therefore some levy should be charged to cover the essential services at least. it could be argued that the higher the affordable housing the greater the need for community facilities.
32.	How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples.	TMBC cannot provide any examples at present, all AH schemes have been provided via inclusion of S106 contributions. With this being the case, we have been unable to do the analysis as required for this question.
33.	As per paragraph 5.13, do you think that an upper limit of where the 'right to require' could be set should be introduced by the government? [Yes/No/unsure] Alternatively, do you think where the 'right to require' is set should be left to the discretion of the	Each local authority has different circumstances with the amount of development they can undertake and therefore the amount of Affordable Housing they are able to provide via the right to require. The right to require should be set by the local authority based on local evidence.

	local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary.	
34.	Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]	Assurance and agreement of monitoring and receipts of spend to be supplied to local authority to enable record keeping for the annual reports. Generic guidance on who would be the receiving authority would be required, and who would report the spend to central government from the levy funds.
35.	In calculating the value of the Neighbourhood Share, do you think this should A) reflect the amount secured under CIL in parished areas (noting this will be a smaller proportion of total revenues), B) be higher than this equivalent amount C) be lower than this equivalent amount D) Other (please specify) or E) unsure. Please provide a free text response to explain your answer where necessary	At the time of the consultation the view of TMBC would be for a preference to selection A to ensure the total area could benefit from the levy. It has been noted whilst attending a training sessions provided by PAS that although the figure has the potential to be lower, as the amounts being received are set to increase from the current level, parish councils within the borough will still see an increased income from the Levy.
36.	The government is interested in views on arrangements for spending the neighbourhood share in unparished areas. What other bodies do you think could be in receipt of a Neighbourhood Share such areas?	The most logical way would be to keep the arrangement similar to the existing CIL arrangement, whereby local providers can place bids for some of the income which can be reviewed and distributed fairly by the local authority.
37.	Should the administrative portion for the new Levy A) reflect the 5% level which exists under CIL B) be higher than this equivalent amount, C) be lower than this equivalent amount, D) Other, (please specify), or E) unsure. Please provide a free text response to explain your answer where necessary.	Unsure at the time of the consultation, TMBC have no experience as a CIL charging authority, and this would require further investigations of the current administrative portion within similar sized Local Authorities. Potentially a higher amount to ensure fees are covered and use of council funds is kept to a minimum.
38.	Applicants can apply for mandatory or discretionary relief for social housing under CIL. Question 31 seeks views on exempting affordable housing from the Levy. This question seeks views on retaining other countryside exemptions. How strongly do you agree the following should be retained: - residential annexes and extensions; [Strongly Agree/Agree/Disagree/Strongly Disagree] - self-build housing; [Strongly Agree/Agree/Disagree/Strongly Disagree] If you strongly agree/agree, should there be any further criteria that are applied to these exemptions, for example in relation to the size of the development?	Residential extensions and annexes will cause an increase on the local infrastructure however this is likely to be kept to a minimum as there will not always be an increase in residents at the property. Currently with systems available and how the layout of planning application forms are set, it is difficult to identify whether a build is going to be self-build or completed by a developer. Equally this raises questions such as whether this is sufficient justification? There will be an increase to infrastructure without any contribution to offset this. As a local authority we would need to see further justification in the approach relating to diversification of supply.
39.	Do you consider there are other circumstances where relief from the Levy or reduced Levy rates should apply, such as for the provision of sustainable technologies? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.	No, the Levy will be implemented to ensure infrastructure is delivered, by providing relief for sustainable technologies it will risk a lesser amount being supplied for essential services that will impact the surrounding area as well as the new development. There are arguments for the sake of new sustainable technologies, ensuring areas have sufficient internet access and mobile signal where required, however these are forms of infrastructure that should be considered by the developer at the time of the application. The levy rate will cover infrastructure for the development, and this could include sustainable green infrastructure however there is still going to be an increased impact on the essential services within the local area which should be a priority.
40.	To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.	Measures need to be put in place to ensure that the larger developments cannot be broken down into smaller sites to ensure they avoid the levy fees. Currently TMBC only seek open space contributions for sites under 10 units. AH being sought is a fair system and ensures affordable housing in all areas creating a more diverse and inclusive development.
41.	What risks will this approach pose, if any, to SME housebuilders, or to the delivery of affordable housing in rural areas? Please provide a free text response using case study examples where appropriate.	One of the main risks we can foresee as a local authority is small development builders separating plots and applying under the minimum threshold to avoid providing AH on site.
42.	Are there any other forms of infrastructure that should be exempted from the Levy through regulations?	Other exemptions should include telecoms and internet services, including to rural areas.
43.	Do you agree that these enforcement mechanisms will be sufficient to secure Levy payments? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.	The enforcement methods set out within the consultation document appear to be sufficient in enabling the local authority to obtain the required levy funds. Training documentation would be welcomed to enable the local authorities relevant team members sufficiently informed of the required process.

		There may need to be more investigation of immediate action that could be taken, the Temporary stop notices and other enforcement methods could take a lengthy amount of time to put in place whilst the breach continues.
44.	Do you agree that the proposed 'test and learn' approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary	<p>It would be requested that various authorities could partake in the 'test and learn' process, including those who are not currently CIL charging authorities to cover all aspects of change for the new levy system.</p> <p>Currently there is no outlined timeframe for when the new IL approach would apply to all authorities- the graph provided states 2029/2032.</p> <p>Further detail is required on the selection of the testing authorities. If a Local authority were to request to become a testing authority, how would it be decided on which is chosen? And how long would it be until the relevant authorities find out the decision?</p>
45.	Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.	The council does not currently have any view on impacts on people with protected characteristics from the information supplied within the consultation document.