

CIL and the Neighbourhood Portion in Non-Parish Areas: Guidance Note

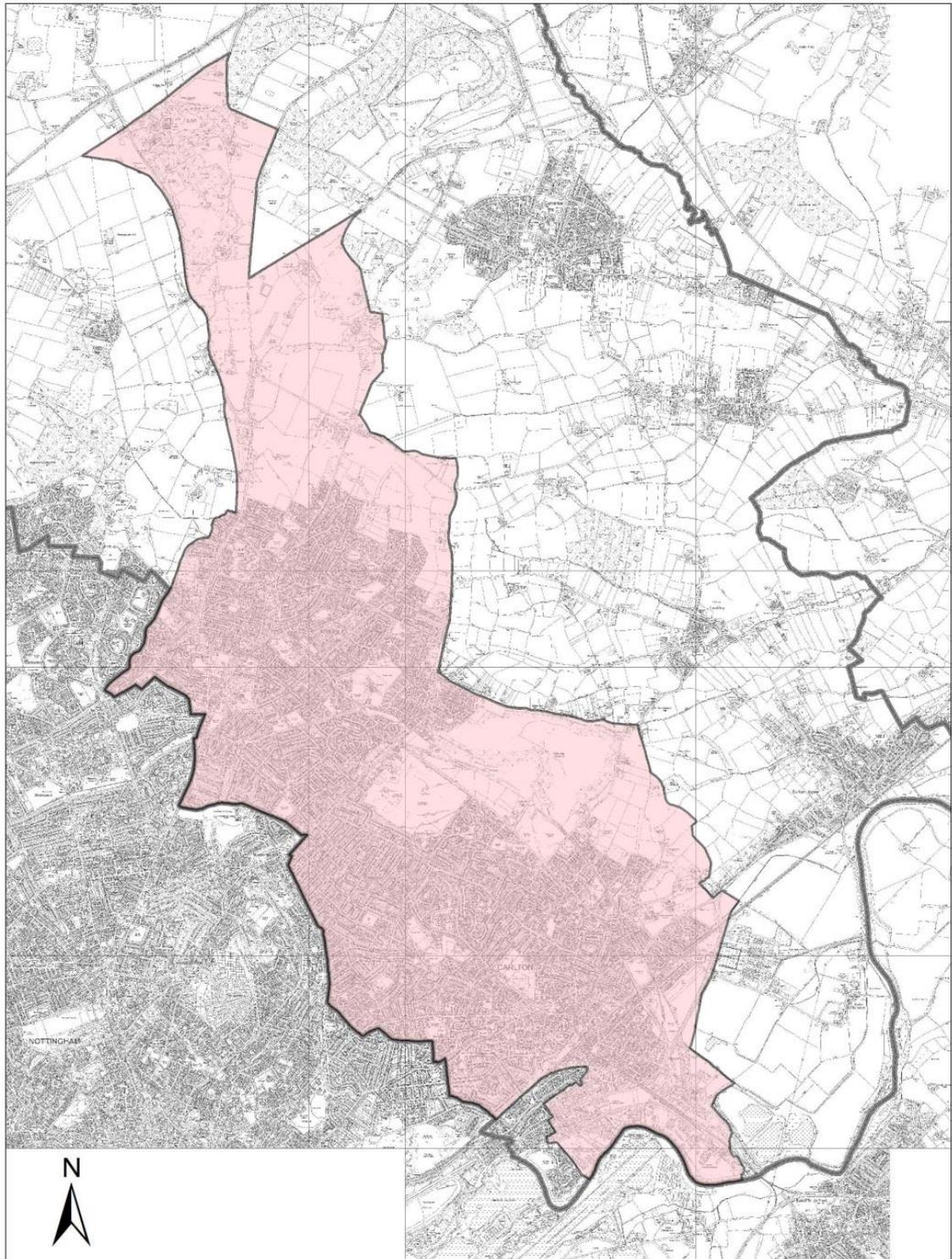
March 2017

Background

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.
2. The Community Infrastructure Levy (“CIL”) is a planning charge that local authorities in England and Wales can require of most types of new development in their area (based on £s per square metre) in order to pay for the infrastructure needed to support development. CIL charges are based on the size, type and location of the proposed new development
3. CIL can be spent on both capital projects and revenue projects, such as the maintenance of infrastructure. CIL cannot be spent on addressing current deficits in infrastructure provision unless those deficits are made worse by new development in the area.
4. A broad definition of ‘infrastructure’ for the purposes of CIL is set out in section 216(2) of the Planning Act 2008 and includes:
 - Road and other transport facilities;
 - Flood defences;
 - Schools and other education facilities;
 - Medical facilities;
 - Sporting and recreational facilities; and
 - Open spaces.
5. Gedling Borough Council introduced CIL in October 2015. 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.
6. 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.

7. The 2010 Regulations require charging authorities to pass the 15% of CIL receipts directly to parish councils where the chargeable development has taken place. This increases to 25% where there is a neighbourhood development plan in place or where permission is granted for a neighbourhood development order. That amount will not be subject to an annual limit. Parishes can contribute towards strategic projects but are ultimately autonomous in taking spending decisions.
8. 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 must be done in consultation with the local neighbourhood.
9. Gedling Borough Council has 11 parishes where the neighbourhood portion of CIL receipts will pass to the parish councils if chargeable developments take place in their areas. The parishes cover the following areas:
 - Bestwood St Albans
 - Calverton
 - Lambley
 - Newstead
 - Ravenshead
 - Stoke Bardolph
 - Burton Joyce
 - Colwick
 - Linby
 - Papplewick
 - Woodborough
10. 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.
11. 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
 - Erenhale
 - 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

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12. Regulation 59F of the 2010 Regulations states that where no parish or 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.
13. 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.
14. 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.
15. The Guidance states that "charging authorities should set out clearly and transparently their approach to engaging with neighbourhoods".
16. This guidance note addresses how the Council will:-
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.

An Appropriate Approach to the Expenditure of Neighbourhood Portion in Non-Parish Areas

17. Gedling Borough Council will prioritise expenditure of the neighbourhood portion of CIL receipts in non-parish areas as set out in the following table:

Priority	Type of Infrastructure Project and Location
1	Infrastructure projects (including Regulation 123 List projects) in the ward* where the chargeable development has occurred.
2	Infrastructure projects (including Regulation 123 List 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 from 1 and 2 above have been identified.

**Non-parish wards are identified as: - Calverton (part), Carlton, Carlton Hill, Cavendish, Colwick (part), Coppice, Daybrook, Ernehale, Gedling, Netherfield, Phoenix, Plains, Porchester, Redhill, Trent Valley (part) and Woodthorpe*

18. The Council's priorities reflect Regulation 59F of the 2010 Regulations in that the neighbourhood portion will be directed to support the relevant area affected by a chargeable development in the first instance.

19. The highest priority will be given to infrastructure projects located in the ward where the chargeable development has taken place. The infrastructure project would have to be in accordance with the requirements of Regulation 59F of the 2010 Regulations (set out at para. 8 above). The infrastructure projects will be sourced from the Gedling Borough Council's Regulation 123 List and the Local Infrastructure Schedule produced and maintained by the Council.

20. If there are no suitable infrastructure projects in the ward where the chargeable development has occurred, projects will be sourced from the rest of the non-parish area of Gedling, including projects from the Council's Regulation 123 List. These infrastructure projects would be required to meet or support the needs of new development and accord with the requirements of Regulation 59F of the 2010 Regulations.

21. If there are no projects appropriate for expenditure of the neighbourhood portion at the time of the assessment, the neighbourhood portion of the CIL receipt would be carried over to the following year and pooled with other unspent neighbourhood portion receipts for spending on infrastructure in the non-parish area of Gedling.

Consultation and Identification of Local Infrastructure Projects

22. Gedling Borough Council are statutorily required to consult the local community where the chargeable development has taken place. Gedling Borough Council will use this as an opportunity to invite the local community to identify appropriate projects for expenditure of the neighbourhood portion of CIL receipts by enabling councillors, officers, organisations, individuals and groups to submit ideas for projects which could benefit from funding and apply for funding for specific projects. CIL monies available for allocation will be limited to the amount of neighbourhood funding expected to be collected from chargeable developments.

23. The Council will use a number of forms to proportionately publicise this process. These include but are not limited to:-

- A dedicated CIL Neighbourhood Funding webpage (www.gedling.gov.uk/cilneighbourhoodfunding).
- Keep me posted email bulletins;
- Identification of interested parties from our planning policy consultation database (e-mail and letters);
- Ward Councillor briefings: and
- Internal consultation with Council wide departments.

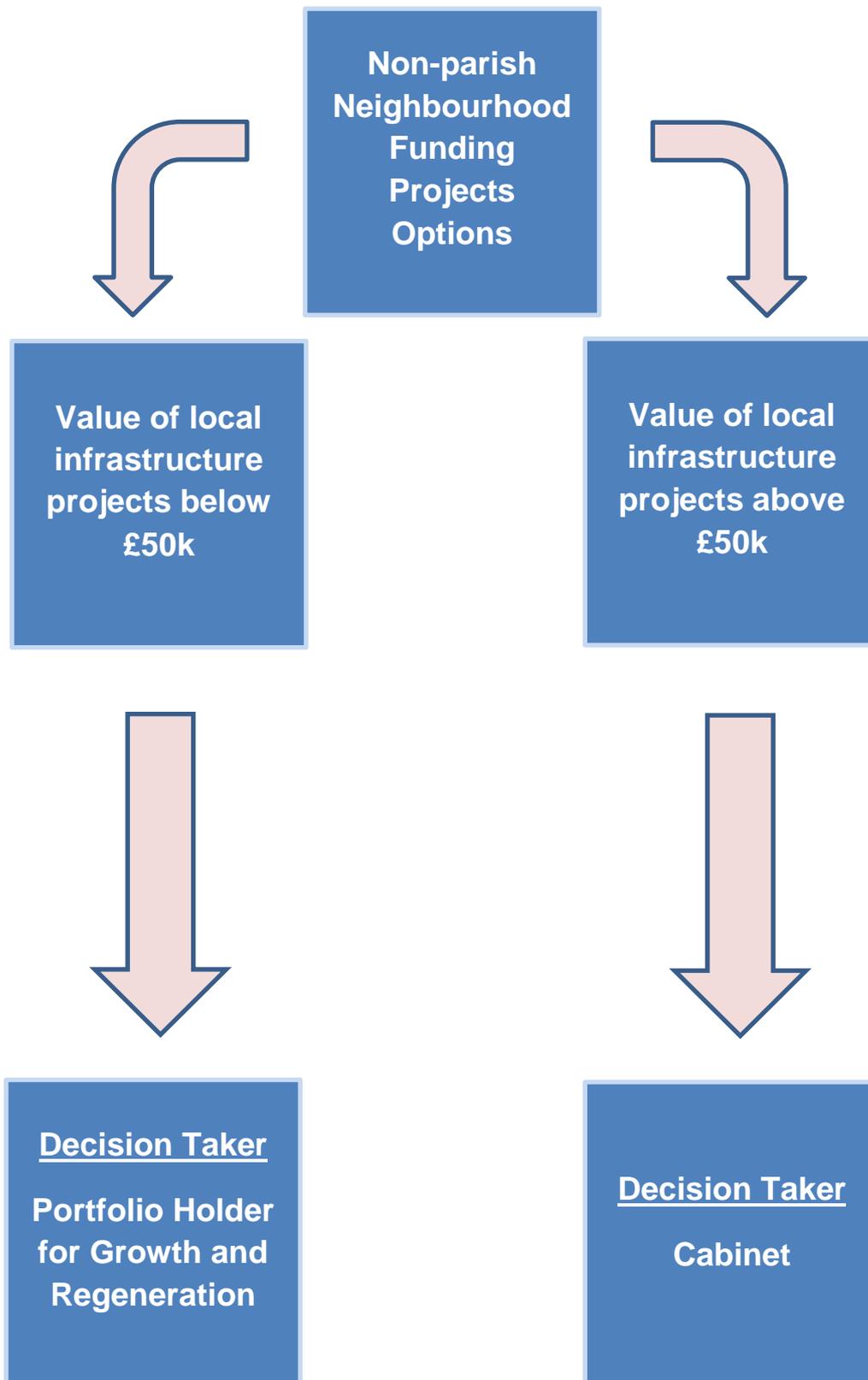
24. Councillors, officers, organisations, individuals and groups can nominate infrastructure projects for funding throughout the year by visiting www.gedling.gov.uk/cilneighbourhoodfunding. The submitted projects will form a Local Infrastructure Schedule which will be available to view publically on the Council's website www.gedling.gov.uk/cilneighbourhoodfunding. The nomination process to suggest or bid for funding is open to both internal council departments and external groups and individuals.

25. As part of the nomination process the nominating person or group will need to supply the following information along with any other supporting information.

• Project Name	• Project Description
• Location (Plan)	• Ward
• Individual/Group submitting the nomination	• Lead Agency
• How does the project meet a need created by new development?	• Is funding through CIL required to deliver project?
• Total cost of the project? How much funding through CIL is required?	• Is match funding available?
• Timeframe for delivery of the project?	• How will the infrastructure project be maintained once completed?

26. Gedling Borough Council's officers will prepare a Projects Assessment and Options for Funding document annually alongside a forecast of expected CIL receipts for the upcoming year. This will identify the projected neighbourhood portion of CIL receipts expected to be received for non-parish areas. The projects will be assessed against the Council's priorities (set out at para. 14) and the information submitted as part of the nomination or bid. The report will recommend a shortlist of projects suitable for funding through the neighbourhood portion and will seek approval from the Portfolio Holder or Cabinet (where appropriate) to commence a 4 week public consultation on the proposed projects.
27. The four week consultation will be held with the public, stakeholders and Ward Councillors in areas where CIL receipts are expected from chargeable developments in non-parish areas in the following year. Views will be sought on the shortlist of projects eligible for the funding from the neighbourhood portion of CIL receipts.
28. The consultation will also be publicised on the Council's dedicated CIL Neighbourhood Funding webpage www.gedling.gov.uk/cilneighbourhoodfunding where interested parties can submit comments or representations. A proportionate level of publicity will be undertaken to publicise the consultation and the Local Infrastructure Schedule.
29. 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 report will seek approval from either the Portfolio Holder for Growth and Regeneration or Cabinet (where appropriate) for the selected projects to benefit from funding through the neighbourhood portion.
30. The Portfolio Holder for Growth and Regeneration will approve the projects if the total level of funding is less than £50k. If the total level of funding exceeds £50k, approval will be required from Cabinet as per the Council's constitution. Figure 2 shows this process.
31. The process for allocating the collected neighbourhood portion for CIL receipts in the non-parish area will continue annually.

Figure 2 Decision Taker Process



Estimated Timetable of Process

32. The estimated annual timetable of delivery of key milestones from project identification to release of the CIL Neighbourhood Funding in non-parish areas are detailed below:

Milestone	Timeframe
Call for Local Infrastructure Projects (online nomination process)	Ongoing (31 August cut off for projects to be considered for funding in the following year)
	↓
Publication of Local Infrastructure Schedule	30 September
	↓
Project Assessment and Options for Funding preparation (including forecast of CIL receipts)	30 November
	↓
Four Week Public Consultation	6 January
	↓
Final Report for Approval of Projects	1 March
	↓
Release Funding to Successful Infrastructure Projects	1 April

Review

33. The process for allocating funding will be reviewed annually. Any changes to the process will be communicated via the Council's dedicated webpage www.gedling.gov.uk/cilneighbourhoodfunding.

Further Information

34. Further information regarding the CIL and the neighbourhood portion in non-parish areas is available on the Council's dedicated webpage at www.gedling.gov.uk/cilneighbourhoodfunding or contact the Council's CIL Officer via email at alan.siviter@gedling.gov.uk or telephone on 0115 901 3731.