

Questionnaire

About you

i) Your details:

Name:	
Position:	
Name of organisation (if applicable):	City of London Law Society Planning and Environmental Law Committee
Address:	C/- City of London Law Society 4 College Hill London EC4R 2RB
Email:	mail@citysolicitors.org.uk
Telephone number:	020 7329 2173

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):	Professional legal association
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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

We agree that receipts should only pass to locally elected councils where they exist.

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

Question 3:

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

Comments

We support the aim of ensuring that a meaningful proportion of receipts is passed to local councils. However, we have concerns about fixing a minimum percentage of CIL receipts as infrastructure costs supporting the hosting development will differ from case to case. Although a cap on the amount to be passed across will go some way to address the balance it is our view that the draft regulations should allow for variations in the proportion of receipts if the charging authority and local councils agree that a larger amount should be retained by the charging authority for specific infrastructure to support the new development if shown to be necessary.

Question 4:

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

Comments

No comment.

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

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

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

No comment

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

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

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

No comment

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

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