

<b>Report to:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>7 July 2022</b>
<b>Title:</b>	<b>Recommendations for Community Infrastructure Levy Spending</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Deputy Chief Executive and Director of Regeneration and Planning</b>
<b>Cabinet member:</b>	<b>Councillor Stephen Gauntlett, Cabinet member for planning and infrastructure</b>
<b>Ward(s):</b>	<b>All in Lewes District</b>
<b>Purpose of report:</b>	<b>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</b>
<b>Decision type:</b>	<b>Key</b>
<b>Officer recommendation(s):</b>	<b>To agree the release of funds from the CIL governance pots as recommended by the CIL Executive Board.</b>
<b>Reasons for recommendations:</b>	<b>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.</b>
<b>Contact Officer(s):</b>	<b>Name: Leigh Palmer Post title: Head of Planning E-mail: Leigh.Palmer@lewes-eastbourne.gov.uk Telephone number: 07939578235</b>

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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 16<sup>th</sup> May 2022 the Council has collected £13,094,793.31 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, 2020):

	<b>Total CIL Collected since adoption</b>	<b>Process</b>
<b>CIL Admin</b>	£654,519.91	Applies to cost of administrative expenses for collection and enforcement in line with Regulation 61
<b>Neighbourhood Portion</b>	£2,503,822.24	Passed to Town and Parish Councils twice yearly (April, October) who must spend it in line with Regulation 59C
<b>Strategic Pot</b>	£6,412,817.94	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>Local Fund Pot</b>	£1,987,293.23	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>	£1,491,248.27	
<b>Community Small Projects Pot</b>	£45,094.72	

- 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 Expressions of Interest were invited from infrastructure providers in January 2022. An initial assessment was carried out by officers to determine if the project met the regulatory requirements to be able to make a formal bid. Projects that qualified to make a formal bid were then invited to do in March 2022. Presentations of the bids were made to the relevant board for further discussion.
- 2.2 The CIL Management Board assessed the bids received in the Local 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 Strategic 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/ relevant neighbourhood plan or any other planning document?
  - What is the relationship to development recently permitted in the area?
  - How the project will be of benefit to the Community.
  - What other source of funding are contributing to the project?
  - Risk assessments for Governance, Safety and Environment;
- 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 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.

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 Strategic Pot

No bids were recommended for approval from the Strategic Pot.

2.8 Recommendations for spending from the Local Fund Pot

<b>Project (description)</b>	<b>Amount allocated</b>
<b>Newick Parish Council – Skate Park</b>	£50,000.00
<b>Barcombe Parish Council – Playground refurbishment in Malt House WAY, Cooksbridge.</b>	£58,250.00
<b>Ditchling Parish Council – creation of car park in Ditchling Village</b>	£50,000.00
<b>Hamsey Parish Council – Playground replacement</b>	£27,000.00
<b>Peacehaven Town Council – Howard Park pedestrian access and handrailing to beach</b>	£30,000.00
<b>Peacehaven Town Council – Improvements to the pathway in Centenary Park</b>	£40,000.00
<b>Seaford Town Council – Fencing around Martello Fields</b>	£12,165.00
<b>Seaford Town Council – Seaford Salts Walkway improvements</b>	£11,196.00
<b>Telscombe Town Council -Information Boards at the entrance to Chatsworth Park</b>	£1,984.50

<b>Mid Sussex District Council</b> – Improvements works to Sheddingdean Community Centre	£20,180.00
<b>Wivelsfield Parish Council</b> -Final works to Village Hall renovations	£30,364.00
<b>TOTAL</b>	<b>£331,139.50</b>

2.9 Recommendations for spending from the Community Pot

<b>Project (description)</b>	<b>Amount allocated</b>
<b>Denton Community Garden</b> -Community Garden creation adjacent to Denton Primary School	£19,000.0
<b>Meridian Healthcare</b> – improvements to existing Car Park	£16,301.00
<b>Peacehaven Community Orchard</b> – additional of tree shelter belt	£7,952.00
<b>South Downs National Park</b> – Improvements to Ouse Valley Way	£35,000.00
<b>Seaford Community Garden</b> – Cycle Track and Meander Path	£56,000.00
<b>Sussex Police</b> – ANPR Cameras at Valley Road	£12,000.00
<b>Hillcrest Boxing Club, Newhaven</b> – Refurbishment of changing facilities	£24,415.00
<b>Iford Estate</b> – pathway resurfacing	£26,000.00
<b>TOTAL</b>	<b>£196.668.50</b>

2.10 Recommendations from the CIL Community Small Projects Pot.

<b>Project</b>	<b>Amount Allocated</b>
<b>Newick Village Hall</b> – resurfacing and remarking of Badminton Court	£4167.00
<b>Develop Outdoors</b> – shelter for forest school at Chatsworth Park	up to £5000.00

<b>Newhaven and Seaford Sailing Club – Piddinghoe Pond Changing and Disabled access facilities</b>	£5000.00
<b>TOTAL</b>	<b>£14,167.00</b>

### **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 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.
- 7.2 Prior to funding being released, up to date quotes 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.
- 7.3 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.

Legal Implications agreed 01.06.22LDC 6976- JCS

## **9 Risk management implications**

- 9.1 If the recommendations set out in this report are not agreed there is risk that the required infrastructure across the district will not be delivered and the objectives of the Local Plan and associated Neighbourhood Plan and Infrastructure Delivery Plan are not met. Environmental Risk and Sustainability Risk haven been discussed in more detail in section 11 of this report.

## **10 Equality analysis**

- 10.1 An Equality Analysis has been completed alongside this report and considered the potential impact of these recommendations. Overall, positive impacts are anticipated for communities, particularly the characteristics of age and disability as many of the recommendations would improve accessibility and wellbeing. There would be enhancements to provisions accessed by the community, potentially boosting mental and physical health and community interaction and cohesion.

## **11 Environmental sustainability implications**

- 11.1 Each of the bids submitted as part of the formal applications process had to provide a response to an Environmental Impact questions. This has then been assessed by the Senior Planning Policy Officer to determine if there are any negative Environmental impacts and if so, have they been mitigated appropriately. This has then been presented to the CIL Boards when assessing each bid submitted.
- 11.2 Bids increasing Cycle Provision decrease the Carbon Footprint within the district through reducing the number of vehicles on the roads by enabling non- motorised travel and through easing congestion on commuter routes, therefore having a positive Environmental Impact. Where building works are being undertaken, where possible the projects will utilise recycled materials, thermal efficient products to minimise the impact to environment.
- 11.3 Many projects recommended for CIL funds aim to improve access to outdoor facilities and improve greenspaces which will enhance the environment and raise people's awareness of their natural environment.
- 11.4 Projects which are completing building works are using environmentally sustainable methods and utilising energy conserving materials where possible.

## **12 Contribution to Community Wealth Building**

- 12.1 Many of the providers who are receiving CIL funds are community groups or Town and Parish Councils that are implementing projects which will enable the whole of the community to access common spaces that are enriched by the work being undertaken.

## **13 Appendices**

- None



## 14 Background papers

- 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>
- Lewes District Local Plan Part 2 - <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-part-2-site-allocations-and-development-management-policies/?assetdet43c22f64-9732-45b3-9c3e-026523402f1f=287648>
- Infrastructure Delivery Plan, January 2020 <https://www.lewes-eastbourne.gov.uk/planning-policy/lewes-local-plan-part-2-site-allocations-and-development-management-policies/?assetdet43c22f64-9732-45b3-9c3e-026523402f1f=287648>
- 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>
- Cabinet Report - CIL Governance Review Update March 2020:  
<https://democracy.lewes-eastbourne.gov.uk/ieDecisionDetails.aspx?ID=624>