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04 July 2022

Dear House of Commons Public Bill Committee,

Further to your call for written evidence in relation to the Levelling-up and Regeneration Bill (LURB) dated 13th June 2022, I am writing to you on behalf of Nottinghamshire County Council to express our observations and requirements with respect to the proposed Infrastructure Levy.

The LURB introduces a new Infrastructure Levy (IL) that would replace the current system of developer contributions (the Community Infrastructure Levy and Section 106 Planning Obligations) as a charge on development to support infrastructure delivery. The IL would be a mandatory charge collected by the Local Planning Authority (LPA), commonly the District and Borough Councils, and would be based on a percentage of gross development value. The type of infrastructure that would be funded through the IL would include County Council delivered services, including education and transport, as well as other essential services such as healthcare, and also affordable housing.

The County Council currently uses a combination of systems to secure infrastructure improvements. The Council negotiates with the LPAs to secure Section 106 funding towards localised projects which relate specifically to the development, including primary school expansions, public transport infrastructure and services, and community facilities (e.g., libraries), as well as to secure onsite infrastructure delivered 'in-kind', either in the form of land or new schools. The Council utilises the LPAs' CIL income to fund more strategic programmes, including secondary school expansions and major highways improvements, which meet the needs of the wider growth area. These priorities are agreed with LPA and set out in their Infrastructure Funding Statements. Under the proposed system, all infrastructure would need to be funded through the IL, except for where infrastructure is to be delivered onsite by the developer. The LURB proposes a retained role for S106 on major developments where infrastructure is provided in-kind, which is essential for the County Council.

To support the IL, there will be a new requirement for charging authorities to prepare and publish an Infrastructure Delivery Strategy (IDS). This document will set out their approach to infrastructure planning and will include a strategic plan for how IL money will be spent. As a major infrastructure provider, the County Council should have a statutory role in this process and be able to determine the level of funding required for its responsibilities, to be set out within the IDS. This should include commitments regarding the minimum level of spend on specific types of infrastructure, so that the Council has certainty about the amount of funding it will receive and be able to budget accordingly.

Officers from Nottinghamshire County Council recently met with the Department for Levelling Up, Housing and Communities and requested that the proposed reforms include the following:

1. A retained role for Section 106 Agreements to secure onsite infrastructure such as new schools to be delivered on major housing sites as an in-kind substitution for IL payments

2. A statutory role for the County Council in preparing the Infrastructure Delivery Strategies, which should commit the LPA to safeguarding an agreed amount of funding for County Council services
3. Clear guidance on the form and content of the IDS, how it should be published, and any procedures to be followed, in order to ensure that there is consistency between the LPAs

I trust that the above observations are of assistance to the Public Bill Committee.

Yours faithfully,

Will Lawrence  
Developer Contributions Practitioner  
Nottinghamshire County Council