

1. What is your aspiration for England's developer contribution system? (100 words) - 96 words*

ADEPT represents 'directors of place' working within county, unitary and combined authorities in England.

Our aspiration would be to have a system that provides sufficient and timely financial resources to infrastructure providers through greater use of technology to anticipate the infrastructure needs and the resultant costs arising from planned growth. In the short-term, this means improvements to support councils to be more responsive to changes in infrastructure demands and the continuation of section 106, ensuring that the scale of the contributions is proportionate to the impact of development whilst enabling the planning gain to be captured.

2. What has been your experience of Section 106 and CIL? Please provide any evidence you can to demonstrate why improvements are necessary. (200 words) * - 196 words

By way of illustrations, Hampshire County Council collects an average of £45 million per year through Section 106 (s106), Essex County Council received £39million over 2021/22, Plymouth City Council collected over £1m from CIL over 2021/22, and Suffolk County Council secured £6.6m from CIL alone in 2021/22 towards education and waste projects.

In terms of CIL, this system has produced unnecessary tensions between county and district councils and a patchwork of processes. Research undertaken by the [County Council's Network](#) highlighted that CIL funding is often skewed away from the strategic infrastructure that county councils often have the statutory obligation to provide and, in extreme cases, funds are not provided.

While districts collect CIL, it is county councils that require the bulk of the funding for the costly strategic infrastructure such as primary schools. District councils need to ensure due diligence, but some might use this to hold county councils to account and, in extreme cases, to disagree with the strategy behind the provision of transport and education infrastructure.

For many authorities, the biggest issue with s106 is the ability for developers to re-visit key viability assumptions but are not obliged to share uplifts when markets are improving.

3. How would you recommend that government improve Section 106? Please provide any evidence you can to demonstrate why these changes would be effective. (350 words) – 306 words*

Section 106 is very effective if used alongside developer contributions policies to provide greater certainty on costs, the methodologies used and developer's other liabilities. Planning obligations through s106 reflect better the relationship between capacity within different type of infrastructure – if it exists – and the cost of mitigating the impact from specific developments. Greater awareness of this direct relationship could be promoted by local authorities and developers.

Viability of developments frequently challenge affordable housing delivery, but also contributions towards infrastructure. Local planning policies frequently include the funding assumptions for infrastructure. The Government could be clearer on the role of local plans as infrastructure funding tools but also, when viability concerns do arise, how it expects local authorities to work together to address infrastructure priorities and any funding gaps that arise. A district council should not expect a county council to fund gaps in transport or education provision for example.

Creating a firmer link between viability assumptions set at the plan making stage and the planning application stage would create greater certainty at later stages. National policy could, for example, provide clarity on expectations for how Existing Use Value Plus or profit must be considered.

Authorities do use review mechanisms where policy compromises have been made, other s106 approaches could also include links to actual sales values and a contribution 'floor'. This could be done with standardised calculations based on BCIS costs and published sales data and should not be based on the assessment of a viability appraisal of on-site 'actuals'.

Improvements could be made through the greater use of technology – creating live links between housing delivery to transport and education datasets for example – to provide greater responsiveness to changes in population and other characteristics.

The ability for monitoring fees to be collected has helped to resource the monitoring of s.106 within local authorities and should be retained.

4. How would you recommend that government improve the Community Infrastructure Levy? Please provide any evidence you can to demonstrate why these changes would be effective. (350 words) – 319 words*

The Community Infrastructure Levy has administrative barriers in two-tier areas where the county council is responsible for providing the majority of strategic infrastructure and yet is not a charging authority and does not collect funds from residential developments. Hybrid models with a 'low level' CIL, with site-by-site s106 negotiation, appears to be a successful balance in capturing value and mitigating impacts.

To promote joint working in two tier areas, the requirement for producing and publishing Infrastructure Funding Statements (IFSs) should be enhanced, and greater balance provided through regulation in favour of county authorities. The proposed Infrastructure Delivery Strategies (IDS) as part of the Infrastructure Levy should provide a similar mechanism.

If district councils are to remain as the collecting authority, a greater balance could be reached from jointly agreed and forward-looking IFSs (or IDS) and, where not agreed, having a "county share" approach where a proportion of income is provided. There could also be other measures to promote joint working such as clearer legal parameters why a district has not programmed for such infrastructure costs or declined funding. However, this forward-looking approach will need to be resourced, including through sharing of delivery forecasts in two-tier areas as in GIS formats.

More fundamentally, CIL has not raised the levels of funding originally anticipated because the regulations require rates to be set at the lowest level to enable the majority of developments to remain viable. Setting the rate at the lowest level means that, unlike

with section 106 where negotiations can take place on a case-by-case basis, CIL is not capturing the value and is ultimately not generating the levels of infrastructure funding required.

While a great tool for engagement, there are also issues in some areas with the neighbourhood proportion as it but can sometimes go to parish councils that don't necessarily need it, while neighbouring councils, with the higher burden of infrastructure impact, do not receive any contribution.

5. If you're able, please share a link of your formal IL consultation response here.

<https://www.adeptnet.org.uk/sites/default/files/media/2023-06/ADEPT%20Infrastructure%20Levy%20response%20June%202023.pdf>

6. If you don't have an online link you can alternatively upload a word/pdf of your formal IL consultation response here