

Report to Cabinet

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

Date: 7 September 2023

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) Retain LIS0001 – Cinder Path Extension (Netherfield) on the Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.
- b) Retain LIS0002 – Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling) on the Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.

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)

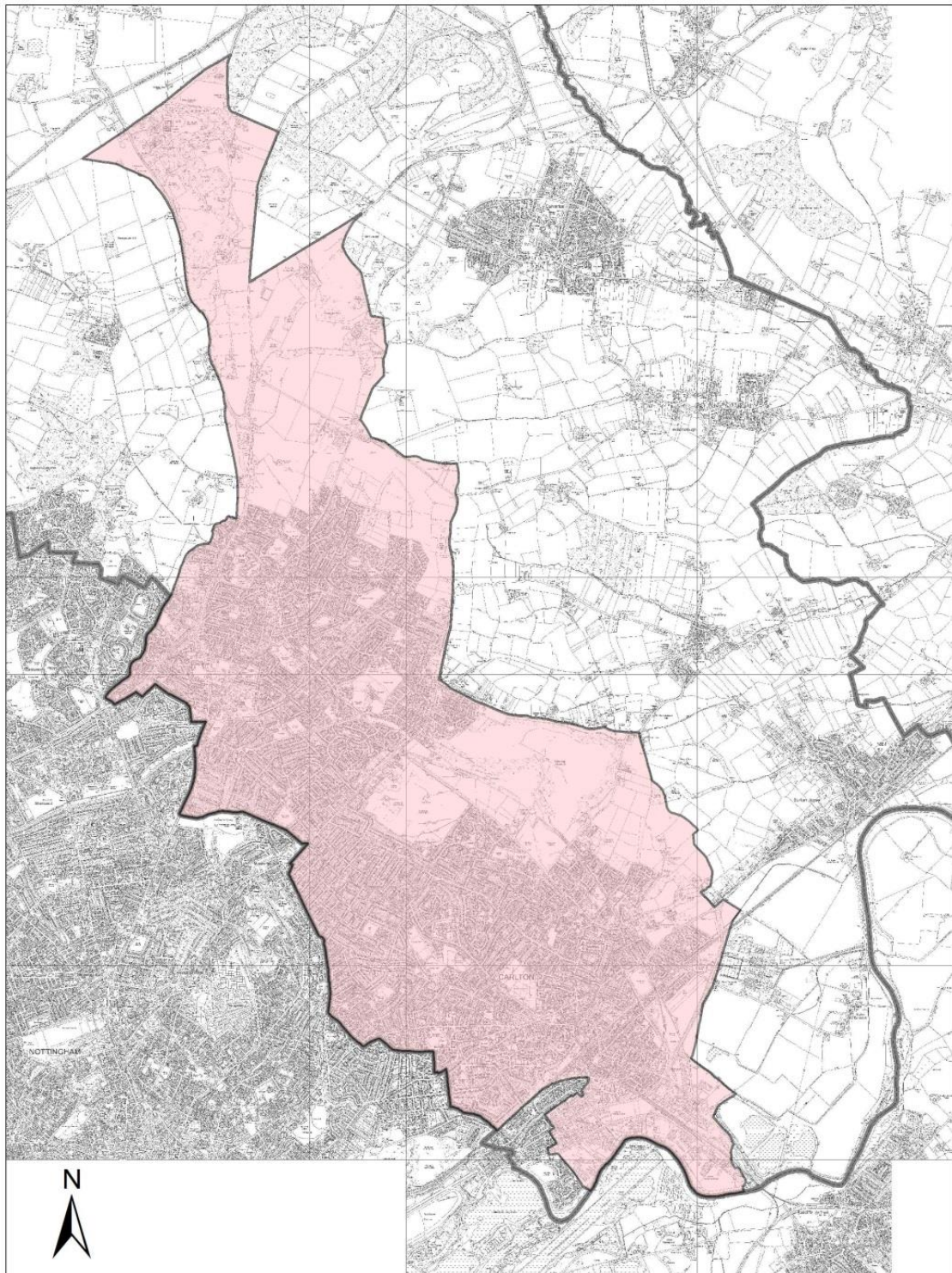
THAT: Cabinet approves

- 1) The retention of LIS0001 – Cinder Path Extension (Netherfield) on Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.**
- 2) The retention of LIS0002 – Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling) on the Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.**

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 2022 identified a shortlist of appropriate infrastructure projects for CIL Neighbourhood Funding. The shortlisted projects and their subsequent recommendations were as follows:

Project	Nominator / Proposer	Non-Parish Neighbourhood CIL Requested	Recommendation
LIS0001 – Cinder Path Extension (Netherfield)	Gedling Borough Council (Economic Growth & Regeneration)	£200,000	No allocation for CIL Non-Parish Neighbourhood Funding. Retain on Local Infrastructure Schedule for next round of awards.
LIS0002 – Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling)	Gedling Youth & Community Hub	£75,000	Shortlist for Non-Parish Neighbourhood Funding of up to £75,000 award.

1.15 The above recommendations were subject to a 4 week public consultation which took place between the 16th January 2023 and the 13th February 2023. 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 21 consultee responses were received during the consultation period. Responses were received from 15 members of the public and the following organisations:

- Gedling Youth & Community Hub
- Historic England
- Natural England
- Sport England
- The Environment Agency

- Willow Farm Action Group

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

- 2.2 Gedling Youth & Community Hub state that the project LIS0002 would utilise a currently vacant building and restore the areas heritage. The Gedling Youth & Community Hub go on to state that a community hub is much needed in this locality and that they fully support the recommendations from officers.
- 2.3 Historic England made positive comments in support of LIS0002. They confirm that they welcome the opportunity to redevelop the former railway station which is a non-designated heritage asset and that sources of match funding are a positive.
- 2.4 Natural England did not raise any specific comments in relation to the shortlisted projects.
- 2.5 Sport England confirmed that both projects appear sensible and provide opportunities for increased activity and the opportunity to connect communities.
- 2.7 The Environment Agency did not raise any specific comments in relation to the shortlisted projects.
- 2.8 Willow Farm Action Group support the recommendations within the CIL Non-Parish Funding Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations report subject to confirmation of a successful match funding bid to the National Lottery Heritage Fund.
- 2.9 In total 15 representations were received from individuals and members of the public. No objections were raised to the shortlisted projects. Of these representations 14 were supportive of both recommendations. One representation was received neither supporting nor objecting to the recommendation. The representation did state a desire for a café or community centre once the path opened, however, it is unclear as to which project this comment relates.
- 2.10 The below summary is considered an accurate account of the feedback from the public consultation in response to the officers recommendations contained within the CIL Non-Parish Funding Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations report:

LIS0001 Cinder Path Extension (Netherfield)					
Support	18	Neutral	3	Object	0

LIS0002 Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling).					
Support	18	Neutral	3	Object	0

- 2.11 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.
- 2.12 No objections were received in relation to LIS0001. It is therefore recommended that this project remains unaltered from the recommendation given within the CIL Non-Parish Funding Local Infrastructure Schedule, Project Assessments and Proposed Funding Allocations report. The project should be retained on the Local Infrastructure Schedule for consideration as part of next year's CIL Non-Parish Neighbourhood Funding awards once the project is suitably progressed.
- 2.13 All representations which were submitted in relation to LIS0002 have been carefully considered. In addition to the above comments, Gedling Youth & Community Hub have since confirmed that the National Lottery Heritage Fund bid has been considered and no funding will be forthcoming from the NLHF.
- 2.14 The match funding bid to NLHF covers a significant portion of the funding gap for the project LIS0002. It is therefore considered vital to the deliverability of this project as it is currently proposed. Without the match funding it is not deemed possible at this time to recommended that Cabinet award CIL Non-Parish Neighbourhood Funding as there are outstanding concerns relating to the viability of the project
- 2.15 In light of the above, it is recommended that the project LIS0002 should be retained on the Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.
- 2.16 At the end of the financial year 22-23 Gedling Borough Council have a total of £276,410 available for CIL Non-Parish Neighbourhood Funding. If the recommendations below are approved the monies will be carried over to next year's awards, along with any relevant receipts collected within the non-parish areas during the next financial year.

3 Recommendation

- 3.1 From the assessments carried out on of the submitted infrastructure projects and the results of the public consultation the following recommendations are made:
- a) Retain LIS0001 - Cinder Path Extension (Netherfield) on the Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.
 - b) Retain LIS0002 - Gedling Youth & Community Hub Regeneration Project at Former Railway Station (Gedling) on the Local Infrastructure Schedule for

reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.

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 2023.

3.3 The Council's dedicated CIL Neighbourhood Funding webpage shall be updated to publish the outcome of this year's CIL Non-Parish Neighbourhood Funding awards.

4 Alternative Options

4.1 Two alternative options are potentially available to pursue.

4.2 There is the opportunity to award CIL monies to alternative schemes contained on the Local Infrastructure Schedule and Allocations consultation. No alternative schemes have been suggested to be funded as both schemes assessed as part of this consultation have been considered as not being suitable for funding at this time.

4.3 The second alternative option would be to remove a project from the Local Infrastructure Schedule. Whilst the projects are not considered suitable at this time the projects are considered to be potentially suitable for CIL funding in the future. As such it is considered that the removing of some of the projects listed above could result in potentially suitable projects not being granted funding in the future.

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.

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 2023

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