

## **Report to Cabinet**

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

**Date:** 19 March 2019

**Author:** Service Manager – Development Services

### **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 Cabinet approval to:

- a) Use up to £100,000 towards the Gedling Country Park Car Park Extension from collected CIL Non-Parish Neighbourhood Funding contributions
- b) Use up to £40,000 towards the Changing Facilities at Lambley Lane Recreation Ground from collected CIL Non-Parish Neighbourhood Funding contributions

### **Key Decision**

This is a Key Decision

### **Recommendation(s)**

**THAT: Cabinet approves**

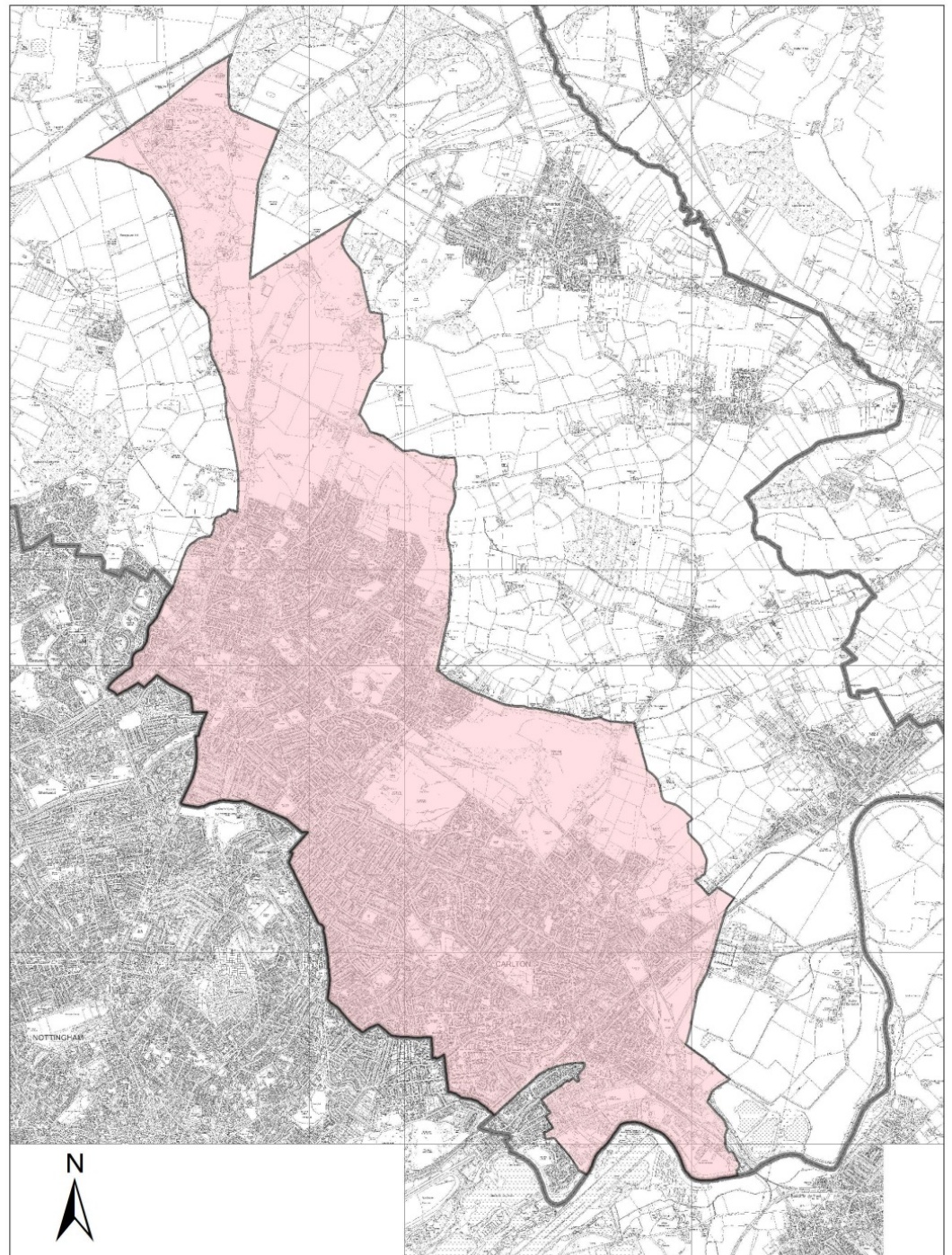
- 1) The use of CIL Non-Parish Neighbourhood Funding contributions of up to £100,000 on the Gedling Country Park Car Park Extension.**
- 2) The use of CIL Non-Parish Neighbourhood Funding contributions of up to £40,000 on the Changing Facilities at Lambley Lane Recreation Ground.**

## **1 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 pass at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to local councils (parish councils) spend on local priorities. 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. Guidance recommends that this should 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**  
Borough Council



Civic Centre, Arnot Hill Park, Arnold,  
Nottinghamshire, NG5 8LU

**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, was prepared by the Council's CIL Officer and included 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 10<sup>th</sup> January 2019 identified a shortlist of appropriate infrastructure projects for CIL Neighbourhood Funding. It recommended that:

The commencement of consultation on Tuesday 29<sup>th</sup> January 2019 for a period of 4 weeks on the shortlisted projects (listed below) identified to receive CIL Non-Parish Funding.

**1. Gedling Country Park Car Park Extension**

- Shortlist for Non-Parish Neighbourhood Funding for up to £100,000 award.

**2. Changing Facilities at Lambley Lane Recreation Ground**

- Shortlist for Non-Parish Neighbourhood Funding for up to £40,000 award.

- 1.15 These proposals were subject to a 4 week public consultation between the 29<sup>th</sup> January 2019 – 26<sup>th</sup> February 2019. This report is reporting the consultation responses received during this period and seeks to allocate up to £100,000 of CIL Non-Parish Neighbourhood Funding to the Gedling Country Park Car Park Extension project and up to £40,000 to Changing Facilities at Lambley Lane Recreation Ground project.

- 1.16 A total of 22 consultees responded during the consultation period. These were received from the following organisation, groups and 15 individuals:

- Sport England
- Willow Farm Action Group
- Historic England
- Cllr. Andrew Ellwood for Phoenix Ward

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

- 1.17 The Comments received from Sport England and Historic England did not raise any objections to the proposals.

- 1.18 18 respondents provided detailed comments in support of the projects. With respect to the Gedling Country Car Park Extension although overall the project

was supported, the project was questioned in relation to its sustainability credentials (e.g. encouraging further car movements to the country park). Supporters of the scheme were able to balance the issues raised and recognise the benefits of the project on the nearby and surrounding area.

- 1.19 Of the supporting comments received there was unanimous support for the Lambley Lane Recreation Ground Changing Facilities. The proposed project was seen as much needed and would support the Mapperley All Stars in their future development as a community organisation and would support the development of site further in the long term. Supporters also raised a requirement to look at the quality of the football pitches provided.
- 1.20 Two objections were received in relation to the Gedling Country Park Car Park Extension. One objection related to the funding of the Car Parking Extension, specifically using CIL to match fund capital funds of the Council, the objector felt that enough rate payers money had been spent on the project.
- 1.21 The second objection received considered that the car park extension was an expensive fix to a short term problem, the objector felt that there would be an over capacity once other development and their access points are completed. 4 points were raised that focused:
- 1) The reason for the high demand?
  - 2) Is this a short term problem, could the money be better spent elsewhere?
  - 3) Can't current highways be managed by Nottinghamshire County Council?
  - 4) What other parking and pedestrian access point to the Country Park are being considered.
- 1.22 The Service Manager for Parks and Street Care provided a comprehensive response to each of the issues raised, the response has been incorporated in the Consultation and Officer Response document attached in Appendix 1.
- 1.23 The split of the response to the projects are listed below:

<b>Gedling Country Car Park Extension</b>					
Support	7	Neutral	-	Object	2

<b>Lambley Recreation Ground Changing Facilities</b>					
Support	18	Neutral	1	Object	-

- 1.24 The comments received have been welcomed and have been considered alongside the original assessments made. The Council's dedicated CIL



Neighbourhood Funding webpage  
<http://www.gedling.gov.uk/noparishcilneighbourhoodfunding/> is to be updated to announce the allocation of the awards.

## **2 Proposal**

- 2.1 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 used accordingly:
- a) **Gedling Country Park Car Park Extension** – Use up to £100,000 towards the Car Park Extension.
  - b) **Lambley Lane Recreation Ground** – Use up to £40,000 towards the replacement of the Changing Room Facilities.
- 2.2 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.

## **3 Alternative Options**

- 3.1 Two alternative options are potentially available to pursue.
- 3.2 Firstly there is the opportunity to allocate CIL monies to alternative schemes contained on the Local Infrastructure Schedule and Allocations consultation. No alternative schemes have been suggested to be funded and the other schemes assessed have been considered as not being suitable for funding at this time, either on the ground of project suitability (not meeting CIL Regulation 59F), alternative funding streams being available or due to the unavailability of full funding (either from CIL or external streams).
- 3.3 The second alternative option would be to the remove a project from the potential shortlist to allow for the CIL Non-Parish Neighbourhood Funding holdings 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. Relevant justification has not been given at this time to warrant the removal of a project.

## **4 Financial Implications**

- 4.1 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.

- 4.2 There is no financial impact as the administration of this process can be met within existing resources.
- 4.3 There would be some revenue implications associated with both shortlisted projects. However, both proposals confirm that the ongoing costs of the maintenance would be from PASC revenue budgets.

## **5 Appendices**

- 5.1 Appendix 1: Consultation and Officer Responses to the CIL Non-Parish Neighbourhood Funding Consultation March 2019

## **6 Background Papers**

- 6.1 [CIL and the Neighbourhood Portion in Non-Parish Areas: Guidance Note](#)
- 6.2 [Gedling Borough Council CIL Charging Schedule](#)
- 6.3 [Community Infrastructure Levy \(CIL\) Non-Parish Funding Local Infrastructure Schedule, Project Assessment and Proposed Funding Allocations \(Cabine Report and Background Document\)](#)

## **7 Reasons for Recommendations**

1) and 2) To ensure that the neighbourhood portion of CIL collected receipts are expended in accordance with the CIL Regulations 2010 (as amended) and statutory guidance.