

Report to: Cabinet

Date: 11 January 2019

Title: CIL Spending Recommendations

Report of: Ian Fitzpatrick, Director of Regeneration and Planning

Cabinet member: Cllr Tom Jones, Cabinet Member for Planning

Ward(s): All wards that lie wholly or partially outside the South Downs National Park

Purpose of report: To seek Cabinet approval to release CIL funds, as recommended by the CIL Executive Board, to assist in the delivery of certain infrastructure projects in the area of the district for which Lewes District Council is the local planning authority.

Decision type: Key

Officer recommendation(s): To agree the release of funds from the CIL governance pots as recommended by the CIL Executive Board.

Reasons for recommendations: To support the delivery of the right level and type of infrastructure to support the growth identified for the local planning authority in the adopted Joint Core Strategy.

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1 Introduction

1.1 The Community Infrastructure Levy (CIL) is a charge that local authorities can impose on new development to help raise funds to deliver infrastructure that is required to support development and growth in their area. The Lewes District CIL Charging Schedule came into force on 1 December 2015 and applies to liable developments granted permission on or after this date in the area of the district for which Lewes District Council is the local planning authority. CIL is payable when works to implement a planning permission commence. As at 27th December 2018, the Council has collected £3,379,682.87 of CIL apportioned as follows between the difference pots in line with the CIL Regulations 2010 (as amended), the National Planning Practice Guidance (2014) and the Council's bespoke CIL governance (2014, 2016):

	Collected	Process
CIL Admin	£170,116.98	Applies to cost of administrative expenses for collection and enforcement in line with Regulation 61
Neighbourhood Portion	£507,862.25	Passed to Town and Parish Councils twice yearly (April, October) who must spend it in line with Regulation 59C
County Pot	£1,634,616.22	Infrastructure providers will be invited to bid to help deliver strategic infrastructure identified as fundamental to support development. The CIL Executive Board will make spending recommendations to Cabinet
District Pot	£544,872.07	Infrastructure providers will be invited to bid to help deliver local and community infrastructure. The CIL Management Board will make spending recommendations to be reviewed by the CIL Executive Board and subject to Cabinet's approval
Community Pot	£544,872.07	

- 1.2 Cabinet agreed the creation of two CIL boards. Each board is made up of Members and officers to ensure consistent assessment of bids, aligning the district's infrastructure needs with the requirements of the CIL Regulations. The bespoke governance arrangements allow Members to participate in the process of assessing the infrastructure bids. Other stakeholders as necessary may be invited to provide comments to feed into the assessment process.
- 1.3 The CIL Regulations determine that CIL receipts received by the planning authority must be applied to the provision, improvement, replacement, operation or maintenance of infrastructure that is required to support development. It should be noted that Town and Parish Councils have more flexibility as to how they spend their neighbourhood portion, they can also spend it on anything else that is concerned with addressing the demands that development places on an area.
- 1.4 CIL is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development. It can however be used to increase the capacity of existing infrastructure or repair failing existing infrastructure, if it can be demonstrated that these works are necessary to support new development.

2 Proposal

2.1 Bids were invited from infrastructure providers from 10 September until 22 October 2018. An initial SWOT (Strengths, Weaknesses, Opportunities, and Threats) assessment was carried out by officers and presented to the relevant board for further discussion.

2.2 The CIL Management Board assessed the bids received in the District and Community pots and made recommendations for spending to the CIL Executive Board. The CIL Executive Board reviewed the recommendations of the CIL Management Board, assessed the bids received in the County Pot and made the final recommendations for spending the CIL revenue to Cabinet.

2.3 Infrastructure providers were encouraged to provide as much detail as possible to support their bids. The form appended to the CIL Governance report (2016) was made available through our consultation software. The following information was required to allow each bid to be assessed:

- What is the infrastructure project;
- What is the timetable for delivery;
- What is the overall cost and outline breakdown of costs;
- Is the project in the Council's IDP and/or Regulation 123 List;
- What is the relationship to development recently permitted in the area;
- What other source of funding are contributing to the project;
- What consultation has been undertaken and what is the level of stakeholder support.

2.4 When reviewing the bids, the following criteria were considered:

- Is the project '*infrastructure*' as defined by the CIL Regulations;
- Is the project deliverable, with or without CIL funding;
- What are the public benefits of the project and what level of community support has the project received;
- How does it fit within the Council's priorities (does it deliver what is absolutely critical to deliver the Core Strategy growth); and
- Does it make use of 'match funding' or dovetailing of funding from other sources.

2.5 The recommendations from the CIL Executive Board for funding approval are presented by Governance pot from which the funds would be released. The more detailed SWOT analysis can be found in Appendix A.

2.6 Where bids have been unsuccessful at this round of assessment feedback has been provided to the bidder. Where insufficient evidence has been provided to support funding feedback includes how the bid could be strengthened for a future resubmission.

2.7 Recommendations for spending from the County Pot

Project (description)	Amount allocated
East Sussex County Council – New form of entry at the Seahaven Academy, Newhaven. Release	£1,200,000.00

of funds are conditional on Planning Permission being granted and up to date quotes being received and reviewed.	
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2.8 Recommendations for spending from the District Pot

Project (description)	Amount allocated
Wivelsfield Village Hall Improvements - up to date quotes required prior to release of funds.	£173,000.00
Newick Village Hall Improvements - up to date quotes required prior to release of funds.	£25,000.00
Salts Recreation Ground – New concrete table tennis tables. up to date quotes required prior to release of funds.	£3000.00
Newhaven High Street – installation of bespoke benches and planters. up to date quotes required prior to release of funds.	£8975.00

2.9 Recommendations for spending from the Community Pot

Project (description)	Amount allocated
Rowe Avenue Doctors Surgery – Refurbishment of flooring in treatment rooms and re-newal of emergency exit doors. The release of funds are conditional on up to date quotes and the implementation of this work within 6 months of being approved due to the length of lease left on this contract.	£12,000.00

2.10 The table below provides a summary of the amount of CIL funds that this report is recommending for spending from each CIL pot and the amount remaining available as at 27th December 2018 if the recommendation of this report is approved.

	Total recommendation for spending	Total of Bids approved in April 2018	Total available as at 27th December if recommendation is approved
County Pot	£1,200,000.00	£300,00.00	£134,616.22
District Pot	£209,975.00	£115,109.00	£219,788.07
Community Pot	£12,000.00	£17,000.00	£515,872.07

2.11 Prior to funding being released up to date quotes (quotes received within 30 days) will be required to be reviewed by the Planning Policy Officer and Finance Officer to ensure the project is still in line with the information provided

at the time the bid was submitted and that the work is still able to be successfully implemented.

3 Outcome expected and performance management

3.1 It is expected that the projects receiving funding will be implemented in a timely manner. The CIL Officer will monitor the progress of projects and report to the Head of Service as required.

4 Consultation

4.1 Not Applicable

5 Corporate plan and council policies

5.1 The current adopted corporate plan for 2016-2020 states: We recognise the need for infrastructure improvements to support new and existing homes and businesses. Our planning policies and the operation of the Community Infrastructure Levy are aimed at securing such improvements.

5.2 The release of funds that have been generated from the Community Infrastructure Levy to support the projects identified in this report is therefore in line with the current Corporate Plan for Lewes District Council.

6 Business case and alternative option(s) considered

6.1 Not Applicable

7 Financial appraisal

7.1 The timeframe of the release of the funds will be agreed with the successful bidders to ensure the deliverability of the projects as well as minimising the risk for the Council. Monitoring the delivery of projects will rest with the Senior Planning Policy Officer (Infrastructure) and will be overseen by Finance.

8 Legal implications

8.1 Section 216(2) of the Planning Act 2008 and regulation 59 of The Community Infrastructure Levy Regulations 2010 provide that a Council that charges CIL must apply it, or cause it to be applied, to supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure. In this context, "infrastructure" is defined as:-

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces

- 8.2 Planning Practice Guidance states that this definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant. Charging authorities may not use the levy to fund affordable housing.
- 8.3 Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.
- 8.4 The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.
- 8.5 There are no detailed legal requirements as to how the funding decisions are to be made, although a CIL Governance Framework for Lewes District Council was approved by Cabinet in November 2016.

Legal Implications Checked 16.01.18 007202-LDC-JCS

9 Risk management implications

Risks	Mitigation
<ul style="list-style-type: none"> • Critical infrastructure will not be delivered in time to support development identified in the development plan; • Projects supporting the community may not get delivered; • Some projects have secured partial funding which may be subject to clawback if not spent within a certain timeline; • There could be adverse effects to the Council's image and bespoke CIL governance agreed by the Council if where and when possible the Council did not release CIL revenue 	<p>That the recommendation of this report is approved</p>

10 Equality analysis

- 10.1 The information gathered does not identify negative impacts on any of the protected characteristic groups . The EaFA is currently with Stakeholders for comment and if required actions will be taken to address these.

11 Appendices

- Appendix 1 - Bid Assessments by Senior Planning Policy Officer October 2018

Background papers

The background papers used in compiling this report were as follows:

- Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030, May 2016 http://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/257159.pdf
- Infrastructure Delivery Plan, November 2018 https://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/262899.pdf
- Regulation 123 List, November 2015 http://www.lewes-eastbourne.gov.uk/_resources/assets/inline/full/0/255393.pdf
- Newick Neighbourhood Plan, July 2015
- Ringmer Neighbourhood Plan, January 2016
- Hamsey Neighbourhood Plan, July 2016
- Wivelsfield Neighbourhood Plan, December 2016
- Plumpton Neighbourhood Plan – Referendum version, March 2018
- Ditchling, Streat and Westmeston Neighbourhood Plan – Adopted May 2018 <http://www.lewes-eastbourne.gov.uk/planning-policy/neighbourhood-planning/>
- Cabinet report – Community Infrastructure Levy Governance. November 2014 <https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201411201430/Agenda/2b1KknllKm8nnObiQYSSm4byT9Tw3.pdf>
- Cabinet report – Community Infrastructure Levy Governance Review, November 2016 report <https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201611161430/Agenda/Jt6ocM0Ahw2ARi0bHWorFUuca5QKZK.pdf> and appendices https://democracy.lewes-eastbourne.gov.uk/Data/Lewes%20District%20Council%20Cabinet/201611161430/Agenda/iFRRDudBfL_OzIn2qMmlg7lhIMUpFo1.pdf