

Report to Cabinet

Subject: Community Infrastructure Levy (CIL) Non- Parish Funding – Consultation Response and Funding Decision 23/24

Date: 17 July 2024

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

That Cabinet:

- a) Note the representations and comments received in relation to the CIL Non-Parish Neighbourhood Public Consultation, and
- b) Approve the awarding of CIL Non-Parish Neighbourhood Funding and the retention of unsuccessful projects on the Local Infrastructure Schedule, in accordance with the officer recommendations.

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 awarding of CIL Non-Parish Neighbourhood Funding up to £62,678 to project LIS5 – 1st Gedling Scout Group HQ Refurbishment.**
- 2) The retention of LIS1 – Cinder Path Extension on Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.**

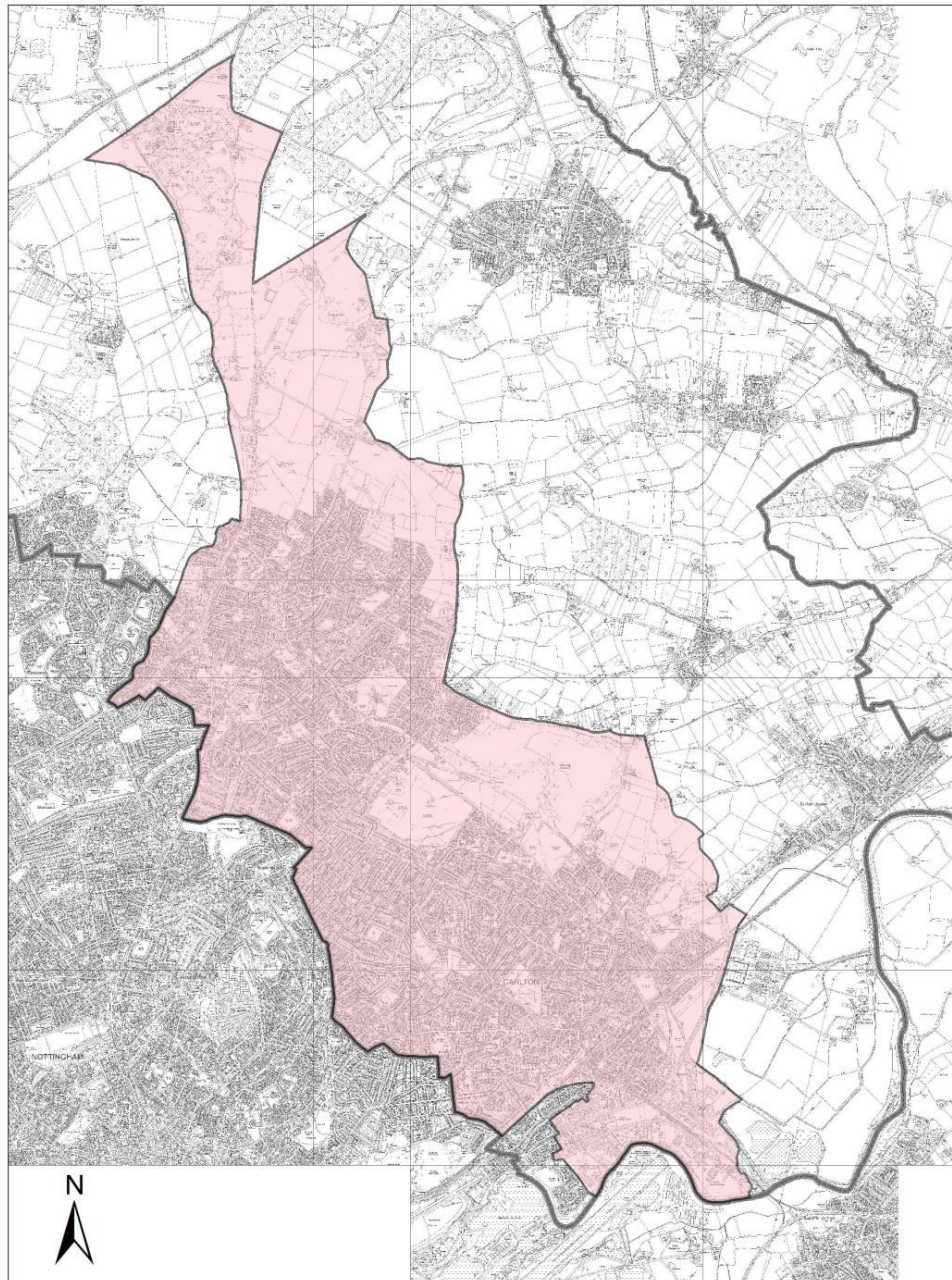
- 3) **The retention of LIS2 – Gedling Youth & Community Hub Regeneration Project on the Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.**
- 4) **The retention of LIS3 – Lambley Village Cricket Club on Local Infrastructure Schedule for reconsideration as part of next year’s CIL Non-Parish Neighbourhood Funding awards.**
- 5) **The retention of LIS4 – Mapperley All Stars (MAS) Community Sports Development on 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)
 - Carlton
 - Cavendish
 - Coppice

- Daybrook
- Gedling
- Phoenix
- Porchester
- Trent Valley (part)
- Ernehale
- Netherfield
- Plains
- Redhill
- Woodthorpe

Figure 1 The Non-Parish Area of Gedling Borough



Gedling Borough Council 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
LIS1 – Cinder Path Extension (Netherfield)	Gedling Borough Council (Economic Growth & Regeneration)	£200,000	No allocation for CIL Non-Parish Neighbourhood Funding at this time. Retain on Local Infrastructure Schedule.
LIS2 – Gedling Youth & Community Hub Regeneration Project (Gedling)	Gedling Youth & Community Hub	£75,000	No allocation for CIL Non-Parish Neighbourhood Funding at this time. Retain on Local Infrastructure Schedule.
LIS3 - Lambley Village Cricket Club (Gedling)	Lambley Village Cricket Club	£75,000	No allocation for CIL Non-Parish Neighbourhood Funding at this time. Retain on Local Infrastructure Schedule.
LIS4 - MAS Community Sports Development (Gedling)	The MAS Community	£540,000	No allocation for CIL Non-Parish Neighbourhood Funding at this time. Retain on Local Infrastructure Schedule.
LIS5 - 1 st Gedling Scout Group HQ Refurbishment (Gedling)	1 st Gedling Scouts Group	£60,000	No allocation for CIL Non-Parish Neighbourhood Funding at this time. Retain on Local Infrastructure Schedule for next round of awards.

1.15 The above recommendations were subject to a 4-week public consultation which took place between the 18th March 2024 and the 15th April 2024. 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 89 responses were received during the consultation period. Responses were received from 85 members of the public and the following organisations:

- Historic England
- Network Rail
- The Environment Agency
- NHS (Integrated Care Board)

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

2.2 Historic England did not make any specific comments in relation to the projects shortlisted for consultation, however, they did make reference to a desire to see potential future projects which would conserve / enhance the historic environment, heritage assets and their setting. The opportunity to submit projects for consideration is open all year round and Gedling Borough Council Officers are open to working with Historic England to assess any projects that they may consider suitable.

2.3 Network Rail did not make any specific comments in relation to the projects shortlisted for consultation, however, they have stated a desire to nominate 3 new projects for future consideration. These projects include the potential regeneration of Carlton Station and Netherfield Station, with a particular focus made to cycle parking provisions as well as improvements to digital customer information and signage, which are a consistent theme across both stations.

2.4 The Environment Agency raised no adverse comments in relation to the public consultation.

2.5 The NHS (Integrated Care Board) support the shortlisted projects as they promote physical activity, health & wellbeing and inclusion, in addition to seeking to reduce social isolation for the Borough.

2.6 In total 85 representations were received from individuals and members of the public. In total there were 2 representations which did not support the awarding of the shortlisted projects. The reasons for objection were concerns over the passing of public funds to an external organisation and any new development resulting in additional parking requirements on already busy roads. A total of 5 representations that were submitted were supportive of the recommendations to defer the awarding of CIL Non-Parish Neighbourhood Funding. It should be noted that many of the representations do not state which project they relate to and where this is the case it is deemed appropriate to take the approach that these comments suggest a generally supportive stance for all the projects identified within the CIL Non-Parish Funding Local Infrastructure Schedule, Project Assessments and Proposed Funding

Allocations consultation. The number of representations received in support of each of the shortlisted projects are detailed below.

Project	Total No. Reps in Support
LIS1 - Cinderpath Extension	31
LIS2 - Gedling Youth and Community Hub	32
LIS3 - Lambley Village Cricket Club	32
LIS4 – Mapperley All Stars (MAS) Community Hub	59
LIS5 - 1st Gedling Scouts Group	38

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

2.8 Project LIS5 – 1st Gedling Scouts Group, received several representations in support of the awarding of CIL-Non-Parish Neighbourhood Funding to this project. The previous recommendation which was presented as part of the public consultation was that this project, similarly to those above, was not yet in a position whereby it was deemed appropriate to award CIL Non-Parish Neighbourhood Funding. Since the public consultation was made live further discussions with the applicant have resulted in a full costing of the works proposed, and a removal of the proposed ‘external canopy’ from the bid as it was this element of the proposal which meant that planning permission would need to be obtained before any award could be recommended. As a result, the internal and external refurbishment of the building is considered to be ready to progress as soon as CIL funding is released. Quotes for the works including internal renovations, external cladding, part funding of a replacement roof, heating, lighting, fencing and landscaping as well as replacement driveway have all been provided to Gedling Borough Council and equate to a total bid of £62,678 in order to make the interior and exterior of the building more suitable for the needs and use of the Scouts Group. In relation to the two objections raised as part of the consultation responses relating to traffic and the transferring of funding to non-public organisations, I am satisfied that as a registered charitable organisation, and subject to the signing of a legal declaration to utilise the monies in accordance with the project as detailed, that there is no undue risk in transferring CIL Non-Parish Neighbourhood Funding to the Scouts Group. In addition, the proposed development is an existing structure that is already utilised by the 1st Gedling Scouts Group and as such the awarding of funding to this scheme is not considered to result adverse additional traffic levels. Furthermore, the improvements to the Scout Hut are not expected to increase existing capacity but are sought to improve the facilities for existing members. The recommendation for this project is therefore that, in light of the amendments to the nomination bid and subsequent further information, the project be award up to £62,678 of CIL Non-Parish Neighbourhood Funding to be used towards the internal and external refurbishment of the 1st Gedling Scouts Group premises. The applicant has been advised that should 1st Gedling Scouts Group wish to pursue the external canopy at a later date they should do so by submitting a separate new bid nomination

once they have undertaken the necessary steps in relation to obtaining planning permission. This bid would then need to be assessed on its own merits.

- 2.9 With regards to project LIS1 – Cinderpath Extension, whilst there appears to be some support from residents and stakeholders, no specific reference was made to this project in any of the representations received. In addition, no detailed business case has been developed by the Gedling Borough Council (Economic Growth & Regeneration) team to progress the scheme at this time and as such, 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 future CIL Non-Parish Neighbourhood Funding awards if the project is progressed at a later date.
- 2.10 The project LIS2 – Gedling Youth and Community Hub is still deemed to be in accordance with Regulation 59F, however, the proposed Match Funding bid to the National Lottery Heritage Fund covers a significant portion of the funding gap for the project and it is therefore considered vital to the deliverability of this project. A revised bid to the National Lottery Heritage Fund is still pending and as such it is not considered appropriate to commit CIL Non-Parish Neighbourhood Funding until such a time as external sources of funding have been secured. The project should therefore be retained on the Local Infrastructure Schedule for consideration as part of next year's CIL Non-Parish Neighbourhood Funding awards until such a time as external match funding has been confirmed.
- 2.10 The project LIS3 – Lambley Village Cricket Club, whilst in accordance with Regulation 59F, is still not considered to be suitably progressed to recommend the awarding of CIL Non-Parish Neighbourhood Funding. Initial sketch plans have been submitted, however, no formal planning permission has been obtained to date. Given the size and scale of the proposed structure, it is likely that planning permission would be required and until any such forthcoming application is determined then it is not considered appropriate to make an award of CIL Non-Parish Neighbourhood Funding. Gedling Borough Council's Community Infrastructure Levy Officer has engaged with the Lambley Village Cricket Club to progress the bid, however, the scheme has not yet progressed beyond sketch drawings. Clarification regarding the size and scale of the proposed structure is needed to determine whether planning permission would be required. As such the recommendation is to retain LIS3 on the Local Infrastructure Schedule for consideration as part of next year's CIL Non-Parish Neighbourhood Funding awards to allow the applicant chance to seek a resolution to the above matter.
- 2.11 The project LIS4 – MAS Community Hub, is also considered to be in accordance with Regulation 59F, however, there remain several outstanding issues which need to be resolved, specifically regarding land ownership, the suitability of the proposed site and other necessary approvals such as the obtaining of planning permission, before the project could be considered ready for the awarding of CIL Non-Parish Neighbourhood Funding. The public consultation in relation to the shortlisted projects resulted in several representations supporting the MAS Community Hub, however, it is considered that before any funds are awarded to a project Gedling Borough Council must be content that the project itself has all necessary approvals obtained in order

to be deliverable. Talks will remain ongoing with MAS Community Hub and it is recommended that the project be retained on the Local Infrastructure Schedule for consideration as part of next year's CIL Non-Parish Neighbourhood Funding awards if suitable progress is made.

- 2.13 In summary, it is recommended that LIS5 be awarded up to £62,678 in CIL Non-Parish Neighbourhood Funding being in accordance with the Regulation 59F and having regards to all representations received. It is also recommended that the projects LIS1, LIS2, LIS3 and LIS4 are all retained on the Local Infrastructure Schedule for reconsideration as part of future CIL Non-Parish Neighbourhood Funding awards.
- 2.14 At the end of the financial year 23/24 Gedling Borough Council hold a total of £587,667 for CIL Non-Parish Neighbourhood Funding. If the recommendations below are approved a total of £62,678 would be awarded to project LIS5 – 1st Gedling Scouts Group and £524,988.80 would be retained and carried over to next year's awards, along with any relevant receipts collected within the non-parish areas during the current 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:
- 1) Award LIS5 - 1st Gedling Scouts Group up to £62,678 of CIL Non-Parish Neighbourhood Funding.
 - 2) Retain LIS1 - Cinder Path Extension on the Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.
 - 3) Retain LIS2 - Gedling Youth & Community Hub Regeneration Project at Former Railway Station on the Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.
 - 4) Retain LIS3 - Lambley Village Cricket Club on the Local Infrastructure Schedule for reconsideration as part of next year's CIL Non-Parish Neighbourhood Funding awards.
 - 5) Retain LIS4 – Mapperley All Stars (MAS) Community Hub 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 2024. All projects submitted before this deadline will be considered and a report brought to a future Cabinet meeting identifying suitable projects for shortlisting.

- 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 several of the projects are not deemed suitable for CIL funding at this time there is potential that these projects may be appropriate 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 An Equality Impact Assessment has been completed in respect of the proposal attached at Appendix 2.
- 7.2 A public consultation has been undertaken to ensure that the process remains accessible, all comments received as a result of this consultation have been duly considered and taken into account.

8 Carbon Reduction/Environmental Sustainability Implications

- 8.1 A Climate Impact Assessment has been completed in respect of this proposal, attached at Appendix 3.

9 Appendices

- 9.1 Appendix 1: Public Consultation and Officer Responses to the CIL Non-Parish Neighbourhood Funding Consultation 23/24
- 9.2 Appendix 2: Equality Impact Assessment CIL Non- Parish Funding – Consultation Response and Funding Decision
- 9.3 Appendix 3: Climate Impact Assessment CIL Non- Parish Funding – Consultation Response and Funding Decision

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