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National Police Chiefs' Council

**National Fire
Estates Group**

Infrastructure Levy Technical Consultation
Planning Directorate
3rd Floor
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London
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08 June 2023

Dear Sir or Madam,

**TECHNICAL CONSULTATION ON THE INFRASTRUCTURE LEVY – MARCH 2023
JOINT RESPONSE OF THE EMERGENCY SERVICES**

This joint representation to the Planning Directorate is submitted on behalf of the emergency and rescue services of England. This means it is submitted on behalf of 94 ambulance, fire & rescue and police organisations and so benefits from the very considerable material weight of this support.

It is very important to emphasise that this submission is but the latest phase of our partnership work with the Government on the subject of planning reform. In particular, the detailed discussions and accompanying technical work that has taken place with respect to the Levelling-up and Regeneration Bill (LURB) and the National Planning Policy Framework (NPPF).

To summarise, the requests of the emergency services of England in relation to the Infrastructure Levy (IL) are as follows:

1. The emergency and rescue services to be made a 'Required Consultee' in relation to Infrastructure Delivery Strategies (IDSs) prepared by councils. This should apply throughout the lifetime of the IL and associated IDSs in any given local authority area.

This is in accordance with the offer made to us in writing by the Housing Minister (Rachel Maclean MP) via a letter to Lord Greenhalgh (dated 16 March 2023). It is an offer that was confirmed by Baroness Scott of Bybrook during the LURB Committee debate in the House of Lords on 03 May 2023, as recorded by Hansard:

"I can commit today to including the emergency and rescue service providers as a required consultee for the infrastructure delivery strategy through regulations. That will put the emergency services on an equal footing with other infrastructure providers when the local authority is considering its spending plans for the levy."

The above commitment was confirmed by the Baroness in a meeting with our representatives on 15 May 2023. We accept the Government's offer. However, we do though also recommend that this goes further and that the Secondary Regulations should make clear that representations from 'Required Consultees' must always be accorded very significant material weight.

2. The Secondary Regulations for the IL should also explicitly state the following:

- a) Recipients of IL monies, such as the emergency services, should not be excluded from being eligible/beneficiaries of funding and/or contributions in-kind from the Section 106 agreement and Community Infrastructure Levy (CIL) systems. This is needed because the Government has confirmed that the IL will not be implemented fully across England for 10 years. Even then, Section 106 agreements will continue to operate in parallel with the new system after it starts operating.
- b) Projects concerning the provision, improvement, replacement, operation or maintenance of emergency and rescue services infrastructure are eligible for IL funding. The purpose of this is to clarify the meaning of the reference to the emergency and rescue services in 204N of Schedule 11 of the LURB.
- c) Emergency and rescue services infrastructure projects to be exempt from IL liability. Baroness Scott of Bybrook, in her statement during the Committee debate on the LURB in the House of Lords on 03 May 2023, confirmed that this exemption would be included in the Secondary Regulations (as recorded by Hansard):

"Amendments 329 and 360, tabled by my noble friend Lord Greenhalgh, raise the important issue of how the Government intend to apply the levy to publicly funded infrastructure, such as the provision of emergency services. I very much agree with my noble friend that it would not make sense for infrastructure that is provided for the benefit of the general public to be charged a levy for providing additional public benefits. New Section 204D(5)(h) in Schedule 11 provides powers to set out levy exemptions or reduced rates in regulations. It is our intention that publicly funded infrastructure will not be subject to the levy, and we are currently exploring this as part of our levy consultation. That would include infrastructure delivered by the emergency services." (our emphasis)

We confirm that we welcome and support the offered exemption.

- d) Monies raised by the IL should not be unreasonably withheld from the emergency and rescue services by charging authorities. As detailed in our evidence submitted to the Government concerning the LURB, this is a common problem we have experienced with the Section 106 agreement and CIL systems over the years. We do not want to see this perpetuated under the new IL.

It is our understanding that ten local authorities will act as 'pilots' for the new IL. When the new system is implemented in the areas concerned, we will keep Government apprised of our experiences and any problems encountered. If these are significant, we trust that these will be addressed via revised Secondary Regulations, as per the reassurance given by Baroness Scott of Bybrook in her statement to the House of Lords on 03 May 2023 recorded by Hansard:

“I do not believe that there is anything in the drafting of the Bill, or in the design of the new Infrastructure Levy, that will place the emergency services at a disadvantage. However, I reassure the Committee that, if unintended impacts come to light through our early implementation of the Levy through the test and learn approach, we can seek to remedy that through the levy regulations and statutory guidance.”

The above reassurance was first given to us in discussions with the Housing Minister on 01 March 2023 and then repeated again in a meeting with Baroness Scott of Bybrook on 15 May 2023. We confirm that we welcome and accept this reassurance.

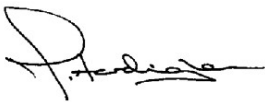
- e) Where provision is made for the passing of IL received in respect of a particular development in an area to a person other than the charging authority that charged the IL, the regulations should ensure that the charging authority accords significant weight to the representations of the emergency and rescue services in connection with the passing of such IL receipts and the amount.
- f) That they do not alter the requirements concerning fire safety, counter terrorism and designing out crime set out by existing legislation, regulations and policy.

Our responses to the consultation questions are contained in **Appendix A**. In the interests of brevity, we have only responded to those that are directly relevant to our concerns and priorities.


The Government is asked to carefully consider these representations and respond positively in due course. The IL has the potential to significantly improve how the English planning system collects developer contributions for infrastructure provision, but those benefits must be spread equally beneficially across all the various stakeholders to achieve this objective.

We look forward to receiving your reply.

Yours sincerely



Mark Hardingham QFSM
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National Fire Chiefs Council




Marc Jones
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National Police Estates Group



Mark Arkwell
Interim Chair
National Fire Estates Group

1. Do you agree that the existing CIL definition of ‘development’ should be maintained under the Infrastructure Levy, with the following excluded from the definition:

- *Developments of less than 100sq.m (unless this consists of one or more dwellings and does not meet the self-build criteria) – Yes/No/Unsure*
- *Buildings which people do not normally go into – Yes/No/Unsure*
- *Buildings into which peoples go only intermittently for the purpose inspecting or maintain fixed plant or machinery – Yes/No/Unsure*
- *Structures which are not buildings, such as pylons and wind turbines – Yes/No/Unsure*

No, with respect to each sub-part of this question. Our reasoning is as follows.

The definition makes no reference to the provision of public sector development or how this will be treated with respect to the application of the Infrastructure Levy (IL). Additional exemptions should be made to the definition of development in this regard.

Projects delivered by public sector bodies, with public money, for public gain should be exempt from IL liability. Specifically, the provision of facilities for the emergency and rescue services in connection with their duties and functions shall not be taken to constitute development and should therefore be excluded from the definition.

The Housing Minister (Rachel Maclean MP) confirmed her agreement with this in a meeting held with us on 01 March 2023. Baroness Scott of Bybrook also did so via her statement in reply to Lord Greenhalgh during the Committee debate on the Levelling-up and Regeneration Bill (LURB) in the House of Lords on 03 May 2023 (as recorded by Hansard):

“Amendments 329 and 360, tabled by my noble friend Lord Greenhalgh, raise the important issue of how the Government intend to apply the levy to publicly funded infrastructure, such as the provision of emergency services. I very much agree with my noble friend that it would not make sense for infrastructure that is provided for the benefit of the general public to be charged a levy for providing additional public benefits. New Section 204D(5)(h) in Schedule 11 provides powers to set out levy exemptions or reduced rates in regulations. It is our intention that publicly funded infrastructure will not be subject to the levy, and we are currently exploring this as part of our levy consultation. That would include infrastructure delivered by the emergency services.” (our emphasis)

We confirm that we welcome and support the offered exemption.

Turning to buildings which people do not normally go into, or may only go into intermittently, or which hold significant plant or machinery, these types of structure may potentially include developments that would place a considerable new burden on the emergency services.

An important example of this are large-scale battery energy storage systems, which pose a high risk in the event of fire to people and property. This type of incident would require very significant levels of operational response from local emergency and rescue services. Such structures, alongside other

examples, may also generate burdens for inspection by Fire and Rescue Services as regulators (under the Regulatory Reform (Fire Safety) Order 2005) to ensure they continue to be safely managed. In addition, such sites could be potential targets for terror related threats in disrupting power and infrastructure to local communities.

All of the above explains why we believe this is a key opportunity to review the existing exemptions to ensure they are still fit-for-purpose. We would be happy to provide further advice and support to Government on this matter.

2. Do you agree that developers should continue to provide certain kinds of infrastructure, including infrastructure that is incorporated into the design of the site, outside of the Infrastructure Levy? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.

Yes. Developers should be expected to provide a range of emergency services infrastructure on site, outside the IL, to make schemes acceptable in planning terms.

Fire safety measures are a very important example of the type of infrastructure that has to be incorporated into the design of buildings and proposed developments generally. Such measures are legal requirements under legislation including the Regulatory Reform (Fire Safety) Order 2005, the Fire Safety (England) Regulations 2022 and the Fire Precautions (sub-surface railway stations) Regulations 1989. Also of significance are the Building Safety Act 2022 and Fire Safety Act 2021. These deliver on implementing the recommendations of the Grenfell Tower Inquiry Phase 1 report and expand on the earlier Article 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the 2015 Order”). All of which applies alongside Building Regulations (Approved Document B – Fire Safety (2019 - as amended in 2020 and 2022)).

A key example of the implementation of the above is the provision of water for firefighting purposes at new development sites, which encompasses fire hydrants, maintenance of minimum water pressure levels and appropriate flow rates. This vital consideration includes both greenfield and brownfield schemes.

It is also important to be aware that the type of building and who will be using it will also affect the level of fire safety measures required as part of the scheme’s design. Care homes or assisted living units are particularly high risk from a fire safety perspective and need an increase in preventative measures as a result.

The emergency services therefore emphasise to the Government that it is vital that the IL does not create uncertainty, or confusion, over how existing legislation, regulations and policy concerning fire safety should be implemented within the design of new development schemes. This should be confirmed explicitly by the new IL secondary regulations. At the same time, we advocate further partnership work between the Government and ourselves on fire safety in developments through other regulatory workstreams, such as in relation to the Technical Review of Approved Document B.

It is also essential that new developments design out crime using the standards and techniques advocated by the police service’s Secured by Design scheme (as endorsed by National Model Design Code (2021)). This is the UK Police flagship initiative with the objective of designing out some forms of crime during the planning process. Good quality design, which is core to delivering sustainable development, is not possible unless it ensures that places and buildings contribute to the realisation of safe and secure environments for all. This encompasses being fully accessible by ‘blue light’ vehicles.

Finally, there will be some schemes where it is crucial that their design incorporates counter-terrorism measures, which will also be outside the remit of the IL. Such schemes will need to follow the *'Protecting Crowded Places: Design and Technical Issues'* and *'Crowded Places Guidance'* published by the National Counter Terrorism Security Office. This will ensure that new developments can be made as resilient as possible, in what is unfortunately a constantly evolving environment of threats to public spaces and places.

3. *What should be the approach for setting the distinction between 'integral' and 'Levy-funded' infrastructure? [see para 1.28 for options a), b), or c) or a combination of these]. Please provide a free text response to explain your answer, using case study examples if possible.*

The most effective tool to establish the distinction between integral and Levy-funded infrastructure will be to establish a set of principles in regulations or policy (Option A) that schemes can be assessed against. This would avoid the inflexibility of Option B and the massive variations in interpretation across England that would result from Option C.

To deliver Option A planning applications could be supported by a written statement (e.g. a 'Vision Statement') detailing how the distinction between 'integral' and 'Levy-funded' infrastructure has been determined in that particular case; against the principles in regulations or policy established by Option A.

In broad terms integral infrastructure will involve designing out crime and delivering the health and fire safety measures which are integral to the architecture and layout of a development. Levy funded infrastructure by contrast may include projects concerning the provision, improvement, replacement, operation or maintenance of emergency and rescue services infrastructure (facilities and equipment – as per 204N of Schedule 11 of the LURB).

The principles in regulations or policy for establishing integral and Levy-funded infrastructure should be subject to consultation with stakeholders and infrastructure providers such as the emergency services, with their advice afforded significant weight.

4. *Do you agree that local authorities should have the flexibility to use some of their Levy funding for non-infrastructure items such as service provision? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary.*

No. The reason is that we are greatly concerned that there would be a significant risk of a large proportion of the funds raised through IL being used to help address existing budgetary issues of local authorities, rather than the infrastructure requirements generated by development growth.

Spending IL on non-infrastructure items would consequently have the effect of diluting IL, divert funds away from the delivery of essential infrastructure needs and contradict one of its key aims of effectively capturing the uplift in land value arising from the grant of planning permission to mitigate the impacts of development.

5. *Should local authorities be expected to prioritise infrastructure and affordable housing needs before using the Levy to pay for non-infrastructure items such as local services [Yes/No/Unsure]. Should expectations be set through regulations or policy? Please provide a free text response to explain your answer where necessary.*

Yes to the first part of this question. It should be an official requirement that IL monies must be spent on infrastructure and affordable housing, which should include infrastructure for the emergency services (as per paragraph 1.22 of the consultation document and 204N(3) of Schedule 11 of the LURB).

In relation to the second part of the question, we advocate that this requirement should be made clear in Secondary Regulations. Doing so would avoid widely varying interpretations across England, which would further complicate what will already be the complex exercise of preparing for and implementing the IL across the nation.

6. Are there other non-infrastructure items not mentioned in this document that this element of the Levy funds could be spent on?

As stated above, “infrastructure” as defined under 204N(3) of the Bill should be the primary focus of IL funds. If it is deemed by the Government that IL funds should be spent on non-infrastructure items, the definition must be explicit and tightly defined to ensure IL funding for and delivery of essential infrastructure is prioritised.

7. Do you have a favoured threshold for setting the ‘infrastructure in-kind’ threshold? [high threshold/medium threshold/low threshold/local authority discretion/none of the above]. Please provide a free text response to explain your answer, using case study examples if possible.

We agree with the Government’s reasoning for favouring a high threshold. As stated in the consultation document, this will mean that the greatest number of sites possible are subject to the core IL routeway. By contrast, lower thresholds would simply result in extended periods of negotiations on more sites across the country, which is precisely the outcome the IL is meant to avoid. The high threshold will therefore result in more certainty for applicants, local authorities and affected stakeholders.

8. Is there anything else you feel the Government should consider in defining the use of s106 within the three routeways, including the role of delivery agreements to secure matters that cannot be secured via a planning condition?

Yes. The problem here is that the three routeways simultaneously attempt to create strict circumstances in which Section 106 agreements can be used, whilst at the same time offering flexibility within the criteria themselves. The end result is very complex, which means they would be difficult to apply in practice.

Taking a step back, the concern of the emergency services is that when Section 106 agreements are used we would like to see in those circumstances much greater flexibility on the requirement for obligations to be ‘directly related to the development’. This is because in our experience this test of CIL Regulation 122 has been applied far too strictly historically.

Given the purpose of keeping Section 106 agreements is to deal with situations that the IL cannot, then flexibility is critical. There are certain instances where developments; either individually or cumulatively impact on emergency services infrastructure and resources beyond the boundary of a site. This is why allowance should be made within the regulations to allow off-site impacts to be identified and mitigated through planning obligations; where it can be demonstrated there is a link to the demand created by the development in question but IL cannot mitigate it for whatever reason.

9. Do you agree that the Levy should capture value uplift associated with permitted development rights that create new dwellings? [Yes/No/Unsure]. Are there some types of permitted development where no Levy should be charged? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary?

Yes, we agree that the IL should capture value uplift associated with permitted development rights that create new dwellings. Such development that is delivered under permitted development rights has the same negative impacts on infrastructure of all kinds as that which is delivered under planning consents.

In terms of demand for emergency services coverage and the cost of delivery emergency services infrastructure for example, a consented development of 30 apartments is no different to a permitted development change of use from offices to 30 apartments. It is therefore entirely fair and reasonable that such schemes should contribute to mitigating those impacts via the IL accordingly.

In relation to the second part of the question, we are unsure. To resolve this, we think that local authorities are best placed to decide if there are other types of permitted development that should be exempt from IL liability in their areas via their IDSs.

10. Do you have views on the proposal to bring schemes brought forward through permitted development rights within the scope of the Levy? Do you have views on an appropriate value threshold for qualifying permitted development? Do you have views on an appropriate Levy rate 'ceiling' for such sites, and how might this be decided?

As per our response to Question 9, we consider that schemes brought forward under permitted development should be within the scope of the IL. They create the same demands on local infrastructure and services as those schemes that come forward with planning consents; hence they should contribute to mitigating these impacts through the IL.

Turning to the second part of the question, the most logical method to us would be to base the threshold upon the uplift in value between the existing use and the permitted use. The value of this in IL terms will of course vary according to local circumstances across England and this explains why it should be set locally rather than nationally.

We confirm that we do not have a response to make to the third part of Question 10.

11. Is there a case for additional offsets from the Levy, beyond those identified in the paragraphs above to facilitate marginal brownfield development coming forward? [Yes/No/Unsure]. Please provide a free text response to explain your answer where necessary, using case studies if possible.

No. In our view it is the responsibility of the promoter of a given site to check they understand the full infrastructure costs of bringing forward a scheme there. If they are unwilling or unable to cover this, then that is their prerogative, but they should not then proceed to promote a scheme that effectively relies on public infrastructure providers to 'compensate' them for a poor/marginal business case. If there are unique local circumstances that prevent a site coming forward, then in all likelihood other means will be necessary to enable development there. In these situations, the IDS will be the appropriate place to create a bespoke site specific and local exception for IL liability.

14. Do you agree that the process outlined in Table 3 is an effective way of calculating and paying the Levy? [Yes/No/Unsure] Please provide a free text response to explain your answer.

No, as payment takes place once the development has been delivered and assumes the local authority will be able to borrow funds to 'bridge' the funding gap to deliver the infrastructure required by the scheme. This is a highly dubious assumption in itself, but it also fails to allow for the fact that authorities will not be able to do this for infrastructure needed by external organisations like the emergency services.

The obvious reply is that the emergency services could borrow money as well. This assumption would be as misplaced as in relation to local authorities however. Most do not have the resources to do this and even where they do, such an assumption is tantamount to asking them to subsidise infrastructure costs created by schemes they are not involved in at significant financial risk to themselves should the IL payments not be forthcoming for whatever reason.

What needs to be resolved in fact is that the timing of IL payments needs to be structured so that they mitigate the impacts of the development at or prior to the point at which they arise; without the infrastructure providers having to bridge the funding gap themselves. Given that the volume of development in a given area could be very significant e.g. tens of thousands of new homes, the funding gap that might have to be met through borrowing otherwise could well be vast in financial terms.

Therefore, IL receipts must be collected and passed onto infrastructure providers in a timely manner. If this cannot be achieved, then an alternative effective mechanism to borrowing will need to be created through Secondary Regulations to bridge the funding gap.

18. To what extent do you agree that a local authority should be able to require that payment of the Levy (or a proportion of the Levy liability) is made prior to site completion? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure]. Please explain your answer.

Strongly agree, as this will help to ensure that infrastructure is in place at the point at which it is required. To be blunt, if the emergency services cannot provide sufficient coverage to a development due to mitigation not being provided when needed, the safety and wellbeing of the people at the site in question will be put at risk until such time it is provided. That could prove to be too late. We make no apology for asserting that public safety must always come before financial considerations.

For example, some of our members have reported to us housing estates being built without provision for water for firefighting and those dwellings being inhabited, which is a major concern for obvious reasons. Therefore, we emphasise that allowing time lags between when essential infrastructure is needed and when in practice it is eventually provided is a gamble that will never be worth taking. Hence our stance in response to this question.

19. Are there circumstances when a local authority should be able to require an early payment of the Levy or a proportion of the Levy? Please provide a free text response to explain your answer where necessary.

Yes, as there will be schemes where it is essential that emergency services infrastructure is in place ahead of the development in question. This will ensure unacceptable impacts are avoided and that the scheme is safe and secure for all who use it.

Infrastructure needs are also site specific and frequently different for every local area. The regulations must recognise this and approach the consideration of early payment of the Levy flexibly to avoid delays to delivery of provision and deficiencies arising where infrastructure is not provided in a timely manner.

Local authorities must also work closely with providers throughout the determination of applications to provide certainty over the amount being yielded and timescales for receipt so necessary infrastructure can be appropriately planned for and early payments to be made where necessary.

22. To what extent do you agree that the Government should look to go further, and enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

We strongly agree that the Government should enable specified upfront payments for items of infrastructure to be a condition for the granting of planning permission. The reason for this stance of the emergency services is that late trigger points in Section 106 agreements have caused very significant problems for the fire and rescue, ambulance and police services over the years.

A high-profile case study illustrating the above is the 'New Lubbethorpe' scheme in Blaby District in Leicestershire, which was a scheme comprising 4,250 dwellings that was granted planning permission on 14 January 2014. The police infrastructure contribution in that case is not to be made until 2,600 dwellings have been occupied or, in other words, until circa 5,000 people are already living at the site. In stark contrast, the first Section 106 payment towards Leicester City Bus Station was triggered upon the occupation of 50 dwellings. Our members report that equivalent outcomes to this one occur regularly nationwide on much smaller schemes. We do not want to see such problems for the emergency services continue under the new IL.

24. To what extent do you agree that the strategic spending plan included in the Infrastructure Delivery Strategy will provide transparency and certainty on how the Levy will be spent? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree] Please provide a free text response to explain your answer where necessary.

Disagree. The problem here is that on the one hand the consultation document states:

'(para 4.21) The spending plan in the Infrastructure Delivery Strategy will reflect the prioritisation choices of the local authority, but the priorities are not binding on a local authority as there will need to be the flexibility to apply the Levy differently in response to the specifics of a development. However, if the overall approach to prioritisation changes, the Infrastructure Delivery Strategy will need to be updated.'

The above is another way of saying that local authorities will have control over what the priorities are and may change these as they wish at any point later. This in turn will override the Government expectation in paragraphs 4.30 and 4.31 of the consultation document, welcome though it is, that the IL should benefit the emergency services alongside other infrastructure providers.

Furthermore, the implication of this is that the findings of any Independent Examination of the IDS when it was first drafted will be easily overridden in subsequent years. Unfortunately, it is a situation identical to what happens currently with CIL and Infrastructure Delivery Plans.

Whilst it will not cause a problem for those services that are run by the authority concerned and so benefit from IL monies, it will result in external infrastructure providers such as the emergency services being 'locked out', just as they currently are with the existing Section 106 agreement and CIL systems across much of England (as evidenced previously to Government).

Paragraphs 4.25 and 4.26 of the consultation document attempt to provide reassurance by stating:

'The drafting of an Infrastructure Delivery Strategy will be a consultative and iterative process between, for example, local authorities, infrastructure providers... This will ensure that the needs for the area are identified by local voices and inform how local authorities take decisions in how Levy funds are spent.'

Regrettably this reassurance is of no comfort, as it is tantamount to saying that the emergency services and others will be able to observe via the documentation as the local authorities shut them out of receiving IL funding in future years.

It is this precise problem, which is the same as what is happening now in relation to CIL, that led to the emergency services asking for an amendment to the LURB to ensure they would need to sign-off on those parts of the IDSs that relate to them. Thus, preventing the 'locking out' of the emergency services that currently happens with CIL continuing under the new IL regime.

The Government refused this request on grounds that it did not want to give infrastructure providers a 'veto' over IDSs. However, the current proposals give local authorities a 'veto' over all other infrastructure providers. In this situation there is little to be gained in infrastructure providers taking part in the IDS preparation process if local authorities prioritise their own services later during the lifetime of the IL. The current proposals offer no means by which such decision-taking could be challenged.

We therefore recommend the following:

- a) Secondary Regulations should confirm that representations from 'Required Consultees' should be ascribed significant material weight throughout the lifetime of the IL in a local authority area, not just when the IDSs are first drafted and subject to Examination.
- b) During the 'test and learn' phase of IL's roll-out there should be work done to examine whether a mechanism could be created whereby external infrastructure providers could appeal against decisions by local authorities in their IDSs. It would be far better to have a custom mechanism for this, rather than providers having to seek Judicial Review in such instances, which would be far costlier and more time-consuming for all concerned.
- c) Where Secondary Regulations make provision for the passing of IL received in respect of a particular development in an area to a person other than the charging authority that charged the IL, the regulations should ensure that the charging authority accords significant weight to the representations of the emergency services in connection with the passing of such IL receipts and the amount.

25. *In the context of a streamlined document, what information do you consider is required for a local authority to identify infrastructure needs?*

The information provided by infrastructure providers, in particular those of 'required consultees' such as the emergency services, will be critical for local authorities producing a streamlined document. This applies throughout the lifetime of an IL in any given council area.

26. *Do you agree that views of the local community should be integrated into the drafting of an Infrastructure Delivery Strategy? [Yes/No/Unsure] Please provide a free text response to explain your answer where necessary.*

Yes. However, we caution that the prospect of IL monies being spent is unlikely to increase their support for development schemes. The experience of our members is that communities engage in the planning process in the round, according to particular local factors. Besides, if the purpose of IL is the mitigation of unacceptable impacts arising from new developments, there is no reason why it would sway local communities to support such schemes anyway.

27. *Do you agree that a spending plan in the Infrastructure Delivery Strategy should include:*

- ***Identification of general infrastructure requirements***
- ***Identification of infrastructure/types of infrastructure that are to be funded by the Levy***
- ***Prioritisation of infrastructure and how the Levy will be spent***
- ***Approach to affordable housing including right to require proportion and tenure mix***
- ***Proportion for administration***
- ***The anticipated borrowing that will be required to deliver infrastructure***
- ***Other – please explain your answer***
- ***All of the above***

In our view all of the above; with prioritisation given to those infrastructure projects identified by required consultees such as the emergency services.

29. To what extent do you agree that it is possible to identify infrastructure requirements at the local plan stage? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Strongly Disagree. Whilst Local Plans are where such identification should start, the nature of them means that they are prepared, in many cases, years in advance of when a given site actually comes forward. In the intervening period the requirements of infrastructure providers, not just the emergency services, will have changed for any number of possible reasons. Therefore, we recommend that the proposed IDs are the appropriate vehicles for this type of planning, as long as they are updated annually in full consultation and with the support of infrastructure providers such as the fire and rescue, ambulance and police services.

34. Are you content that the Neighbourhood Share should be retained under the Infrastructure Levy?

Yes, the retention of the Neighbourhood Share under the IL to support the specific needs and address key priorities of the community is supported. The share, for example, could assist local communities to improve safety and address issues associated with antisocial behaviour through the creation of neighbourhood watch schemes, support volunteering, community events and public realm and environmental improvement measures.

40. To what extent do you agree with our proposed approach to small sites? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Strongly disagree. This is because all new development, including small residential sites, places a burden on the emergency services. The cumulative impact from such schemes can be very significant. This is because the fire and rescue, ambulance and police services have three key characteristics:

- They are needed by all development types (not just houses), no matter where they are or what their size is from the moment those schemes are delivered.
- There is an on-going significant risk to life or serious harm to those living, working, using or visiting the scheme in question (no matter what its size) if the emergency services are unavailable to the right standard.
- They are a type of infrastructure that is always recognised by the public as being essential.

This is why IL rates should be applied to small sites in the same way as they are applied to any other in the local authority area concerned.

42. Are there any other forms of infrastructure that should be exempted from the Levy through regulations?

As stated in our response to Question 1, emergency services infrastructure should be exempted from the Levy. This has been agreed by the Government.

44. Do you agree that the proposed ‘test and learn’ approach to transitioning to the new Infrastructure Levy will help deliver an effective system? [Strongly Agree/Agree/Neutral/Disagree/Strongly Disagree/Unsure] Please provide a free text response to explain your answer where necessary.

Strongly agree. It is our understanding that ten local authorities will act as ‘pilots’ for the new IL. When the new system is implemented in the areas concerned, we will keep Government apprised of our experiences and any problems encountered. If these are significant, we trust that these will be addressed via revised Secondary Regulations, as per the reassurance given by Baroness Scott of Bybrook in her statement to the House of Lords on 03 May 2023 recorded by Hansard:

“I do not believe that there is anything in the drafting of the Bill, or in the design of the new Infrastructure Levy, that will place the emergency services at a disadvantage. However, I reassure the Committee that, if unintended impacts come to light through our early implementation of the Levy through the test and learn approach, we can seek to remedy that through the levy regulations and statutory guidance.”

The above reassurance was first given to us in discussions with the Housing Minister on 01 March 2023 and then repeated again in a meeting with Baroness Scott of Bybrook on 15 May 2023. We confirm that we welcome and accept this reassurance.

Going forward and as part of the above, we emphasise that we will be happy to continue offering our advice and support to Government as the success of the changes in the pilot areas is evaluated.