

Report to Cabinet

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

Date: 17th March 2022

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 £25,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards LIS0001 - Footpath extension at Willow Park, Gedling.
- b) Use up to £55,760 collected from CIL Non-Parish Neighbourhood Funding contributions towards LIS0002 - Internal works and alterations at Netherfield Forum Children, Young People and Families Hub.

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)

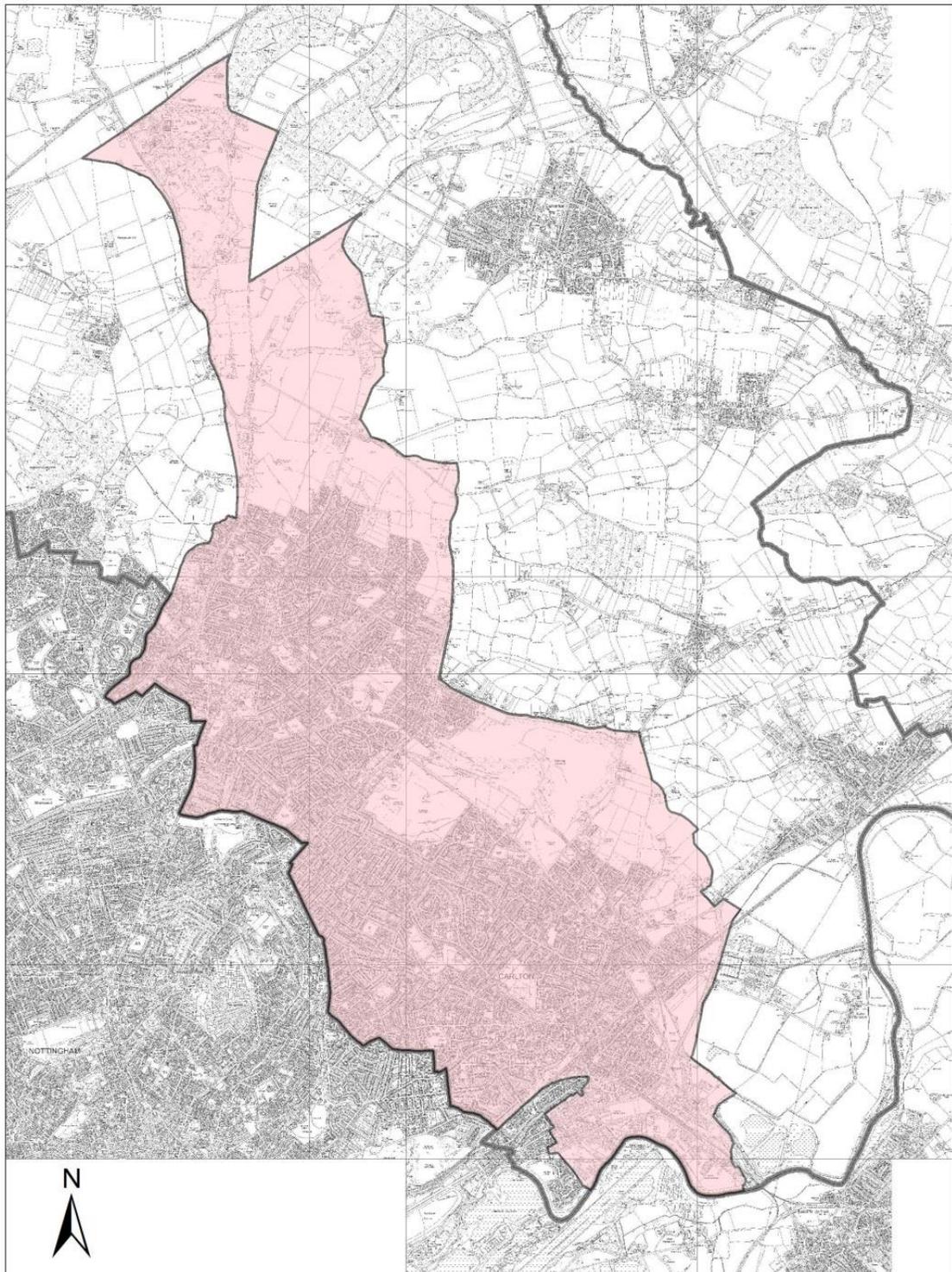
THAT: Cabinet approves

- 1) Use up to £25,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards LIS0001 - Footpath extension at Willow Park, Gedling.**
- 2) Use up to £55,760 collected from CIL Non-Parish Neighbourhood Funding contributions towards LIS0002 - Internal works and alterations at Netherfield Forum Children, Young People and Families Hub.**

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  Civic Centre, Amot 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 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 December 2021 identified a shortlist of appropriate infrastructure projects for CIL Neighbourhood Funding. The shortlisted projects were:

1. LIS0001 – Footpath Extension at Willow Park, Gedling

- Shortlist for Non-Parish Neighbourhood Funding of up to £25,000 award.

2. LIS0002 – Internal works and alterations at Netherfield Forum Children, Young People and Families Hub

- Shortlist for Non-Parish Neighbourhood Funding of up to £55,760 award.

1.15 These proposals were subject to a 4 week public consultation which was live from the 10th January 2022 to the 7th February 2022. This report provides a summary of the consultation responses received during this period and provides a final recommendation for the CIL Non-Parish Neighbourhood Funding Awards taking into consideration any representations received.

2 Consultation

2.1 A total of 10 consultees responded during the consultation period. Responses were received from 3 members of the public and the following organisations:

- Nottinghamshire County Council
- Gedling Youth & Community Hub
- Natural England
- Willow Farm Action Group
- The Coal Authority
- Historic England
- The Environment Agency

All representations received have been summarised in **Appendix 1** along with any relevant responses made by the Councils Community Infrastructure Levy Officer.

2.2 Nottinghamshire County Council did not raise any specific comments in relation to the shortlisted projects but noted that any changes to the watercourse during footpath improvements in relation to LIS0001 may require ordinary watercourse drainage consent. Willow Park is land which is owned and maintained by Gedling Borough Council ensuring that any such due diligence with regards to additional consents required will be sought prior to works being undertaken.

2.3 Gedling Youth & Community Hub made comments with regards to LIS0001. It was suggested that better a community project local to Gedling Ward may be suitable for CIL Non-Parish Neighbourhood Funding. Unfortunately this project was not nominated in time to be considered for this round of Awards. It has been

recommended that Gedling Youth & Community Hub formally submit the project as a nomination using the electronic submission form on the Gedling Borough Council website so this project can be properly assessed and considered for CIL Non-Parish Neighbourhood Funding at the next round of Awards.

- 2.4 Natural England did not raise any specific comments in relation to the shortlisted projects.
- 2.5 Willow Farm Action Group were supportive of both shortlisted projects LIS0001 and LIS0002.
- 2.6 The Coal Authority did not raise any specific comments in relation to the shortlisted projects but noted that within the Gedling Borough area there are recorded coal mining features present at surface and shallow depth including; mine entries, recorded mine gas sites and reported surface hazards. These features may pose a potential risk to surface stability and public safety. The Netherfield Forum Children, Young People and Families Hub is not a Gedling Borough Council asset, instead it is privately owned by the Netherfield Forum. If this project is awarded CIL Non-Parish Neighbourhood Funding, the council will work proactively with the Forum to ensure that suitable measures are taken before and during any construction works on site.
- 2.7 Historic England did not raise any specific comments in relation to the shortlisted projects.
- 2.8 The Environment Agency had no adverse comments to make with regards to the shortlisted projects, however, they did note that the proposed surfaced path proposed as part of LIS0001 would be in close proximity of the Ouse Dyke, a Main River of the Environment Agency. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place on or within 8 metres of a main river. These comments have been noted and will be forwarded to the relevant bodies if this project is awarded CIL Non-Parish Neighbourhood Funding.
- 2.9 In total 3 representations were received from members of the public. No objections were raised to the shortlisted projects. Of these representations 2 were supportive of both shortlisted projects. The final representation only made reference to LIS0001. One of the comments also states that more could be done to improve the environmental status and amenity value of the Ouse Dyke within Willow Park. With regards to this I would again recommend that any potential projects be formally submitted using the electronic form on the Gedling Borough Council CIL Non-parish website so that they can be formally assessed as part of the next round of CIL Non-Parish Neighbourhood Funding Awards.
- 2.10 The below summary is considered accurate taking into account the feedback from the public consultation:

LIS0001 Footpath Extension at Willow Park, Gedling					
Support	5	Neutral	4	Object	1

LIS0002 Internal works and alterations at Netherfield Forum Children, Young People and Families Hub					
Support	4	Neutral	5	Object	0

2.12 The comments received are welcomed and have been considered alongside the original assessments made to reach a final recommendation for the CIL Non-Parish Neighbourhood Funding Awards.

3 Recommendation

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) Use up to £25,000 collected from CIL Non-Parish Neighbourhood Funding contributions towards LIS0001 - Footpath extension at Willow Park, Gedling.
- b) Use up to £55,760 collected from CIL Non-Parish Neighbourhood Funding contributions towards LIS0002 - Internal works and alterations at Netherfield Forum Children, Young People and Families Hub.

3.2 The nomination process for future projects will continue to seek new infrastructure projects which may be eligible for funding from the CIL Non-Parish Neighbourhood Funding. The submission deadline for the next round of awards is the 31st August 2022.

3.3

The Council's dedicated CIL Neighbourhood Funding webpage shall be updated to announce the allocation of the awards if Cabinet approve the above recommendations.

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.

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 Jan/Feb 2022

10 Background Papers

- 10.1 There are no background papers relevant to this 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:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer