

## **Report to Cabinet**

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

**Date:** 16<sup>th</sup> September 2021

**Author:** CIL and Section 106 Monitoring 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 Cabinet approval to:

- a) Use up to £50,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards the Green Lung Corridor project LIS0003.
- b) Use up to £43,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards the Arnold Marketplace project LIS0004.

### **Key Decision**

This is a Key Decision as it is likely to be significant in terms of its effect on the communities living or working in an area comprising of two or more wards in the Borough.

### **Recommendation(s)**

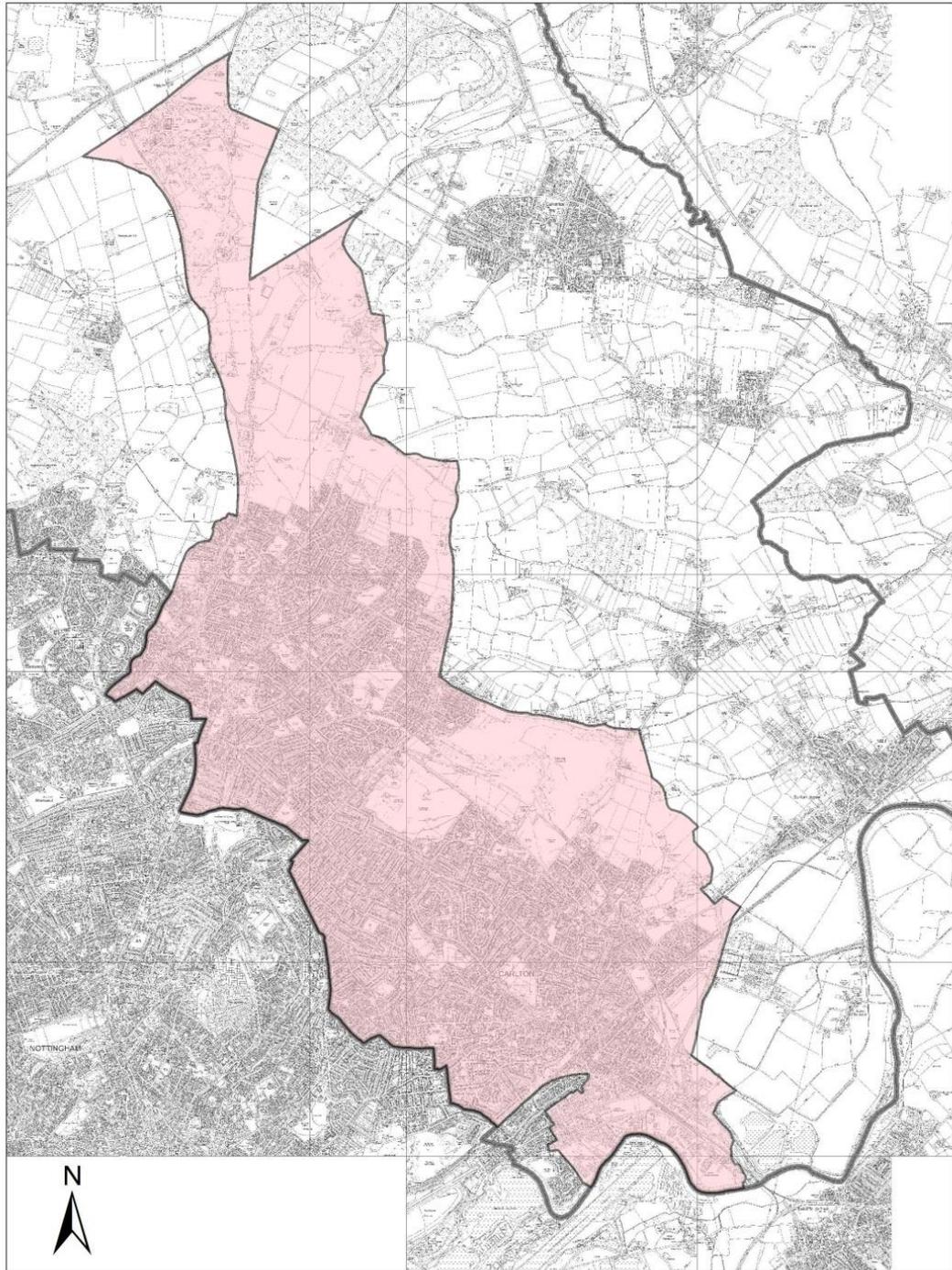
**THAT: Cabinet approves**

- 1) Use up to £50,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards the Green Lung Corridor project LIS0003.**
- 2) Use up to £43,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards the Arnold Marketplace project LIS0004.**

## **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 6LU

**Non-Parish Area**

Non-Parish Area  
Borough Boundary

Reproduced with the permission of the Controller of H.M.S.O. Crown copyright, Licence No. LA100021246.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

- 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 Neighbourhood Non-Parish CIL Receipts collected)
  - 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 May 2021 identified a shortlist of appropriate infrastructure projects for CIL Neighbourhood Funding. It recommended that:

The commencement of consultation on Monday the 7<sup>th</sup> June 2021 for a period of 4 weeks on the shortlisted projects (listed below) identified to receive CIL Non-Parish Funding.

**1. Green Lung Corridor**

- Shortlist for Non-Parish Neighbourhood Funding for up to £50,000 award.

**2. Arnold Marketplace**

- Shortlist for Non-Parish Neighbourhood Funding for up to £43,000 award.

1.15 These proposals were subject to a 4 week public consultation between the 7<sup>th</sup> June 2021 – 5<sup>th</sup> July 2021. This report is reporting the consultation responses received during this period and seeks to allocate up to £50,000 of CIL Non-Parish Neighbourhood Funding to the Green Lung Corridor project and up to £43,000 to the Arnold Marketplace project.

**2 Consultation**

2.1 A total of 5 consultees responded during the consultation period. These were received from the following organisation and groups, and a further comment was also received from Councillor Ellwood:

- Natural England
- The Coal Authority
- Willow Farm Action Group
- Historic England

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

- 2.2 The comments received from Natural England did not raise any objections to the proposals and were generally supportive of the identified projects, in particular, the Green Lung Corridor.
- 2.3 The Coal Authority had no specific comments to make in relation to the projects identified.
- 2.4 Willow Farm Action Group have expressed their support for the Green Lung Corridor project. The Willow Farm Action Group did however, raise some concerns regarding the potential on-going maintenance costs associated with this type of project. Willow Farm Action Group were unable to support the Arnold Marketplace project as they were unsure how the project complies with the CIL Regulations, specifically, how it “meets a need created by new development”.
- 2.5 Historic England note that both proposals meet the criteria and have no concerns to raise in relation to the identified projects which would present the prospect of addressing the long-term sustainability of these particular parts of the Borough, and encompass opportunities for wellbeing and better appreciation of the project areas.
- 2.6 The comments raised by Councillor Ellwood acknowledged that the increased occupancy of the Chase Farm Development creates a need for improved infrastructure in the surrounding area, however, questions regarding the clarity and level of detail provided in the Green Lung Corridor project were raised. No objections were raised in relation to the Arnold Marketplace development. Additional queries were raised as to whether additional sources of funding might also be available for this project. Additional comments were also made in regards to other projects included on the Local Infrastructure Schedule which were also considered suitable for the awarding of CIL Monies. Reference was made to LIS0002 - Footpath/Drainage Improvements at Linsdale Gardens which Councillor Ellwood still considered suitable for allocation.
- 2.7 In response to the comments regarding LIS0003 - Green Lung Corridor, whilst the suggestion to utilise future CIL receipts for the ongoing maintenance costs of the Green Lung Corridor project is welcomed, it should be noted that it is difficult to forecast CIL receipts for any given year as this is dependent upon the commencement of liable developments. As such it would be impossible to accurately predict future monies which might be collected and therefore the CIL is not considered to be a suitable source of funding for this type of expenditure.

2.8 In addition to the above I can confirm that the project brief details the renovation of existing footpaths rather than the creation of new access points. The proposed project incorporates new landscaping and the installation of new street furniture, including information boards to educate local residents on the historical importance of the area including the mining at Gedling Country Park and other points of interest. The proposed works, if awarded funding, are set to commence in winter 2021/2022 and extend until winter 2023. Initial phases will also include inspections of the existing footpaths and drainage at Digby Park.

2.9 In response to the comments regarding LIS0004 – Arnold Marketplace I can confirm that the development of the Arnold Marketplace has generated CIL receipts as a liable development and as such is, in of itself, directly contributing to the CIL and creating a need as new development. With the above in mind it is considered that the project accords with the CIL Regulations in terms of being suitable for the awarding of Non-Parish Funding. Furthermore, it is considered that the awarding of the CIL monies, as outlined in the Community Infrastructure Levy Non- Parish Funding Local Infrastructure Schedule Project Assessments and Proposed Funding report, would facilitate and enable a more comprehensive development of the Arnold Marketplace better suited to meet the needs of the locality by providing safe, accessible space and increased levels of public amenity.

2.10 Finally, whilst the comments regarding LIS0002 are welcomed and noted, it is still considered that the awarding of CIL monies to LIS0003 would represent a more comprehensive development and generate a greater return both financially and in terms of the wider benefit to local residents.

2.11 The split of the response to the projects are listed below:

<b>LIS0003 Green Lung Corridor</b>					
Support	3	Neutral	2	Object	0

<b>LIS0004 Arnold Marketplace</b>					
Support	3	Neutral	1	Object	1

2.12 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.

### **3 Proposal**

3.1 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) **Green Lung Corridor** – Use up to £50,000 towards the creation of a Green Corridor between Gedling Country Park and Digby Avenue.
- b) **Arnold Marketplace** – Use up to £43,000 towards the redevelopment and enhancement of Arnold Marketplace.

3.2 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.

### **4 Alternative Options**

4.1 Two alternative options are potentially available to pursue.

4.2 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 more appropriate funding streams being available or due to the unavailability of full funding (either from CIL or external streams).

4.3 The second alternative option would be to 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.

### **5 Financial Implications**

5.1 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.

5.2 There is no financial impact as the administration of this process can be met within existing resources.

- 5.3 There would be some revenue implications associated with the shortlisted project LIS0003. However, it is confirmed that the ongoing costs of the maintenance would be covered from PASC revenue budgets.

## **6 Legal Implications**

- 6.1 To comply with the requirements of Regulation 59F of The Community Infrastructure Levy Regulations 2010 and ensure the Neighbourhood Portion of CIL is expended in accordance with these regulations.

## **7 Equality Implications**

- 7.1 A public consultation has been undertaken to ensure that the process remains accessible, any comments received as a result of this consultation have been duly considered and taken into account.

## **8 Carbon Reduction/Environmental Sustainability Implications**

- 8.1 There are no direct carbon reduction/sustainability implications arising from this report.

## **9 Appendices**

- 9.1 Appendix 1: Consultation and Officer Responses to the CIL Non-Parish Neighbourhood Funding Consultation 2019-20

## **10 Background Papers**

- 10.1 CIL and the Neighbourhood Portion in Non-Parish Areas: Guidance Note - <http://www.gedling.gov.uk/media/Guidance%20note%20-%20CIL%20neighbourhood%20Portion.pdf>
- 10.2 Gedling Borough Council CIL Charging Schedule - [http://www.gedling.gov.uk/media/Charging Schedule \(Adoption July 2015\).pdf](http://www.gedling.gov.uk/media/Charging%20Schedule%20(Adoption%20July%202015).pdf)
- 10.3 Community Infrastructure Levy (CIL) Non-Parish Funding Local Infrastructure Schedule, Project Assessment and Proposed Funding Allocations Report

## **11 Reasons for Recommendations**

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

**Statutory Officer approval**

**Approved by:**

**Date: 20<sup>th</sup> August 2021**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date: 27<sup>th</sup> August 2021**

**On behalf of the Monitoring Officer**