

Appendix 1 – Draft Response to Infrastructure Levy Technical Consultation

Questions	Proposed response
<p>Question 1: 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. Yes/No/Unsure <p>Please provide a free text response to explain your answer where necessary.</p>	<p>No: Tewkesbury Borough Council (TBC) disagree with excluding developments of less than 100 sqm from the definition, they are ‘development’ but are exempt from CIL as ‘Minor Development’ in Regulation 42. TBC agrees with maintaining the assertion that ‘one or more dwellings’ irrespective of size is chargeable development and would prima facie be chargeable. Officers do not agree that if a dwelling meets the self-build criteria it should be excluded from the definition of development. A self-build extension, annexe or whole dwelling is defined as 'development' that may be eligible for exemption under Regulation 42 (no claim required) or for relief (which must be claimed) under Regulations 42A,B and C, Regulations 54A,B,C and D respectively.</p> <p>There needs to be a clear distinction between the definition of 'development' and 'chargeable development' in the legislation for the purposes of CIL and in the future Infrastructure Levy.</p> <ul style="list-style-type: none"> - Yes. Buildings which people normally go into. - Yes. Buildings for plant/machinery. - Yes. Structures which are not buildings.
<p>Question 2: 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: Consideration should be given for the continuation of S106 for ‘integral infrastructure’ and ‘infrastructure that is necessary in planning terms’ in addition to the Infrastructure Levy.</p>
<p>Question 3: 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>‘Attributable’ v ‘Cumulative’ Impacts and Requirements should be assessed. C sets principles and typologies are set locally, integral or site specific and cumulative impacts to determine infrastructure will be needed alongside the development of an emerging Local Plan, viability tested and tested via examination through the Infrastructure Delivery Strategy,</p>

<p>Question 4: 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>Unsure. The definition of service provision is unclear and could be open to interpretation. The current system is clear in that monies sought should be related to the development. Service provision is broad and ambiguous, further clarification and guidance is welcomed on the parameters of flexibility that could be in place for local authorities.</p>
<p>Question 5: 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>No. The prioritisation of infrastructure is a local decision, based on evidence, which can be decision which can be determined through the Local Plan process, in consultation with the public, developers and key stakeholders. It should not be prioritised nationally but left for local authorities to decide, based on a robust baseline assessment of needs.</p>
<p>Question 6: 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>No. All infrastructure needs should be robustly needs assessed to inform and justify both the collection and spending of Levy funds.</p>
<p>Question 7: 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>Unsure. Infrastructure requirements 'in kind' can differ on a site by site basis, without further clarity and detail of what is the justification of the proposed thresholds or how this would work in practice, a preference cannot be provided given by the council without further evidence.</p>

<p>Question 8: 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>S106 should be retained for all requirements that meet the tests in Reg 122 and that a clear distinction should then be made between S106 and the Levy which is raised for the purposes of providing funding for infrastructure which arises as a result of the cumulative impact of development (all development over the plan period) and determined at examination/adoption of the Local Plan.</p>
<p>Question 9: 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: Agree that the levy should capture the uplift in land value associated with PD rights by way of general consents and would recommend maintaining the requirement to submit a Notice of Chargeable Development in such cases. NO: The Council does not agree there are any types of PD that should not prima facie be charged, on the understanding that deductions, exemptions and reliefs to be claimed will be retained.</p>
<p>Question 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>	<p>Without further clarity and detail, it is unclear what is the justification of the proposed thresholds or how this would work in practice, a preference cannot be provided at this stage.</p>
<p>Question 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>	<p>No. This should be locally, there is a role for the viability evidence which underpins the Local Plan process to evaluate different offsets in lower value areas but with higher levels of brownfield land and regeneration areas. If supported by evidence, higher offsets could be identified through policies within a Local Plan either on a site basis or identified areas within the Planning Authority.</p>

<p>Question 12: 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] 	<ul style="list-style-type: none"> - Disagree. Final sale GDV. - Unsure. - Differentiation. Agree. - Stepped rates. A preference cannot be given by the council without further evidence provided. - COU and Demo/Replaced. Disagree.
<p>Question 13: Please provide a free text response to explain your answers above where necessary.</p>	<p>The current CIL Reg. 40, Schedule 1 deductions have a devastating impact on CIL income as no levy is often chargeable. Examples include - Regeneration projects where low value but extensive floorspace businesses such as warehouses or showrooms are replaced with high value residential, hotel and retail; and Barn Conversions where agricultural buildings are demolished or re-used.</p>
<p>Question 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>	<p>No. Without further clarity and detail, it is unclear how this would work in practice, a preference cannot be provided at this stage.</p>
<p>Question 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.</p>	<p>No. Without further detail, a preference cannot be provided at this stage.</p>
<p>Question 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>	<p>Yes. To 'on commencement'; however No. To removing the Local Land Charge once provisional levy payment is made as non-payment/debt collection could remain an issue until all charges are received.</p>

<p>Question 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.</p>	<p>Disagree. The council disagrees with the proposed removal as, the avoidance of significant payments will still occur after payment and the motivation to pay an outstanding CIL charge currently comes when an outstanding local land charge is revealed on a Solicitors search on behalf of a purchaser.</p>
<p>Question 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>	<p>The council agrees. Despite the focus of the changes to the Levy which appear to support the cashflow of developers and place the financial risk on Local Authorities, trigger points and phasing should be retained from the practice in S106 agreements to align payment of the Levy prior to completion. Whilst it is the proposals intention for Local Authorities to attain loans for infrastructure upfront, payment of the Levy should be made upfront to ensure the timely delivery of community infrastructure with housing growth but also to reduce risk and avoid interest and other costs to Local Authorities.</p>
<p>Question 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>	<p>The current CIL Levy system imposes Surcharges and requires early payment where there is a breach of procedure. The retention of the ability to require early payment of the Levy is welcomed.</p>
<p>Question 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>	<p>No. There is insufficient detail within the consultation for the council to provide a full response to this question. The intention of the proposed Levy is that it will be charged on the value of a property on completion of sale, with minimum thresholds being set locally. The rates will be set as a percentage of gross development value rather than the current CIL, which is a charge fixed, based on the basis of costs and values evidence, prior to the consent for or commencement of development floorspace. It is unclear how this will enable local authorities to more accurately forecast revenue as changes to the market may result in lower than expected revenues as well as potentially higher. Local Authorities would have to bear the risk to fund high infrastructure costs, without the certainty of fixed repayments. In areas of low development value, the Local Authority could effectively be paying for infrastructure on loan, without recouping the costs. Without further detail and certainty, a full response cannot be provided, however Tewkesbury Borough Council would highlight significant concerns about how infrastructure will be funded and a risk of shortfall.</p>

<p>Question 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>	<p>Strongly disagree. Without further detail officers cannot comment on this question in full. This risk of this change is so significant that without further detail, estimating how borrowing the proceeds of development will be sufficient to ensure both infrastructure is delivered, and/or that costs will be recouped, it is not possible to answer this question fully. Local Authorities will bear the risk of front loading the cost, without certainty of repayment. The scale of infrastructure costs identified in existing funding gap analysis undertaken as part of a review of the CIL charging schedule of Tewkesbury Borough Council, and partners in the JCS, suggest that unless such borrowing is underwritten by central government it will be impossible for local authorities, such as district councils, to assume the required level of financial exposure.</p>
<p>Question 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.</p>	<p>Strongly Agree. Payment terms should be clearly set out as a condition to the granting of planning permission.</p>
<p>Question 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.</p>	<p>Unsure. The proposed delivery agreements seem to duplicate the existing role of current S106 agreements. For on-site 'right to require' Affordable Housing this would be necessary but not necessarily better than existing system that is in place, instead introducing duplication which will undermine the objective of achieving greater efficiency.</p>
<p>Question 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>	<p>Neutral. The Local Plan's and Infrastructure Delivery Strategy, including the strategic spending plan is intended to set the basis for charging. The Infrastructure Strategy will replace Infrastructure Delivery Plans and some elements of end of year Infrastructure Funding Statements. The statements. Both the former and proposed requirement to submit the Infrastructure Delivery Strategy to Examination in Public alongside the Local Plan will increase transparency. However, the documents will be examined prior to adoption, which will be a transparent. The complexity in determining Infrastructure costs and requirements such as Education, GP surgeries and NHS provision relies on third party evidence which will also need to be certain and transparent. Tewkesbury Borough Council would welcome further guidance/requirements for other departments, such as Health, Education and Transport to be linked to the proposed CIL reforms, for the preparation of IL charging schedules, particularly with Local Plans and their Infrastructure Delivery Strategy.</p>

Question 25: In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?	As referred to in Q24 officers would welcome further guidance/requirements for other governmental departments to align growth and investment plans to emerging Local Plans, which includes the plan period.
Question 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.	Yes. Infrastructure Delivery Plans are already consulted on as part of emerging Local Plans. In terms of the baseline assessments, audits and consultations, such as Parish Services Surveys, already underpin Local Plan evidence. Consultation and engagement is key to the existing process of developing an IDP. However, decisions on what is needed and spent should remain to be based on evidence and justified.
Question 27: Do you agree that a spending plan in the Infrastructure Delivery Strategy should include:	Yes. please see a detailed response below;
- Identification of general integral infrastructure requirements	Agreed. Supported by evidence and justification of baseline and future needs assessment.
- Identification of infrastructure/types of infrastructure that are to be funded by the Levy- Prioritisation of infrastructure and how the Levy will be spent	Agreed. In principle, though the discretion to be flexible provided by the current requirement to identify Infrastructure that “may”, “wholly or partly” be funded from CIL/IL on the Infrastructure List is essential to allow decisions on competing priorities where the demand for funding outstrips the supply and where choices may be made, mid plan, to adopt an alternative solution to an infrastructure requirement. For example the approach of ‘demand management’ rather than ‘predict and provide’ in relation to highways.
- Approach to affordable housing including right to require proportion and tenure mix	Agreed. Supported by evidence and justification of baseline and future needs assessment.
- Approach to any discretionary elements for the neighbourhood share	Agreed. If justified, for example there could be an option for neighbourhood shared to be pooled, in consultation with neighbourhood bodies, across neighbourhoods. Agree, if justified by evidence.
- Proportion for administration	Disagree. If the proportion permitted for administration is to be set in regulations, as it currently is for CIL in Reg 61 then this would not be necessary. This answer assumes that a progress/monitoring report would still be required in some form annually to report on income and expenditure from the various sources against the IDS spending plan.
- The anticipated borrowing that will be required to deliver infrastructure	Agreed. If borrowing is required but please see critical concerns expressed in response to Q21 to the proposal.
- Other – please explain your answer	None.
- All of the above	N/A
Question 28: How can we make sure that infrastructure providers such as county councils can effectively influence the identification of Levy priorities?	Through both connecting the timeframes of the long term planning of other government departments over a 15 year timeframe and encourage ongoing engagement of infrastructure providers through the Local Plan process.

<p>- Guidance to local authorities on which infrastructure providers need to be consulted, how to engage and when</p>	<p>Disagree. Guidance and policy should not just be for Local Authorities to consult with providers. The requirement should go further so that policy crosses government departments to ensure that infrastructure is planned for over a 15 – 30 year period.</p>
<p>- Support to county councils on working collaboratively with the local authority as to what can be funded through the Levy</p>	<p>Support would be welcomed, not just to county councils but also to the local authorities in their role as charging (and collecting) authorities and to all providers such as the Health Sector, Canals and Waterways Trust and the Environment Agency. It would be helpful if it was clear what can and cannot be funded through the Levy.</p>
<p>- Use of other evidence documents when preparing the Infrastructure Delivery Strategy, such as Local Transport Plans and Local Education Strategies</p>	<p>Under the current system the Infrastructure Delivery Plan is prepared alongside the development of a Local Plan and takes into account all infrastructure provider’s strategies. The coordination of the delivery of infrastructure requirements with planned development would benefit from timeframes and requirements of these strategies being aligned across government departments, for example a Local Education School Places Strategy is for the period 2021 - 2026 and Drainage and Wastewater Management Plan is for the period 2025 – 2085.</p>
<p>- Guidance to local authorities on prioritisation of funding</p>	<p>Disagree. The prioritisation of funding requires engagement with all consultees through both public consultation and examination, based on robust evidence and determined locally.</p>
<p>- Implementation of statutory timescales for infrastructure providers to respond to local authority requests</p>	<p>Agree. As there are already statutory timescales for infrastructure providers to respond to Local Plan consultations. Tewkesbury Borough Council’s experience has been that there have been no issues or concerns on the response within statutory timescales. The issue that remains is on the variety of timeframes of the plans of multiple infrastructure providers. Aligned statutory time scales should be put in place for future investment plans by infrastructure bodies.</p>
<p>- Other – please explain your answer</p>	<p>None.</p>
<p>Question 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.</p>	<p>Strongly agree. It is not only possible but essential that Local Plans identify, through evidence, both the infrastructure requirements but also the timing of delivery and cost to enable sustainable growth to come forward.</p>

<p>Question 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.</p>	<p>Unsure. Tewkesbury Borough Council has a strong historic record of securing 40% affordable housing within the Borough. Without the experience of pilot local authorities introducing this as a mechanism it is premature to agree or disagree if the proposed approach will reduce the risk of less affordable housing. Further clarity is also sought as to how the Local Plan process this will set policy expectations by site and viability test the number of units to be delivered.</p>
<p>Question 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</p>	<p>Disagree. Whilst the need to secure affordable housing should not be undermined, all development has an impact on the need for other infrastructure and in addition to the provision of Integral Infrastructure contributions should still be secured for Strategic (Levy) Infrastructure. The decision to discount should be a local decision for Local Authorities to determine through the Local Plan process and Infrastructure Delivery Strategy. It is worth noting the RTPi response to the White Paper (29 October 2020) section headed 'Instead of focusing on a new Infrastructure Levy, government should instead aim to reduce dependence on developer contributions in favour of a return to proper public subsidy through direct provision for housing and access to land'.</p>
<p>Question 32: How much infrastructure is normally delivered alongside registered provider-led schemes in the existing system? Please provide examples.</p>	<p>In the council's experience, only essential integral infrastructure is delivered alongside registered provider – led schemes.</p>

<p>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 local authority? [Yes/No/unsure]. Please provide a free text response to explain your answer where necessary.</p>	<p>Introduced by the government? No. Discretion of the local authority? Yes. Where the 'right to require' is set this should be left to Local Authorities to determine. Please see response to Q31.</p>
<p>Question 34: Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy? [Yes/No/Unsure?]</p>	<p>Yes.</p>
<p>Question 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</p>	<p>E. unsure. Without costed examples it is not possible to currently form a view on the impact of different levels of neighbourhood funding. Please see response to Q36.</p>
<p>Question 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?</p>	<p>The current legislation for the designation of a neighbourhood planning area means it could be wider than, or different to, a ward or even parish boundary. In unparished areas, designated neighbourhood forums could be in receipt of the Neighbourhood Share from development within their designated area once they have a 'made' Neighbourhood Plan in place. However, though if, as is currently the case, if the Neighbourhood Forum is an unaccountable body in finance terms the collecting authority hold and account for funding. In unparished areas the Neighbourhood Fund is also currently held by and administered by the charging authority under CA (currently Reg. 59F).</p>

<p>Question 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.</p>	<p>Unsure. The additional demands that implementing and operating the national Infrastructure levy will place on local authorities cannot, until many of the requirements of and associated with the levy are established, be estimated. The current level permissible under Reg 61 is up to 5% of CIL income and there is provision for, in addition to meeting operational costs, paying back set-up costs over the first three full financial years of operation. Whilst Officer opinion is that this must as a minimum continue the experience in Tewkesbury Borough council and her JCS partners of Cheltenham Borough and Gloucester City Councils has been that this has not been possible and that the 5% pooled to meet joint operational costs was insufficient to meet even these. There are a number of reasons for this, which may continue to have an impact for authorities adopting the levy for the first time.</p> <p>These include:</p> <ul style="list-style-type: none"> • Income projections failing to take sufficient account of – • Reg 40, Sch 1 deductions for in-use buildings; • The mandatory nature of residential extensions, annexes and self-build relief; • The mandatory nature of most Social Housing relief; • The adoption of an Instalments Policy, delaying payment; and most recently • Inflationary impact on resource costs, not met by prior year indexation of charges.
<p>Question 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:</p>	<p>Please see detailed response below</p>
<p>- residential annexes and extensions; [Strongly Agree/Agree/Disagree/Strongly Disagree]</p>	<p>Agree. Where development does not arise in a net additional to dwelling stock an exemption is supported.</p>
<p>- self-build housing; [Strongly Agree/Agree/Disagree/Strongly Disagree]</p>	<p>Disagree. Please see the explanation above.</p>
<p>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?</p>	<p>Please see suggested criteria above.</p>

<p>Question 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.</p>	<p>Whilst providing a benefit in terms of a return on investment to the occupier/owner this has no impact on the need for infrastructure generated by such a development.</p>
<p>Question 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.</p>	<p>Disagree. Any development has the potential to impact on infrastructure locally. The current NPPF sets a threshold for all allocations to be 10% on small sites. The introduction of this policy could mean that 10% of allocations will contribute less to infrastructure, despite a potential need, leading to a gap in a provision. For example, there is no consideration of viability in this assumption that SME's do not incur risk or return. Arguably the cost of a rural site and the potential for more desirable homes, does not preclude CIL or NIL. Further thought on this intention is required by the government.</p>
<p>Question 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.</p>	<p>The risk is, where rural affordable housing is in most need, in high value areas the needs will not be met. If contributions are lost or reduced then the ability to secure alternative provision is eliminated.</p>
<p>Question 42: Are there any other forms of infrastructure that should be exempted from the Levy through regulations?</p>	<p>No response.</p>
<p>Question 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.</p>	<p>Disagree. Please see response to Question 17Q17 which sets out the concerns on the removal of the local land charge at point of payment of the provisional Levy liability.</p>
<p>Question 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>	<p>Unsure. Consideration should first be given to the consultation feedback received through this exercise. Change should not be adopted for changes sake if it does not result in improved outcomes. It may be that the most effective approach is to continue with incremental changes to the existing system of CIL and S106 rather than a test and learn of an alternative system. Whether or not the current proposals are adopted, whilst the Levelling up and Regeneration Bill (published Monday 11th of May 2022) will provide the legislative framework for the changes, it will be important if we are to "learn" that secondary legislation (the Regulations) are frequently updated. This is something that has happened throughout the lifetime of the CIL Regulations 2010 (as amended)</p>
<p>Question 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.</p>	<p>No.</p>