

**Report to:** Cabinet

**Date:** 28 October 2019

**Title:** Community Infrastructure Levy Spending Recommendations

**Report of:** Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning

**Cabinet member:** Cllr Emily O'Brien, 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 required to support development in the district.

**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 27<sup>th</sup> September 2019 the Council has collected £5,191,097.52 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):

|                              | <b>Total CIL Collected since adoption</b> | <b>Process</b>  |
|------------------------------|---|---|
| <b>CIL Admin</b>             | £70,175.02                                | Applies to cost of administrative expenses for collection and enforcement in line with Regulation 61  |
| <b>Neighbourhood Portion</b> | £838,640.60                               | Passed to Town and Parish Councils twice yearly (April, October) who must spend it in line with Regulation 59C  |
| <b>County Pot</b>            | £2,455,741.22                             | 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                            |
| <b>District Pot</b>          | £818,580.41                               | 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 |
| <b>Community Pot</b>         | £818,580.41                               |   |

- 1.2 There are 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 3<sup>rd</sup> June to 15<sup>th</sup> July 2019. 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 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 the 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

| <b>Project (description)</b>   | <b>Amount allocated</b> |
|--|-------------------------|
| East Sussex County Council – <b>New form of entry at the Seahaven Academy, Newhaven.</b>                 | £400,000.00             |
| East Sussex County Council – <b>Improvements to Newhaven Ring Road.</b>                                  | £300,000.00             |
| <b>South Downs National Park Authority</b> – Egrets Way Phase 5 of the route from Newhaven to Piddinghoe | £200,000.00             |

2.8 Recommendations for spending from the District Pot

| <b>Project (description)</b>  | <b>Amount allocated</b> |
|---|-------------------------|
| <b>Newhaven Tennis Courts</b> – re-surfacing and improvements                     | £28,000.00              |
| <b>Newhaven Ball Court</b> – re-surfacing and improvements                        | £28,000.00              |
| <b>Salts Recreation Ground</b> - Tennis Courts Resurfacing                        | £20,000.00              |
| <b>Newhaven Band Stand</b> – provision of electricity to Denton Island Band Stand | £13,280.00              |
| <b>Seaford Town Council</b> - water re-fill stations                              | £2,972.22               |

2.9 Recommendations for spending from the Community Pot

| <b>Project (description)</b>  | <b>Amount allocated</b>   |
|---|---|
| <b>CTLA</b> – 1 Mini Bus  | Approx. £69,000.00, confirmed on final quotation for 1 Mini Bus Only. |
| <b>Newick School</b> – Library Improvements to provide facilities to the community              | £3000.00  |
| <b>Sussex Police Engagement Van</b> – 1 new public engagement van for the Lewes Prevention Team | £47,406.80  |
| <b>Egrets Way</b> – Phase 5 of cycle route from Newhaven to Piddinghoe                          | £50,000.00  |

2.10 Community Benefits of recommendations for spending

County Pot

| <b>Project (description)</b>   | <b>Comments</b>  |
|--|--|
| East Sussex County Council – <b>New form of entry at the Seahaven Academy, Newhaven.</b> | This is a sustainable location for the development of new school places to service Newhaven and Peacehaven |
| East Sussex County Council –   | This project will improve air  |

|  |  |
|--|--|
| <b>Improvements to Newhaven Ring Road.</b>   | quality by reducing congestion on the Newhaven Gyratory and improve pedestrian access to the town centre.                              |
| <b>South Downs National Park Authority – Egrets Way Phase 5 of the route from Newhaven to Piddinghoe</b> | This project will improve air quality and contribute to carbon food print reduction by encouraging people to use non-motorised travel. |

#### District Pot

| <b>Project (description)</b>  | <b>Comments</b>  |
|---|--|
| <b>Newhaven Tennis Courts</b> – re-surfacing and improvements                     | This will improve facilities to enable positive health and wellbeing of residents and communities. |
| <b>Newhaven Ball Court</b> – re-surfacing and improvements                        | This will improve facilities to enable positive health and wellbeing of residents and communities. |
| <b>Salts Recreation Ground - Tennis Courts Resurfacing</b>                        | This will improve facilities to enable positive health and wellbeing of residents and communities. |
| <b>Newhaven Band Stand</b> – provision of electricity to Denton Island Band Stand | This will benefit the local community by creating cultural infrastructure.                         |
| <b>Seaford Town Council</b> – Water re-fill stations                              | Encourages the reduction in use of single use plastics.  |

#### Community Pot

| <b>Project (description)</b>   | <b>Comments</b>   |
|--|---|
| <b>CTLA</b> – 1 Mini Bus   | Encouraging the mobilisation of Communities to solve local problems and meet local needs.   |
| <b>Newick School</b> – Community Library Improvements                                    | Provides a community centre for those wishing to utilise technology and library facilities. |
| <b>Sussex Police Engagement Van</b> – 1 new Engagement Van for the Lewes Prevention Team | This will help to promote equality and foster good relationships.                           |
| <b>Egrets Way</b> – Phase 5 of cycle route from Newhaven to Piddinghoe                   | This project will increase air quality by encouraging people to use non-motorised travel.   |

- 2.11 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 27<sup>th</sup> December 2018 if the recommendation of this report is approved.

|                      | <b>Total recommendation for spending</b> | <b>Total available as at 27<sup>th</sup> September 2019 if recommendation is approved</b> |
|----------------------|--|---|
| <b>County Pot</b>    | £900,000.00                              | £55,741.22  |
| <b>District Pot</b>  | £92,252.22                               | £401,244.19   |
| <b>Community Pot</b> | £169,406.80                              | £632,173.61   |

- 2.12 Prior to funding being released, up-to-date quotes (quotes received within 30 days) will be required and will be reviewed by the Senior 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 supporting delivery of this Infrastructure 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.

Prior to funding being released, up to date quotes (quotes received within 30 days) will be required to be reviewed by the Senior 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.

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. 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, however a CIL Governance Framework for Lewes District Council was approved by Cabinet in November 2016.

## 9 Sustainability implications

- 9.1 Each of the bids submitted has been assessed by the Planning Policy Officer to determine if there are any Environmental impacts. This has then been presented to the CIL Boards when assessing each bid submitted.

Both the Egrets Way Project and Newhaven Ring Road Improvements aim to decrease the Carbon Footprint within the district through reducing the amount of vehicles on the roads by enabling non- motorised travel from the coast in Newhaven to Lewes Town and through easing congestion around the Gyratory, therefore having a positive Environmental Impact.

Water re-fills stations for Seaford Town Council aims to reduce the use of single use plastics and this will have a positive impact on the Environment.

The additional CTLA Mini Bus recommended for approval should reduce the amount of individual trips taken, therefore reducing the carbon footprint to the environment.

## 10 Equality and Fairness

- 10.1 An Equality analysis has been undertaken on these proposals. This has concluded that all the bids are positive for ages and disability ;

- **Seaford Town Council Tennis Courts**
- **Seaford Town Council Water Re-fill stations**
- **Egrets Way Cycle Path**
- **Newick School Library**
- **Sussex Police Engagement Van**
- **CTLA Mini Bus**
- **Newhaven Ball Court**
- **Newhaven Tennis Courts**
- **Newhaven Town Council Band Stand**

## 11 Appendices

- Appendix 1 - Bid Assessments from the Community and District Pot by Senior Planning Policy Officer September 2019
- Appendix 2 – Bid Assessments from the County Pot by Senior Planning Policy Officer September 2019

## 12 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](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](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](http://eastbourne.gov.uk/resources/assets/inline/full/0/255393.pdf)
- 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/iFRRDudBfLOzln2qMmlg7lhIMUpFo1.pdf>