

Questionnaire

About you

i) Your details:

Name:	John Kelly
Position:	Councillor - Chair of Rural Settlement Group
Name of organisation (if applicable):	Staplehurst Parish Council
Address:	Parish Office Village Centre High Street Staplehurst Kent. TN12 0BJ
Email:	clerk@staplehurstvillage.org.uk
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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

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):	
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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):	Anything that relates to our area
Specific local area (please comment):	Staplehurst Parish, Kent

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

No. It is hard to imagine an area without a parish or community council. Regardless of the existence of such a body the meaningful proportion of levy receipts should be passed to the area where the development took place. The issue here is the definition of "Meaningful proportion". The regulations should be quite clear as to the percentage proportion which should go to the area. This means that any funds must go towards that area.

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

Yes. It is for the charging authority to engage and negotiate at the earliest opportunity and this should be part of the formal part of the planning application process. e.g. If A is built here what does that mean for the development of B elsewhere. Otherwise there is a risk of money being diverted to projects elsewhere or worse still on projects that are not deemed a priority by the community in question.

Question 3:

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

Comments

It is accepted that there is an administration cost in facilitating/managing the whole process. We feel that 5% administration costs would be reasonable and should be capped. Therefore 95% of the CIL should be passed to the parish/community council or area.

Question 4:

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

Comments

There should not be a cap. If the LPA wishes to provide a large amount of development in a lightly populated area, the CIL should go to the parish/community council or area. Why would this be deemed inappropriate? However there should be rules or guidelines enabling the parish/community council or area to spend the money outside of the designated area, in cross border projects where the development crosses boundaries.

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

Yes. We agree that we should be clear and transparent about where and how much levy money received by parish or community councils is being spent. It is not a burden to propose that parish/community councils or area must report on at least a yearly basis, or report more frequently where there are substantive payments. However the reporting should not be mixed up with existing financial accounts or annual statements and should be overt in publication.

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

All parish and community councils should be encouraged to facilitate even the most basic website. In fact it should be enshrined in legislation that they do so, as this is now the accepted method of communication. However it is accepted that many people do not have computers or decent broadband connection. It therefore is a duty to provide the alternatives through leaflet mailshots, poster campaigns, quarterly magazines (if timing appropriate) and links to borough/district advertising and or marketing campaigns. Residents should be able to attend council facilities or the local library where adequate IT provision should be obligatory.

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

Yes. The past or present arrangements on expenditure should not be used to penalise the current parish/community council or area. New development = new money. It is a matter for the parish/community council or area to decide how that money is to be spent. For example a dated sports facility might need upgrading and refurbishment. Likewise the CIL should not be mixed up with any S.106 or other planning obligations. The process needs to be fluid without restricting either party.

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. The charging authority should be efficient and should not waste money on unnecessary bureaucracy or consultation. This should be done by and at the discretion of the parish/community council or area where development takes place. In effect the parish/community council or area are hiring the charging authority to conduct the administrative process. Any increase in the administration cost would reduce the amount available for the benefit of the community, thereby adding to the prevailing negative attitude towards development.

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

No. The CIL should not be used to make good the past failures in providing appropriate affordable housing numbers. It is a matter for the parish/community council or area to decide whether affordable housing is required in the first place. Likewise the CIL should not be used just for affordable housing at the expense of infrastructure in the neighbourhood. Otherwise there is the risk of double taxation on the developer or the CIL being diverted from other purposes. If the parish/community council or area wish the CIL or any planning obligations to be used for that specific purpose then so be it. However any affordable housing requirement should be highlighted within the Neighbourhood Plan.

Definition of Affordable Housing – as per <http://www.communities.gov.uk>

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.

Affordable housing should:

- meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices; and
- include provisions for:
 1. the home to be retained for future eligible households; or
 2. if these restrictions are lifted, for any subsidy to be recycled for alternative affordable housing provision.

Social rented housing is rented housing owned and managed by local authorities and HAs, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.

Intermediate affordable housing is housing at prices and rents above those of social rent but below market price or rents, and which meet the criteria set out above. These can include shared equity (*eg HomeBuy*) and other low cost homes for sales, and intermediate rent.

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

No. See answer to Q.9. Either retain S106 for affordable housing or remove S106 entirely and increase CIL proportionately.

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

If this were to come about then the whole principle of 'localism' would be undermined and parish/communities or areas might as well stay with the existing legislation and processes. It would hardly meet the government's objective of strengthening the role and financial autonomy of neighbourhoods. It would not change the negative attitudes towards development. Nothing would have changed and indeed some might say legislation had gone backwards. We fail to see why any parish/community council or area would continue to engage.

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

No. Affordable housing should not be excluded from the regulation that limits pooling of planning obligations. Otherwise the LPA could continue to exploit the CIL over numerous years and projects to shore up shortfalls in 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

N/A