

Report to Cabinet

Subject: Community Infrastructure Levy (CIL) Non- Parish Funding – Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations

Date: 8th December 2022

Author: Community Infrastructure Levy 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 approval for the commencement of a four week public consultation on the projects shortlisted to receive CIL Neighbourhood Funding in the 'CIL Non-Parish Funding - Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations' document.

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

THAT:

Cabinet approves the commencement of consultation on Monday 16th January 2023 for a period of 4 weeks on the shortlisted project identified as suitable for CIL Non-Parish Funding.

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 6th April 2010 through the Community Infrastructure Levy Regulations 2010.
- 1.2. Following an independent examination in March 2015 and approval at full Council on 15th July that year, the Gedling Borough Council Community Infrastructure Levy Charging Schedule was adopted on 16th 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 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

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:-

- The provision, improvement, replacement, operation or maintenance of infrastructure; or
- 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 12th 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. A guidance note dated March 2015 prepared by the Council titled ‘CIL and the Neighbourhood Portion in Non-Parish Areas detailed how the Council would:-
 1. Consult with the local community over how the neighbourhood portion of CIL receipts will be spent in non-parish areas.
 2. Decide which infrastructure projects will benefit from funding from the neighbourhood portion of CIL receipts in non-parish areas.
- 1.12. The Guidance Note creates a process that invites the local community, groups and organisations to identify and have their say on appropriate projects for expenditure of the neighbourhood portion of CIL receipts. Groups, organisations and individuals can nominate potential infrastructure projects throughout the year using our online form; nominations can be submitted throughout the year.
- 1.13. 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 recommends a shortlist of projects which will either be considered by Portfolio Holder or Cabinet for approval.
- 1.14. 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**), has been prepared by the Council’s CIL Officer and includes the following information:
 - CIL Receipts (What Non-Parish Neighbourhood Funding has been 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 their 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 consideration next year)
- Consultation (Details of the process)

1.15. The purpose of the CIL Non-Parish Funding - Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations report is to identify and shortlist appropriate infrastructure projects for CIL Neighbourhood Funding. In order to make appropriate awards of CIL Neighbourhood Funding in non-parish areas of the Borough there is a need to project potential payments until the end of the financial year.

1.16. 2017/2018 was the first financial year in that CIL Neighbourhood Funding in the non-parish area of Gedling was awarded. Following public consultation an award of £3,500 granted to the deliver new lighting as part of the Cinder Path scheme in Netherfield, led by Council's Netherfield Locality Officer.

1.17. In 2018/2019 awards of £100,000 and £40,000 were awarded to a Car Park Extension at Gedling Country Park and Changing Facilities at Lambley Lane Recreation Ground respectively.

1.18. In 2019/2020 no projects were nominated for consideration of the CIL Non-Parish Neighbourhood Awards.

- 1.19. In 2020/2021 awards of £50,000 and £43,000 were awarded to the Green Lung Corridor at Mapperley / Gedling and the Arnold Marketplace development in Arnold Town Centre respectively.
- 1.20. In 2021/2022 awards of £25,000 and £55,760 were awarded to a Footpath Extension at Willow Park and Internal works and alterations at Netherfield Forum Children, Young People and Families Hub respectively. Construction works for both projects have now been completed.
- 1.21. At the end of the last financial year 2021/22 (31st March 2022) the amount of unallocated CIL Receipts for the Non-Parish Neighbourhood proportion stood at £174,300.
- 1.22. Since this time, additional CIL receipts have been collected and, as of the 30th September 2022, the Non-Parish Neighbourhood proportion stands at £239,666. Further CIL receipts will continue to be collected as further stages of payment plans become applicable and additional CIL liable planning permissions are granted and commenced.
- 1.23. The table below sets out the amounts collected across the Non-Parish area as of the 30th September 2022.

Table 1. CIL Non-Parish Portion Receipts by Ward as of 30th September 2022

Area (Ward)	Collected
Coppice	£97,254
Daybrook	£1,979
Ernehale	£9,980
Gedling	£354,891
Mapperley Plains	£2,703
Netherfield	£7,260
Phoenix	£952
Porchester	£11,673
Trent Valley	£65,722
Woodthorpe	£4,512

Total Non-Parish Collection	£556,926
2017/2018 Allocations	£3,500
2018/2019 Allocations	£140,000
2020/2021 Allocations	£93,000
2021/2022 Allocations	£80,760
Remaining Non-Parish Neighbourhood Holdings	£239,666

1.24. In accordance with the previously produced guidance note, the Council will prioritise expenditure of the neighbourhood portion of CIL receipts in non-parish areas as set out in the following table:

Table 2. Approach to Expenditure of CIL Neighbourhood Portion in Non-Parish Areas

Priority	Type of Infrastructure Project and Location
1	Infrastructure projects in the ward where the chargeable development has occurred.
2	Infrastructure projects in the non-parish area of Gedling which meet or support the development needs of the area where the chargeable development has occurred.
3	Pool the neighbourhood portion of the CIL receipt for the following year where no suitable infrastructure projects 1 and 2 above have been identified.

2. Local Infrastructure Schedule

- 2.1. In order to identify appropriate infrastructure projects for part funding/funding via CIL Neighbourhood Funding a nomination process was opened and continues to be open.
- 2.2. A list of nominated projects has been created that forms a Local Infrastructure Schedule for the non-parish area of Gedling. A summarised list of potential projects is highlighted below in Table 3.

Table 3: Local Infrastructure Schedule (Summary Table)

Project	Nominator/Proposer	CIL Monies Required
Cinder Path Extension (Netherfield)	Gedling Borough Council (Economic Growth & Regeneration)	£200,000
Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling)	Gedling Youth & Community Hub	£75,000

- 2.3 All projects submitted have been formally assessed and a recommendation has been made as to each project's current suitability for funding. The assessment is based upon information submitted as part of the nomination process. The focus of projects should be that they accord with Regulation 59F of the 2010 Regulations. Other factors considered included:-
- How does the project meet a need created by new development?
 - Timeframe for delivery?
 - Is match funding available?
 - How infrastructure project will be maintained once completed?

- 2.4 All of the projects submitted for consideration have all been assessed; the full assessments and recommendations can be found in **Sections 4 and 5 of Appendix 1.**
- 2.5 The projects submitted as part of the nomination process this financial year which are considered to be appropriate recipients of CIL Non Parish Neighbourhood Funding, is LIS0002 “Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling)”.
- 2.6 It is not considered that the project LIS0001 is progressed sufficiently to be able to ensure the successful delivery of the project if CIL Non-Parish Funding is awarded in this instance. In light of the above it is recommended that LIS0001 is not granted CIL Non-Parish Funding but is retained on the Local Infrastructure Schedule for consideration at next years awards.

3 Proposals

- 3.1 The assessments undertaken on the submitted infrastructure projects propose that the CIL Non-Parish Neighbourhood Funding is allocated accordingly:-
- 1) **LIS0001 “Cinder Path Extension (Netherfield)”** No allocation for CIL Non-Parish Neighbourhood Funding. Retain on Local Infrastructure Schedule for next round of awards.
 - 2) **LIS0002 “Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling)”** Shortlist for Non-Parish Neighbourhood Funding of up to £75,000 award.
- 3.2 It is proposed that approval is given for the recommendations above to be subject to a four week consultation that will be held with the public, stakeholders and Ward Councillors in areas where CIL receipts are collected from chargeable developments within the non-parish area. The public consultation will commence in January 2023 to obtain views on the shortlisted

projects eligible for the funding from the neighbourhood portion of CIL receipts as well as promoting the opportunity for further potential local infrastructure projects to be identified.

- 3.3 The consultation will include a posting on the Keep Me Posted newsletter, the Community Initiatives page on Gedling's Community and Voluntary E-Newsletter, as well as direct consultation with Residential Organisation Groups throughout the borough. A link to the consultation will also be publicised on the Council's dedicated CIL Neighbourhood Funding webpage where interested parties can submit comments or representations.
- 3.4 Following the consultation period, all comments and representations received will be considered by Council's officers who will prepare a final report identifying the schemes selected for funding. The final report will seek approval from Cabinet for the selected projects to benefit from funding through the CIL Non-Parish Neighbourhood Funding.
- 3.5 It is proposed that the four week consultation will commence on Monday 16th January 2023 to Monday 13th February 2023.

4 Alternative Options

- 4.1 The Council is required to formally consult with relevant stakeholders and its residents in relation to the expenditure of the Neighbourhood Non-Parish portion of its CIL Receipts. Failure to undertake the necessary consultation as set out in The Community Infrastructure Levy Guidance ("the Guidance") published on 12th June 2014 would be contrary to the Community Infrastructure Levy Regulations 2010 (As Amended).

- 4.2 Project LIS0001 “Cinder Path Extension (Netherfield)” could be recommended for the awarding of CIL Non-Parish Funding, however, to date, formal agreement has not yet been obtained from Network Rail or any other relevant landowner, and a full business case has not been developed. Therefore it is not clear how this project can be delivered at this time the awarding of CIL Non-Parish Funding may result in monies being allocated to a project which can never be brought forward.

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 permitted at this time.
- 5.2 There is no financial impact as the administration of this process can be met within existing resources and no additional budgets are required at this time.

6 Legal Implications

- 6.1 To comply with the requirements of The Community Infrastructure Levy Regulations 2010 a Charging Authority should engage appropriately with Local Communities regarding expenditure of the Neighbourhood Non-Parish portion where CIL liable development has taken place.

7 Equalities Implications

- 7.1 A proportionate level of publicity will be undertaken to publicise the consultation and the Local Infrastructure Schedule to ensure that the process remains accessible to all.
- 7.2 All nominated projects are assessed equally based on the criteria set out in the CIL and the Neighbourhood Portion in Non-Parish Areas: Guidance Note adopted March 2017.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 There are no carbon reduction/sustainability implications arising from this report.
- 8.2 The project LIS0001 “Cinder Path Extension (Netherfield)” would result in the redevelopment of a disused railway line to create a new green link between Ashwell Street and Manvers Street to Victoria Road. At this time the project is not recommended for the CIL Non-Parish Neighbourhood Awards, however, it is recommended to be retained on the Local Infrastructure Schedule for consideration in 2023/24.

9 Appendices

- 9.1 Appendix 1: Community Infrastructure Levy (CIL) Non- Parish Funding – Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations

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

11 Reason for Recommendations

- 11.1 To provide information and make Cabinet aware of projects nominated for the CIL Neighbourhood Non-Parish portion.
- 11.2 To seek authorisation to undertake a 4 week public consultation to seek the views and opinions of local stakeholders and residents regarding the nominated projects prior to the granting of awards.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer