

Report to Portfolio Holder for Growth and Regeneration

Subject: Community Infrastructure Levy (CIL) Non- Parish Funding – Consultation Response and Funding Decision

Date: 2nd October 2018

Author: CIL Officer

Wards Affected

Calverton (part), Carlton, Carlton Hill, Cavendish, Colwick (part), Coppice, Daybrook, Ernehale, Gedling, Netherfield, Phoenix, Plains, Porchester, Redhill, Trent Valley (part) and Woodthorpe

Purpose

To seek the Portfolio Holder's approval to:

- a) Allocate and establish a budget of £3,500 towards the Cinderpath capital project for the lighting element of the scheme;

Key Decision

This is not a Key Decision.

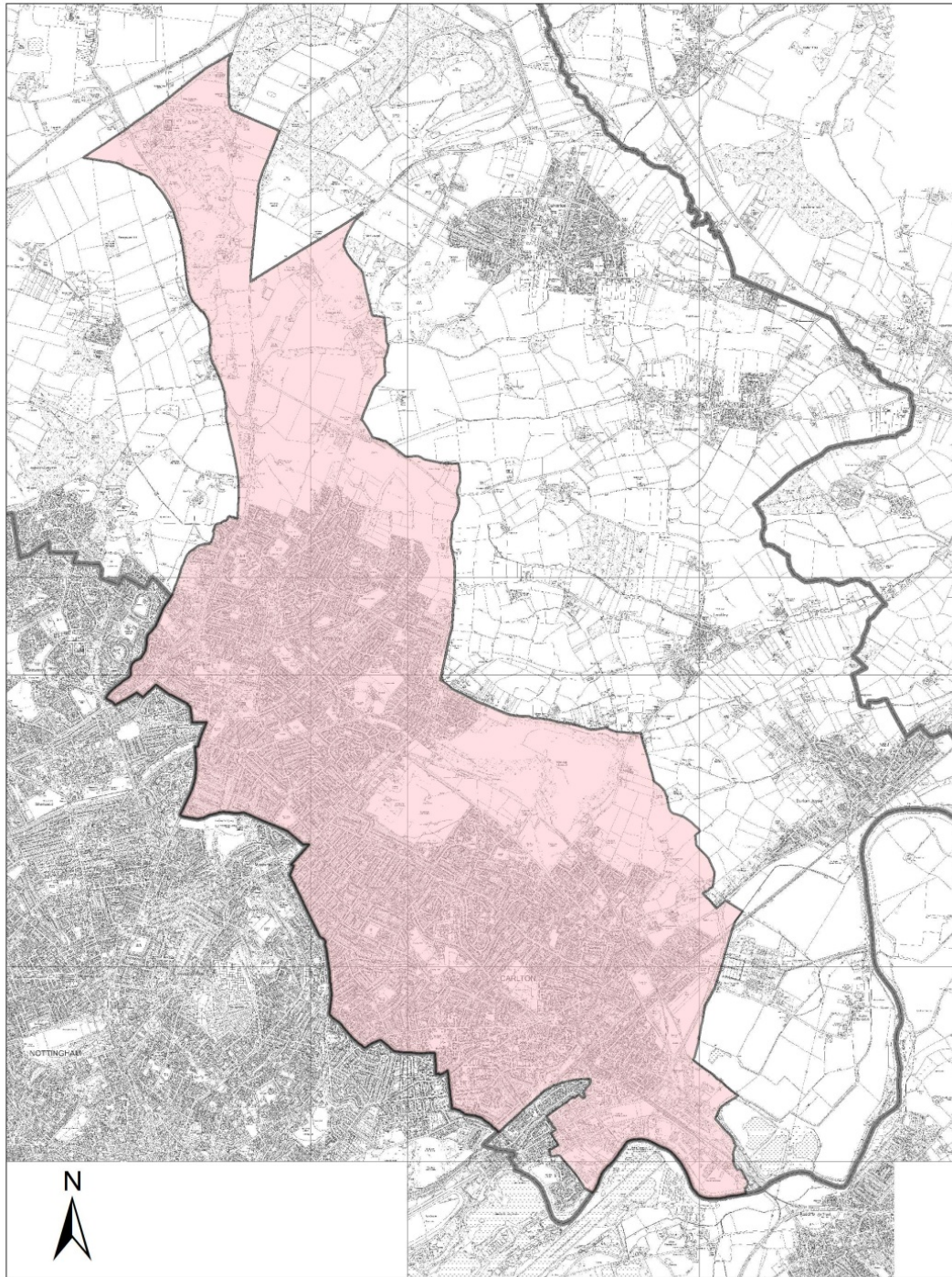
Background

- 1.1. The Planning Act 2008 introduced the Community Infrastructure Levy ("CIL") as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. CIL came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.
- 1.2. Following an independent examination in March 2015 and approval at full Council on 15 July that year, the Gedling Borough Council Community Infrastructure Levy Charging Schedule came into effect on 16 October 2015. Gedling Borough Council is the charging authority for the borough of

Gedling.



- 1.3. Regulation 59A of the Community Infrastructure Levy Regulations 2010 (as amended) (“the 2010 Regulations”) places a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This is known as the ‘neighbourhood portion’.
- 1.4. Where the chargeable development takes place in an area where there is no parish council, the charging authority retains the levy receipts but must spend the neighbourhood portion on, or to support, infrastructure in the area where the chargeable development takes places. This must be done in consultation with the local neighbourhood.
- 1.5. The extent of the parishes however does not cover the majority of the urban area of Gedling Borough (with the exception of Colwick). This creates a gap in the coverage for the neighbourhood portion in the Borough where there are no parishes or town councils to oversee its expenditure.
- 1.6. The non-parish areas of Gedling Borough as shown in Figure 1 cover the following Wards:
 - Calverton (part)
 - Carlton Hill
 - Colwick (part)
 - Daybrook
 - Gedling
 - Phoenix
 - Porchester
 - Trent Valley (part)
 - Carlton
 - Cavendish
 - Coppice
 - Ernehale
 - Netherfield
 - Plains
 - Redhill
 - Woodthorpe

Figure 1 The Non-Parish Area of Gedling Borough



Gedling  Civic Centre, Arnot Hill Park, Arnold, Nottinghamshire, NG5 6LU

Non-Parish Area

 Non-Parish Area
 Borough Boundary

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- 1.7. Regulation 59F of the 2010 Regulations states that where no parish or town council exists the charging authority may use the neighbourhood portion of CIL, or cause it to be used, to support the development of the relevant area by funding:-
- a) The provision, improvement, replacement, operation or maintenance of infrastructure; or
 - b) Anything else that is concerned with addressing the demands that development places on an area.
- 1.8. The 'relevant area' is defined by Regulation 59F (1)(4) as that part of the charging authorities area that is not within the area of a parish or town council.
- 1.9. The Community Infrastructure Levy Guidance ("the Guidance") published on 12 June 2014 makes it clear that the charging authority should engage with the local communities where the development has taken place and agree with them how best to spend the neighbourhood funding. The Guidance also emphasises the importance of the neighbourhood portion being used to deliver the infrastructure needs of the area in which the chargeable development has taken place.
- 1.10. The Guidance states that "charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods".
- 1.11. The Council's 'CIL and Neighbourhood Portion in Non-Parish Areas: Guidance Note' dated March 2017 details how the Council will:-
- 1. Identify and assess suitable local infrastructure projects.
 - 2. Consult with the local community over how the neighbourhood portion of CIL receipts will be spent in non-parish areas.
 - 3. Decide which infrastructure projects will benefit from funding from the neighbourhood portion of CIL receipts in non-parish areas.
- 1.12. The guidance note also outlines the approach to be taken during the allocations process. It confirms that officers will prepare a Project Assessment and Funding report that would recommend a shortlist of projects suitable for funding which would seek either Portfolio Holder or

Cabinet approval.

1.13. In accordance with the guidance note, the assessment document prepared, the CIL Non- Parish Funding – Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations (**Appendix 1**), was prepared by the Council's CIL Officer and includes the following information:

- CIL Projections (Total collected and expected Non-Parish Neighbourhood Funding before end of financial year)
- Local Infrastructure Schedule (A list of potential infrastructure projects that have been submitted for consideration)
- Project Assessment (An assessment of all projects submitted detailing it's suitability for funding)
- Project Recommendations (Recommendation of which infrastructure projects (if any) should be funded via the CIL Neighbourhood Funding)
- Further Projects (Opportunity for projects to submitted for next year)
- Consultation (Details of the consultation process)

1.14. The CIL Non-Parish Funding - Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations report dated 20th March 2018 identified a shortlist of appropriate infrastructure projects for CIL Neighbourhood Funding. It recommended that:

1. Cinderpath

- Shortlist for Non-Parish Neighbourhood Funding for £3,500 award towards Lighting Installation on the Cinderpath.

1.15. These proposals were subject to a 4 week public consultation between the 23rd April 2018 – 25th May 2018. The report is reporting the consultation responses received during this period and seeks to allocate £3,500 of CIL Non-Parish Neighbourhood Funding to the Cinderpath project.

1.16. A total of 6 consultees responded during the consultation period. These were received from the following organisation, groups and individuals:

- Sport England
- Nottingham North and East Clinical Commissioning Group

- Netherfield Locality Co-ordinator (Gedling Borough Council)
- Natural England
- Historic England
- Willow Farm Action Group

The comments made along with the officer comments are detailed in **Appendix 1**.

- 1.17. The comments received from Sport England, Nottingham North and East Clinical Commissioning Group, Natural England and Historic England did not raise any objections to the proposals.
- 1.18. The Netherfield Locality Co-ordinator provided an update as to the Cinderpath's deliverability. *"Update of project information - Requirement to re-submit the WREN funding bid to account for tree works and increase of project costs. Delay also incurred to avoid bird nesting season and the potential requirement for bat surveys. Bid was resubmitted on 13th June 2018 to WREN for £85,411.87 and will be determined on the 5th September. Bid is identical to previously successful bid with the addition of further supporting evidence. Terms of the WREN bid is that the scheme is delivered in the current financial year. CIL Neighbourhood Funding Bid for lighting is still appropriate as made and deliverable in current financial year."*
- 1.19. On the 6th September 2018 a further update has been received from the Netherfield Locality Co-ordinator confirming that the wider environment improvements have been awarded £84,411.87 from WREN. Therefore it is with confidence that the award of funding demonstrates the delivery of the wider project.
- 1.20. The other comments received were from the Willow Farm Action Group who appreciated that they were consulted and subsequently provided comments on all of the projects that were assessed. For 6 of the 7 projects the group had agreed or had no opposition to the findings contained within the project assessments. The main points raised relate to the Gedling Colliery Secondary School Contributions project. The comments received relate to the impact of new development proposed within the Local Planning Document on education provision in Gedling. *"We cannot therefore accept the author's statement that the 'delivery of this project is not required in the short-term but will be required as the Chase farm development progresses in the coming years'. As outlined*

within our submission to the Planning Inspector during the Examination into the Local Plan, the primary schools within one mile of the Chase Farm development are already over-subscribed (source: Gedling Borough Council Infrastructure Delivery Plan 2016). The secondary school is also in a similar position and cannot accommodate the additional demand from new development (source: Chase Farm planning application 2015)."

"Given that the Phase 2 development of Chase Farm, which includes a new school, is not scheduled to start until 2026, where are these children going to be educated?"

"We believe therefore that utilising funds from the neighbourhood portion of the CIL should be strongly supported on the basis that, as stated in Table 3, funding will enable a faster delivery of additional school places to meet the demand from Chase Farm and the other new housing developments."

- 1.21. Phase II of the Gedling Colliery development will see the provision of a new primary school that will serve the development and the locality. Triggers in the S106 agreement mean that the developer will provide the site for the Primary School for transfer to Nottinghamshire County Council either within 28 days of the commencement date of the GAR or prior to the occupation of the 200th dwelling (whichever trigger is the soonest).

The CIL (strategic element) will be used to collect monies towards secondary school provision linked to the Colliery development. The pot for this project is expected to increase significantly over the next few years with the expected delivery of a number of large development sites contained within the Local Planning Document.

The County Council as the Education Authority will be consulted in respect of all major planning applications (10 or more dwellings) and contributions may be sought and pooled to address capacity issues within the locality.

At this time this primary school funding has not been put forward by the education authority for Non-Parish CIL Neighbourhood Funding.

It is therefore considered that this project wouldn't benefit from a limited contribution by way of the CIL non-parish neighbourhood funding.

The need and progress of this specific project will be continued to be monitoring.

- 1.22. The comments received have been welcomed and have been considered alongside the original assessments made.

Proposals

- 1.1. From the assessments carried out on of the submitted infrastructure projects and the results of the public consultation it is proposed that the CIL Non-Parish Neighbourhood Funding is allocated accordingly:

- a) Cinderpath**

- Allocate £3,500 of CIL Non-Parish Neighbourhood Funding towards Lighting Installation on the Cinderpath.

- 1.2. It is proposed that a budget is established through virement for £3,500 from held CIL Neighbourhood funds towards the Cinderpath lighting scheme as part of the Cinderpath capital project.
- 1.3. The annual process will continue where new infrastructure projects will be sought that are eligible for the funding from the neighbourhood portion of CIL receipts.
- 1.4. It is proposed that the Council's dedicated CIL Neighbourhood Funding webpage <http://www.gedling.gov.uk/noparishcilneighbourhoodfunding/> is updated to announce the allocation of the award

Alternative Options

- 1.1. Two alternative options are potentially available to pursue.
- 1.2. Firstly there is the opportunity to allocate CIL monies to alternative schemes contained on the Local Infrastructure Schedule and Allocations consultation. However, although some comments received may suggest alternative projects could be funded, the other schemes have been assessed as not being suitable for funding at this time, either on the ground of project suitability (not meeting CIL Regulation 59F), alternative funding streams available or due to the unavailability of full funding (either

from CIL or external streams).

- 1.3. The second alternative option would be to remove project from the potential shortlist to allow for the CIL Non-Parish Neighbourhood Funding pot to accumulate further or await the further identification of alternative schemes. The implications of this could see a suitable project not funded and may prevent projects that are due to be matched funded not being delivered fully.

Financial Implications

- 1.4. The CIL monies that form part of the Non-Parish Neighbourhood Funding element are monies that have to be used in accordance with the CIL Regulations. The Neighbourhood Funding element of CIL is only used once funds have been collected, forward funding is not provided.
- 1.5. There is no financial impact as the administration of this process can be met within existing resources.
- 1.6. There would be no ongoing revenue implications associated with the Cinderpath Lighting Scheme. The proposal confirms that it will be adopted by Nottinghamshire County Council and any running costs or maintenance cost would subsequently be the responsibility of the Highways Authority, who has been involved in the surveying and design of the scheme.
- 1.7. There would be a requirement to establish a budget for £3,500 towards the Cinderpath capital project for the lighting element of the scheme.

Appendices

Appendix 1: Consultation and Officer Responses to the CIL Non-Parish Neighbourhood Funding Consultation June 2018

Background Papers

CIL and the Neighbourhood Portion in Non-Parish Areas: Guidance Note -

<http://www.gedling.gov.uk/media/Guidance%20note%20-%20CIL%20neighbourhood%20Portion.pdf>

Gedling Borough Council CIL Charging Schedule -

[http://www.gedling.gov.uk/media/Charging%20Schedule%20\(Adoption%20July%202015\).pdf](http://www.gedling.gov.uk/media/Charging%20Schedule%20(Adoption%20July%202015).pdf)

Community Infrastructure Levy (CIL) Non-Parish Funding Local Infrastructure Schedule, Project Assessment and Proposed Funding Allocations (Portfolio Holder Report and Background Document)

<https://democracy.gedling.gov.uk/ieDecisionDetails.aspx?ID=677>

Recommendation(s)

THAT:

the Portfolio Holder for Growth and Regeneration approves

- a) A virement to establish an additional budget of £3,500 on the Cinderpath capital project for the lighting element of the scheme to be funded from the CIL Non-Parish Neighbourhood Funding contributions.

Reasons for Recommendations

- a) To ensure that the neighbourhood portion of CIL collected receipts are expended in accordance with the CIL Regulations 2010 (as amended) and statutory guidance.