

Report to:	Cabinet
Date:	11 July 2024
Title:	Recommendations for Community Infrastructure Levy Spending
Report of:	Robert Cottrill, Chief Executive
Cabinet member:	Councillor Laurence O'Connor, Cabinet member for planning and infrastructure
Ward(s):	All
Purpose of report:	The report seeks Cabinet approval to release CIL funds, as recommended by the CIL Executive Board, to help deliver 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 help deliver 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 planning 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 22nd May 2024 the Council has collected £15,620,289.85 of CIL since CIL was implemented on

December 1st, 2015. The table below sets out how the collected amount of CIL is apportioned between the different pots in line with the CIL Regulations 2010 (as amended), the National Planning Practice Guidance (2014) and the Council's bespoke CIL governance framework (2014, 2016, 2020):

	Total CIL Collected since adoption (2015)	Process
CIL Admin	£781,665.99	Applies to cost of administrative expenses for collection and enforcement in line with Regulation 61
Neighbourhood Portion	£2,995,631.32	Passed to Town and Parish Councils (with adopted neighbourhood plans) twice yearly (April, October). Spend must be in line with Regulation 59C
Strategic Pot	£7,756,649.65	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. Decision to be taken by Cabinet.
Local Fund Pot	£2,371,204.48	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	£1,663,864.65	
Community Small Projects Pot	£64,303.62	

- 1.2 The governance framework in Lewes District Council consists of two CIL boards. Each board is made up of Members and officers. This ensures consistent assessment of bids including bids from the district council itself. Bids are assessed using a robust criterion to ensure alignment with the district's infrastructure needs and in compliance 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 comment as part of the assessment process.

- 1.3 The CIL Regulations determine that CIL monies (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 CIL Process for 2024

- 2.1 The council, as the local planning authority, invited Expressions of Interest to support projects from infrastructure providers in January 2024. 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 were then invited to make formal detailed bids in March 2024. The qualifying bids were presented by the Senior Planning Policy Officer and Policy Officer to the relevant board for further discussion.
- 2.2 The CIL Governance update 2020 stipulates that the CIL Management Board assess the bids received in the Local, Community and Small Community Projects Pot and make recommendations for spending to the CIL Executive Board. The CIL Executive Board reviews the recommendations of the CIL Management Board, assesses the bids received in the Strategic Pot and makes the final recommendations for spending the CIL revenue to Cabinet. The final decision for recommendations to Cabinet is taken by Members that sit on the Board with council officers supporting the decision making process through the provision of information.
- 2.3 Infrastructure providers were asked 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 Infrastructure Delivery Plan (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 sources of funding are contributing to the project?

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 Unsuccessful bids in this assessment round, have been provided with feedback Where insufficient evidence was provided to support funding, feedback includes how the bid could be strengthened for a future resubmission. The following section of the report sets out the details of the projects and the relevant funding post that are being recommended for approval.

2.6 Recommendations for spending from the **Strategic Pot**

Project (description)	Amount allocated
Newhaven Health Hub- Lewes District Council Newhaven Health Hub including doctors' surgeries, a comprehensive health hub, improvements to WAVE Leisure and a changing places facility.	£4,500,000.00

2.7 Recommendations for spending from the **Local Fund Pot**

Project (description)	Amount allocated
Ringmer Parish Council – Skate Park	£75,000.00
Ringmer Parish Council – Fingerpost Lane Playground	£50,000.00
Newick Parish Council- Newick Sports Pavilion	£200,000.00
Hamsey Parish Council – Zip wire and safety matting replacement	£14,000.00
East Chiltington Parish Council- Storage Container for Parish equipment	£2000.00
Newhaven Town Council – new playground equipment and safety matting replacement	£75,000.00

Chailey Parish Council- Rowhill Play Area and Sports Ground- addition of seating and car park resurfacing	£2,770.00
Lewes District Council- Fort Road Recreation Project	£268,258.30
Barcombe Parish Council- Barcombe Pavilion refurbishment	£150,000.00
Lewes District Council – West Beach pedestrian access Pathway in Newhaven	£70,000.00
Peacehaven Town Council- new roof and heating systems to Sports Hub	£175,000.00
Telscombe Town Council- Chatsworth Park Café with Community Space and Toilet facilities	£150,000.00
TOTAL	£1,232,028.30

2.8 Recommendations for spending from the **Community Pot**

Project (description)	Amount allocated
Seaford Football Club- Improvements to Walmer Road Changing Facilities	£36,000.00
Chailey Parish Hall – Improvements to facilities	£7,792.00
Egrets Way – Surface improvements to bridleway 13	£16,500.00
Piddinghoe Village Hall – building renovation and improvements	£38,757.44
Seaford Mercread Youth Centre- renovations to existing youth centre	£106,977.07
Lewes Fire Station – improvements to existing building	£31,339.00
Lewes Petanque – Installation of new Piste	£11,500.00
Lewes Rowing Club- new clubhouse building and cultural centre	£50,000.00
TOTAL	£413,445.52

2.9 Recommendations from the CIL Community Small Projects Pot.

Project	Amount Allocated
Chailey Sports Club- sports equipment	£1350.00
Wivelsfield Village Hall- new blinds and flooring	£3797.16
TOTAL	£5,147.16

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 Infrastructure in line with the current Corporate Plan for Lewes District Council.

6 Business case and alternative option(s) considered.

- 6.1 Not applicable and the alternative option of not releasing the funds is unrealistic and will not support the delivery of infrastructure required to support development and our communities.

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 their project as well as minimising the risk to the Council.
- 7.2 Given that they may be a significant passage of time between approval of the bids and the monies being drawn down, prior to the release of funds, up to date quotes will be required. These will be reviewed by the Senior Planning Policy Officer and Finance Officer to ensure that 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 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 CIL to be used to fund a 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 CIL to fund affordable housing.

- 8.3 Local authorities must spend CIL on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. 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.

- 8.4 CIL 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 implication checked JCS 05.06.24 LDC/JCS/6976

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 Plans and Infrastructure Delivery Plan are not met. Environmental Risk and Sustainability Risk have been discussed in more detail in section 11 of this report.

10 Equality analysis

- 10.1 Please see as a background paper.

11 Environmental sustainability implications

- 11.1 Each of the bids submitted as part of the formal application process had to provide a response to an Environmental Impact questionnaire. 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, thus 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.

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

- Appendix 1 – Map of Lewes District Council Planning Area

14 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 [Adopted Joint Core Strategy \(lewes-eastbourne.gov.uk\)](http://www.lewes-eastbourne.gov.uk)
- Lewes District Local Plan Part 2 - [Local Plan Part 2 2020 \(lewes-eastbourne.gov.uk\)](http://www.lewes-eastbourne.gov.uk)
- Infrastructure Delivery Plan, January 2020 [Lewes District Council \(lewes-eastbourne.gov.uk\)](http://www.lewes-eastbourne.gov.uk)
- 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/iFRRDudBfLOzn2qMmlg7lhIMUpFo1.pdf>
- Cabinet Report - CIL Governance Review Update March 2020: <https://democracy.lewes-eastbourne.gov.uk/ieDecisionDetails.aspx?ID=624>
- Equality and Fairness Analysis Recommendations for CIL Spending 2024