

RESPONSE TO THE TECHNICAL CONSULTATION ON THE INFRASTRUCTURE LEVY

TfSE welcomes the opportunity to comment on the technical consultation on the Infrastructure Levy. Transport for the South East has agreed the following response at officer level. A copy of this response will be presented to the July meeting of the TfSE Partnership Board on 3 July for endorsement, which means that a further iteration of it may follow.

Introductory comments

Transport for the South East (TfSE) is the Sub-national Transport Body (STB) for the south east of England. Our partnership brings together 16 local transport authorities, five local enterprise partnerships, 46 district and borough authorities and a range of wider stakeholders from the worlds of transport, business and the environment.

This unrivalled partnership of civic and business leaders is best placed to understand the potential for economic growth in our area. By speaking with one voice on our region's transport priorities, we're able to make a strong case to government for the investment the south east needs.

In reviewing the technical aspects of the Infrastructure Levy (IL), TfSE has outlined below the implications and opportunities of the proposals for our 16 constituent local transport authorities.

General points

TfSE welcome the government's desire to ensure that local authorities receive a fairer share of the money that typically accrues to landowners and developers. We hope that this will help to support the provision of much needed infrastructure such as affordable housing, schools, GP surgeries, green spaces as well as the transport infrastructure that will deliver the connectivity improvements that local communities expect with new development. We would like to ensure that a good proportion of the Levy comes directly to county councils/upper tier authorities as key infrastructure providers.

It is acknowledged that as part of the proposals the intention is to build upon and replace the Infrastructure Delivery Plans that currently support the production local plans and draw upon key documents like the Local Transport Plan (LTP) or Local Cycling and Walking Infrastructure Plan (LCWIPs).

However, we have concerns regarding the potential scope of Levy funded infrastructure. The focus of Local Transport Plans will be the need to provide the transport user with options to support a shift in mode choice to meet the transport decarbonisation challenge, address air quality issues, tackle congestion and promote active travel. The consultation document for the new Infrastructure Levy fund suggests that although multi-modal infrastructure and public transport provision is desirable it is not integral to development. This would undermine the crucial need to provide users with choicest and represents a conflict between government ambitions and guidance. Responsibility of developers and local planning authorities must have

due regard to the IL to deliver sustainable places that will provide the necessary major investment in active and passenger travel infrastructure. The ambitions for the Levy fund do not align with Transport for the South East's recently published Strategic Investment Plan (SIP). This makes the case for improvements to existing infrastructure and encouraging behaviour change, to achieve modal shift and choice.

We are pleased to see that as part of the new IL, the *“Levy funded infrastructure will be used to deliver infrastructure that is required because of planned growth that will have a cumulative impact on an area and creates the need for new infrastructure to mitigate its impact”*. This will include enhancements to public transport routes, strategic walking, wheeling or cycling routes, or new and enhanced movement corridors. This aligns with the TfSE's SIP in advocating that local transport authorities and planning authorities adopt a more integrated and collaborative approach when it comes to delivering new infrastructure, to alleviate congestion on local roads.

One of the main selling points of the Community Infrastructure Levy (CIL) was that it would deliver a simplified system with a greatly reduced role for S106 agreements. However, it would appear that neither of these objectives will be delivered via the new IL. There are concerns that one complex system is being replaced with another, as it will potentially require higher levels of resourcing to monitor, process, and enforce the Levy at later stages of development. However, we do welcome the proposed system being mandatory and non-negotiable as, in theory, developers will have to take full account of the Levy when agreeing price for land and will therefore reduce the risk of them overpaying or negotiating the contributions through viability assessments.

It is TfSE's view that Local Transport Authorities should be able to have a genuine influence on Levy priorities, as well as the distribution of monies to fund those projects. This is to ensure that these proposals do not exacerbate the gap in infrastructure requirements and funding that the councils are currently experiencing. It is critical that there is a statutory requirement for Local Transport Authorities to be consulted and input into spending plans to ensure receipt of an agreed share of contributions. TfSE advocates the need for the development of Infrastructure Delivery Strategy as part of the IL process. A robust evidence base that is agreed between the Local Transport Authorities and the Local Planning Authority to validate the necessity of infrastructure and then sets out what infrastructure is necessary will be invaluable when setting out funding.

TfSE are unable to support a proposal that would further direct funds away from the delivery of key infrastructure when considering the flexibility of the use of levy funding. The proposal suggests that funds would be directed away from the delivery of key infrastructure requirements such as highways and would therefore put delivery at risk. The SIP which is a blueprint for investment up until 2050, requires authorities to be able to progress schemes in line with agreed priorities, and have dependencies on local authorities' LTP delivery and government targets, such as net zero.

Response to specific questions

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

Yes. There are several activities relating to transport infrastructure which are integral to its delivery, for instance sub-regional transport modelling, strategy development, and feasibility and design work. In addition, the use of the Levy to supplement integral multi-modal infrastructure such as e-bike/e-scooter schemes and car clubs is supported. The Levy would also be well placed to fund road safety and behaviour/education schemes including school crossing patrols, and also freight management and zero emission delivery schemes. There may also be items that cannot be foreseen at this time such as technologies relating to energy provision, digital connectivity and electric vehicles.

Any funding towards a greater number of non-infrastructure matters would not stretch the funding available across services and would not be to the detriment of the delivery of key infrastructure.

General comments from TfSE that are not covered by consultation questions.

It is reassuring that the consultation makes clear that Local Planning Authorities will be able to continue to use S278 and S38 agreements for highways matters. With pressures to deliver homes, transport is always highlighted as a key issue as part of the development management process, it is often contentious and a concern for both residents and visitors, they will want some certainty about the process and for transport infrastructure to be delivered. The proposals, as drafted, reduce authorities' ability to secure transportation infrastructure in accordance with their own priorities.



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