#### Simon Leask ATLAS

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Homes & Communities Agency

Advisory Team for Large Applications (ATLAS)

Successful places with homes and jobs

# **A NATIONAL** AGENCY WORKING

# CIL: A Strategic Development Perspective

- Event: HBF Planning Conference 2013
- Name: Simon Leask, Head of ATLAS
- Date: 25<sup>th</sup> September 2013



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#### Introduction to ATLAS

- Advisory Team for Large Applications
- Large scale, complex sites
- Rolling prog 60 projects Av 2,000+ units
- Helping local authorities and partners bring good quality and deliverable proposals through the planning system
- NOT decision makers on applications
- Impartial & independent



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#### The need for infrastructure

- Development must provide the necessary infrastructure to be acceptable
- The landowner and developer need to make a <u>fair</u> contribution
- The right infrastructure is essential in order to sell houses
- NPPF emphasises the importance of comprehensive realistic and deliverable plans.

#### s106...Heads of Terms or just Headaches



- Related to mitigation of development impacts
- Individual applications assessed separately
- Often results in a very long list of HoTs. Therefore can be complex
- Often agreements are time related, resulting in issues affecting delivery of large scale infrastructure
- Contributions sometimes returned unspent
- Legalistic and time consuming
- Developers not sure about costs associated with their proposals – lack of clarity!

#### Developing the rationale behind CIL



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- Meant to be clear and established ahead of development
- Fair and equitable alternative to S106
- Should respond to local circumstances
- NPPF- should support and incentivise new development
- Ability to deal with sub regional infrastructure
- Based on evidence tested at Inquiry viability relating to geography and economy of location
- Overarching importance of viability and deliverability

Essentially - The need for a planned approach to funding infrastructure

#### Quick resume Pro's & Cons of s106 and CIL

- s106 tried and tested
- Ties infrastructure to delivery at the right time
- Site by site flexibility
- Still s278 to be paid (currently under review as part of latest consultation)
- CIL- seen as new and complex
- 'All' development contributes
- A challenge to tie contributions to delivery
- Upfront infrastructure practicalities relating to who pays?
- Development viability effects ability to deliver essential infrastructure

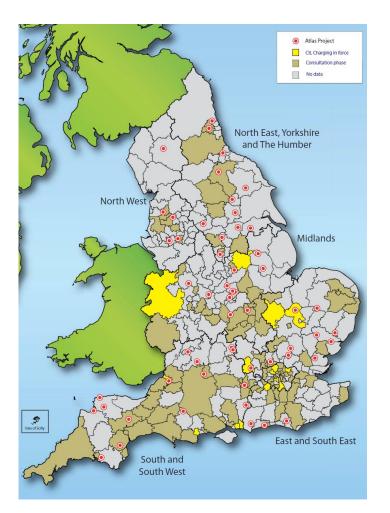






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# ATLAS PROJECTS AND CIL





August 2013

# Our experience & what's happening out there

Homes & Communities Agency

- Very mixed picture across the Country
- Very few Charging Schedules adopted in areas where ATLAS are involved
- Wide range of CIL rates proposed, high rates in the South, fewer and lower in the North
- London CILs are significantly higher in west and lower in east eg Hammersmith and Fulham and Newham
- Some Local Authorities have excluded SUE's from their CIL Charging Schedules or if they are included them lower rates proposed
- Some cross boundary working
- Evidence on impacts .... Not conclusive at present but clearly problems exist

#### Emerging themes and issues (1)

- Number of Council's excluding large sites from CIL charging schedules, relying on s106 instead
- Where CIL is being proposed lower rate being proposed on SUE's
- Lack of flexibility, where there are site specific considerations
- Things that take the "Hit" currently Affordable Housing
- Possibility of competition between neighbouring local authorities
- "Quality of Place" not always being considered







Emerging themes and issues (2)

- HBF and others demanding review
- 'Fighting fund' established
- Judicial Review at Central Lancs
- Possibility of widening the gap between those areas which can utilise CIL and those where viability is marginal
- Questions remain about upfront funding and securing payback (Still early days for RIF style mechanisms)
- Doubts about the delivery of infrastructure (particularly outside London)

#### It needs to be a partnership! Collaborate on CIL and infrastructure





- Work closely with the LPA. Get involved in the process early!
- Share knowledge and help in the development of the evidence base
- Don't take your eye off the ball
- Be pro-active as opposed to be reactive
- Be realistic and fair (open book approach)
- Important to engage and develop a shared approach to infrastructure needs and delivery

### It needs to be a partnership! (continued)



- Help to improve confidence and trust
- Work together on funding approaches and minimising risk
- Development agreements and the offer of land as security
- Lobby...but only on the basis of robust academic evidence rather than rhetoric
- Help to develop the compromise approach!

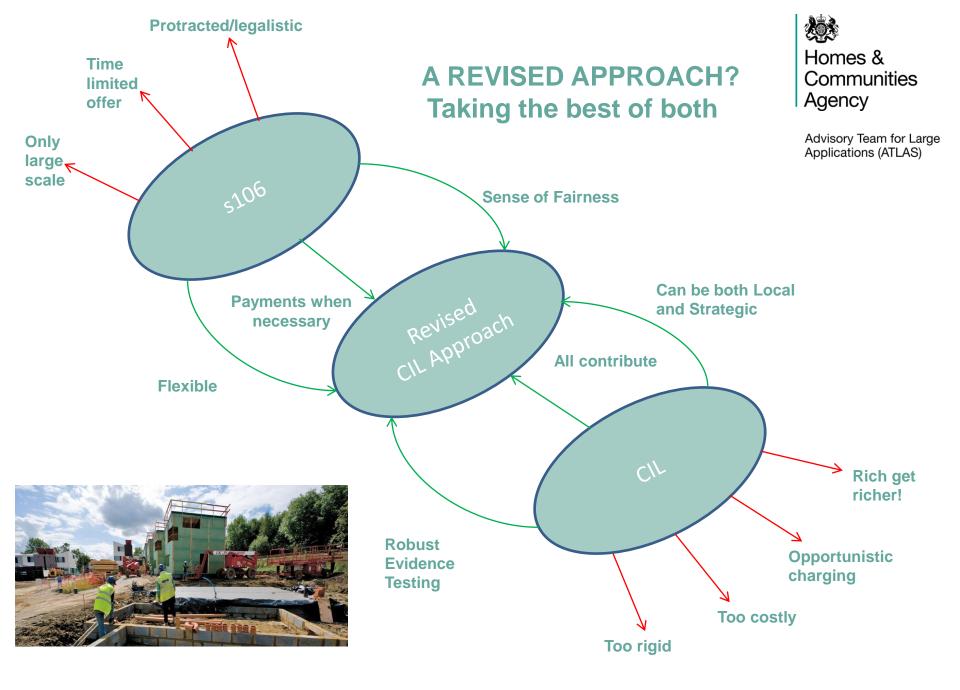




# **Issues for Large Scale Sites**

- The need to understand when key infrastructure will be delivered and knowing that the money will be there.
- Phasing and delivery
- The strategic needs of the local authority and the needs of the individual large sites
- They are complex and require bespoke solutions not a one size fits all approach.







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# Any Questions ?

#### **Contact Details** For further information



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The ATLAS Guide: Planning for Large Scale Development www.atlasplanning.com

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