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Levelling-Up and Regeneration Bill

1. Infrastructure Levy, CIL and S106
2. Heritage

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Part 4 – Infrastructure Levy

- New Infrastructure Levy, to replace CIL (save for MCIL in London and CIL in Wales)
- Similar to CIL, but different:
 - Homes England (HCA) will be a charging authority
 - Wide rate setting opportunities
 - IL is charged by reference to value, not a viability informed flat rate (it is in effect like Planning Gain Supplement)
 - Affordable Housing will be funded and delivered through IL
- The Bill sets out the framework, the necessary detail to follow by regulations.

LRUB: Policy Paper: Further Information

- IL will be mandatory unlike CIL, where there has been sporadic take-up especially outside of the major urban areas
- Section 106 Agreements will remain for:
 - “infrastructure integral to the operation and physical design of a site...”
 - “...to support delivery of the largest sites”
- For large sites, infrastructure can be provided “in-kind” on-site, with a guarantee that “..the value of what is agreed will be no less than will be paid through the Levy.”

LRUB: Further Information: Rate Setting and Payment

- Charged on the “value” of the property, rather than by reference to a notional viability, fixed at the rate setting stage
- Differential rates will be possible (as CIL)
- Collected on the basis of GDV, rather than floorspace
- Perceived advantages:
 - Contributions priced into value at acquisition
 - More flexible, as will allow for the IL payment to reflect actual increase in GDV (rather than a reference to notional viability)
 - IL can be used to fund Affordable Housing
- To be **paid** on [asset] sale. What if not sold or disposed off via company sale?

Further Detail Required in Regulations

- Calculation methodology (presumably a fixed % of GDV)?
- Right to require – to remove the role of negotiation in determining levels of on-site AH, but what if unviable?
- How it will apply to Registered Provider led schemes?
- LPAs will be required to produce Infrastructure Delivery Strategies – absolutely crucial, if IL is to fund mitigation
- LPAs will be able to require the assistance of infrastructure providers and other bodies in devising these strategies
- Sites permitted before the introduction of the new Levy will continue to be subject of CIL and S106

Test and Learn

- No detail as yet on this, but the Policy Paper states:
- “...it will be rolled out nationally over several years, allowing for a careful monitoring and evaluation, in order to design the most effective system possible.”
- Lessons learnt from CIL Regulations 2010, amended 10 times...



Levelling Up and Regeneration Bill: Heritage

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Part 3 – Heritage

- Policies relating to general heritage protection to form part of suite of **National Development Management Policies**
- Section 58B introduced into 1990 Act to require special regard to be had to ‘the desirability of preserving or enhancing the asset or its setting’ relating to certain heritage assets (“relevant assets”) when making planning decisions including:
 - scheduled monuments
 - registered parks and gardens
 - protected wreck sites
 - World Heritage Sites
- These are brought into the “special regard” protection for the first time

Part 3 – Heritage

- Regard to the desirability of ‘preserving’ is expanded to ‘preserving **or enhancing**’ the building or its setting or any features of special architectural or historic interest S16 and S66 Listed Buildings and Conservation Areas Act 1990, the duty have special interest which it possesses
- Section 44A introduced into Listed Buildings and Conservation Areas Act 1990 to enable service of temporary stop notices in England where works to a listed building contravene section 9 of that Act
- Sections 54 and 55 amended to provide power to carry out urgent works even where a building is occupied and to register costs of doing so as a local land charge
- Statutory requirement for authorities to maintain up to date ‘Historic Environment Records’ (Clause 185)