

Report of:	Head of Economic Prosperity
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Portfolio Leader:	Economic Development and Planning
Key Decision:	Yes
Report Track:	Cabinet: 17/10/19 Council: 06/11/19

CABINET
17 OCTOBER 2019
UPDATED COMMUNITY INFRASTRUCTURE LEVY
INFRASTRUCTURE LIST (FORMER REGULATION 123 LIST)

1 Purpose of Report

- 1.1. To consider and approve amendments to the adopted Community Infrastructure Levy (CIL) Regulation 123 List.
- 1.2. To note recent changes to the Community Infrastructure Levy Regulations 2010 that will result in the CIL Regulation 123 list being replaced with an annual infrastructure funding statement by 31 December 2020.

2 Recommendation(s)

- 2.1. That Cabinet recommends to Council that the updated Regulation 123 List attached at Appendix 1, is renamed the CIL Infrastructure List and is adopted and approved for publication on the Council's website, replacing the previous Regulation 123 List at Appendix 2.
- 2.2. That Cabinet notes changes in Community Infrastructure Levy Regulations 2010 (as amended) that will result in the Regulation 123 list being replaced with an annual infrastructure funding statement by 31 December 2020.

3 Key Issues and Reasons for Recommendations

Key Issues

- 3.1 The Council approved the CIL Charging Schedule and CIL Regulation 123 List of infrastructure projects eligible to receive funding in the first year of operation of CIL at its meeting 15/04/2015. CIL came into effect in relation to relevant chargeable developments on 01/06/2015. Updates to the CIL Regulation 123 List were approved by Council on 06/07/2016.

Reasons for Recommendations

- 3.2 It is important that the CIL Regulation 123 List is reviewed and kept up to date. It was last updated in 2016 to reflect specific issues in relation to the Mill Green Designer Outlet Village (see Council Report 06/07/16). Previously approved protocols (see Cabinet report 23/07/15) allow for the list to be updated alongside the CIL allocation of funds process. The Council is now carrying out its first allocation of CIL funds process this year. It is therefore appropriate to update the CIL Regulation 123 List.
- 3.3 As of 1 September 2019, amendments to the Community Infrastructure Levy Regulations 2010, (the Regulations) have come into effect. In order to increase transparency, the Government has set out new requirements under these Regulations for councils, which are charging authorities for the purposes of the Regulations, to publish an annual 'infrastructure funding statement'. The first annual infrastructure statement must be published by 31 December 2020. This will set out how much CIL has been collected, how much has been spent and what it has been spent on. As part of the changes to the Regulations, regulation 123 has been removed. Under this regulation, local authorities could identify infrastructure that was intended to be funded via CIL, and it was common practice to refer to this list as a CIL Regulation 123 list. As regulation 123 has been removed from the Regulations but an infrastructure list is still required at present, it is proposed to rename it the CIL Infrastructure List. Further details of the implications of the removal of regulation 123 from the Regulations are set out in paragraph 5.8 below.
- 3.4 Prior to 31 December 2020, the CIL Regulation 123 List (renamed the CIL Infrastructure List) published by the Council, of the infrastructure projects or types of infrastructure which it intends will be, or may be, wholly or partly funded by CIL, remains relevant. Therefore, it is appropriate to fund projects listed on the CIL Infrastructure List via CIL for this year's allocation process and this requires the CIL Infrastructure List to be up to date.

4 Relationship to Corporate Priorities

- 4.1 This report supports the Council's Corporate Priorities as follows:
- **Promoting Prosperity:** CIL supports investment in infrastructure which in turn encourages investment in housing, town centres and employment opportunities.
 - **Community Wellbeing:** CIL supports investment in infrastructure which in turn can help encourage healthier living opportunities and safe, more attractive environments in the District. Keeping the CIL Infrastructure List up to date ensures the Council is aiming to provide infrastructure based on up to date information and fulfilling the needs of the District. For example, there are projects included on the list that focus on improvements to open space areas such as the former Cannock Stadium, projects like this would encourage healthier lifestyles within the District.

5 Report Detail

- 5.1 The Community Infrastructure Levy (CIL) is a tax that local authorities can charge on types of development in their area to fund infrastructure required to support the housing and commercial growth proposals identified in an up to date Local Plan. Following an independent examination, this Council began charging CIL in June 2015, and the tax applies to new floor space resulting from most types of residential development and certain retail developments. The charges are per square metre and are set out in the CIL Charging Schedule which is displayed on the Council's website, along with guidance and other relevant documentation.
- 5.2 The current CIL Regulation 123 List (renamed the CIL Infrastructure List) sets out which items of infrastructure, related to development in the district as set out in the Local Plan, are intended to be funded either entirely or partially by CIL. CIL can be used in combination with other funding sources, for example as match-funding for bids for larger items of infrastructure. This is important as CIL receipts alone will not raise sufficient funds to deliver the districts infrastructure requirements. It is important that the CIL Infrastructure List is kept under review and up to date to help inform the allocation of CIL funds process. As the Council is undertaking its first allocation of CIL funds this year, it was considered appropriate to undertake a focused update of the CIL Infrastructure List which reflects current circumstances and newly available information. This is attached at Appendix 1. The current version which is to be replaced is attached at Appendix 2.
- 5.3 Consultation was undertaken with eligible bidders for projects on the current CIL Regulation 123 list (renamed the CIL Infrastructure List) for a 9 week period ending 30 August 2019 as part of the overall allocation of CIL funds process (this will be the subject of a separate report to Council aligned to the overall Council Budget report). Staffordshire County Council, Cannock Chase District Council's (CCDC) Head of Environment & Healthy Lifestyles, West Midlands Trains Rail Executive, Environment Agency, and CCDC Waste & Engineering Services Manager were all consulted. Consultees were asked to provide any updates on the existing CIL Regulation 123 list using the 'Regulation 123 list update form' (Appendix 3). This was focused upon updates to project costs and minor amendments to the scope of existing CIL Regulation 123 list projects. Consultees were also asked to provide any updates on project funding received and delivery i.e. if a project no longer required CIL funds.
- 5.4 As none of the projects on the current list had been funded via CIL to date no new projects were to be added this year. As discussed further below, a fuller review of the CIL Infrastructure List will be undertaken as part of the forthcoming annual infrastructure funding statement and alongside the Local Plan Review, which will provide an updated evidence base of infrastructure needs in the District.
- 5.5 Emails were also sent to the Parish Clerks where neighbourhood CIL funds (equivalent to 15% of CIL receipts from developments occurring within the relevant Parish area) had been received informing parishes of the allocation process and inviting updates on projects intended to be funded by

neighbourhood funds. This would help inform the allocations process, the update of the CIL Infrastructure List and the future Infrastructure Funding Statement. Only one Parish Council responded to this specific request, however the Council is also aware of the Parish plans for future spend via the CIL financial reports that the Parishes are required to submit to the Council annually. This information identifies that there are no current plans to spend any neighbourhood funds on CIL Infrastructure List projects; funds are mainly to be allocated to other local projects within the Parishes and/or retained for future spend.

- 5.6 A request for an update to the CIL Infrastructure List was received from Staffordshire County Council regarding the item described as 'Land acquisition and associated costs to provide additional primary school places in Rugeley'. Earlier this year, an outline application for the former Rugeley Power Station was received by CCDC Planning department (CH/19/201), this included the provision to form a primary school within the site to mitigate the development of up to 2300 dwellings. This would be considered through the S106 planning obligations process. Staffordshire County Council therefore requested the wording on the CIL Infrastructure List to be altered to ensure it is clear that only primary school places beyond those being provided within the former Rugeley Power Station may be subject to the CIL process. They suggested the following wording-

'Land acquisition and associated costs to provide additional primary school places in Rugeley (in addition to the proposed primary education infrastructure to be located within the Rugeley Power Station site)'

This was therefore amended to reflect the new primary school to be included on the former Rugeley Power Station site, to provide clarity on the future use of CIL funds.

- 5.7 The Rugeley Town Centre Food Alleviation Scheme, an item on the current CIL Infrastructure List, was completed in 2017. A bid was not submitted by the Environment Agency for this project to be funded by CIL as part of the allocations process. It therefore seems appropriate to remove this project from the CIL Infrastructure List. However, as part of the CIL allocations process, Staffordshire County Council has submitted a bid for the installation of a sustainable drainage scheme at Rugeley, related to the Flood Alleviation Scheme. It is therefore considered appropriate to update the CIL Infrastructure List to reflect that the main Flood Alleviation Scheme has been delivered, but that related measures may be appropriate for future CIL funds pending the outcomes of the allocations process (so as not to prejudice the ability of the submitted project to be eligible for CIL funds ahead of the decision making process).
- 5.8 Although regulation 123 has been removed from the Regulations, it is still important to have an up to date CIL Infrastructure List in order to guide this year's allocation of CIL funds process. This will also help to inform the Council's first annual infrastructure funding statement as those projects which remain unfunded on the CIL Infrastructure List, may be included on the first annual infrastructure funding statement, alongside any updates available from the evidence base for our Local Plan Review.

- 5.9 The first annual infrastructure funding statement will be required to be published by 31 December 2020 for the reporting year 2019/20. In addition to setting out how much CIL has been collected, how much has been spent and what it has been spent on, the Council will also have to set out similar information with regard to planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended). This will be the subject of a separate report to Cabinet in due course.
- 5.10 Previously, regulation 123 prohibited councils from using the contributions from more than five S106 Obligations for the same piece of infrastructure. The removal of regulation 123 has removed this restriction on “pooling” contributions. In addition, regulation 123 prevented the Council from only asking for S106 contributions towards infrastructure that was being funded by CIL (i.e. was on the CIL Regulation 123 List). A practice known as “double dipping”. Finally, it also restricted the Council to spending CIL receipts on infrastructure specified in the Council’s Regulation 123 List (now renamed the CIL Infrastructure List). All of these restrictions have been removed. The Government’s aim being to enable more flexible infrastructure and housing delivery. This will mean that theoretically, authorities can use funds from both CIL and S106 planning obligations to pay for the same piece of infrastructure, regardless of how many planning obligations have already contributed towards it. These projects will be included in the annual infrastructure funding statements. The Government has now updated the guidance on the Regulations to assist the Council. This was published on 1 September so will be considered further and an update provided as part of the forthcoming report for the Infrastructure Funding Statement.

6 Implications

6.1 Financial

As referred to in previous reports to Council relating to the development, adoption and protocols of the schemes, CIL allows the Council to fund infrastructure required to support new development which may otherwise be unfunded. It is important that the CIL Infrastructure List is kept up to date as this is the list of projects which are likely to be funded by CIL in line with Local Plan delivery.

As referred to in paragraph 5.10, the removal of the previous Regulation 123 restriction will allow the Council greater flexibility in funding future Infrastructure Projects.

There are no further direct financial implications for the Council as a result of this report.

6.2 Legal

The legal implications are set out in the report.

6.3 Human Resources

None

6.4 Section 17 (Crime Prevention)

None

6.5 Human Rights Act

None

6.6 Data Protection

None

6.7 Risk Management

Without CIL and clarity in terms of what CIL will/will not fund then there would be a serious risk that some infrastructure necessary to support growth in the district would not be delivered.

6.8 Equality & Diversity

No issues specifically arising from this report, however the Development Plan itself (to which CIL contributes in delivering appropriate infrastructure) is subject to Equality Impact Assessment.

6.9 Best Value

None

7 Appendices to the Report

Appendix 1: Updated CIL Infrastructure List (formerly known as CIL Regulation 123 List)

Appendix 2: Current Regulation 123 List

Appendix 3: Regulation 123 List Update Form

Previous Consideration

CIL Charging Schedule	Council	15/04/15
CIL Funding Decisions Protocol	Cabinet	23/07/15
CIL Updated Regulation 123 list	Council	06/07/16

Background Papers

CIL Regulations 2010 (as amended)

National Planning Practice Guidance

CIL Infrastructure List (note:-not in priority order) November 2019				
Site	Town/Location	Description of works	Evidence base -reference numbers from Local Plan (Part 1) list of evidence documents (full document titles at the end of this table).	Costs
Conduit Road to Albutts Road mineral line	Norton Canes	Upgrade stoned path to cycleway to connect existing cycleway routes	Cannock Chase Integrated Transport Strategy -99a	£48,000
Norton Canes Community Centre	Norton Canes	Pitch Improvements	PPG17 Open Space Sport & Recreation Facilities Studies-129, 129a, 129b	£98,000
Heath Hayes Park	Heath Hayes	Pitch Improvements	129, 129a 129b	£300,000
Heath Hayes Park	Heath Hayes	Ancillary Facilities -Changing Rooms	129, 129a, 129b	£700,000
Heath Hayes Park	Heath Hayes	Car Parking	129, 129a 129b	£200,000
Heath Hayes Park	Heath Hayes	Refurbish Tennis Courts/Fencing	129, 129a, 129b	£90,000
Hednesford Park	Hednesford	Pitch Improvements	129,129a, 129b	£200,000
Hednesford-Rawnsley mineral line	Hednesford/Rawnsley	Create cycleway on former mineral line to provide off road safe route from Rawnsley to Hednesford and linking into the Chase.	99a	£100,000
Cannock Park	Shoal Hill/Longford	Replace 2 space nets, 2 multi units and resurface wet pour.	129, 129a, 129b	£120,000

Cannock Park	Shoal Hill/Longford	Refurbish heating system for showers, re-tile showers and refit changing rooms	129,129a, 129b	£40,000
Avon Road (former MEB sub station)	Shoal Hill/Longford	Install new Local Equipped Area for Play (LEAP) area	129, 129a, 129b	£100,000
Laburnum Avenue Recreation Ground	Shoal Hill/Longford	Pitch Improvements	129, 129a , 129b	£98,000
Green Lane	Rugeley/Etching Hill	Pitch Improvements	129, 129a, 129b	£150,000
Former Cannock Stadium	Chadsmoor	Elements of Phase 2 of Site Redevelopment -Pitch and Drainage improvements, Fencing, Artificial Grass Pitch (AGP), Access, Social Picnic Areas	129, 129a 129b	£750,000
Old Fallow Road	Chadsmoor	Pitch Improvements	129, 129a, 129b	£98,000
Rugeley Leisure Centre Artificial Turf Pitch Extension (ATP)	Rugeley/Hagley	Extend ATP into full size pitch and lighting upgrade	129, 129a, 129b	£400,000
Elmore Park	Rugeley/Western Springs	Dredge lake and stabilise banks	Rugeley Town Centre Strategic Flood Risk Assessment-117	£500,000
Brereton mineral line	Brereton and Ravenhill/Rugeley Town	Create cycleway on the Brereton and Ravenhill Way from Rugeley Town station car park to the Cannock Chase Area of Outstanding Natural Beauty	99a	£50,000
Land south of A5190 Norton Canes	Whole District	Develop new Burial Space for south of District	Internally generated evidence of need for additional burial space.	£1,000,000

Cannock Chase Special Area of Conservation (SAC) Mitigation Measures excluding review of access network, signage and path repairs	Whole District	Measures to mitigate impacts of increased recreational pressure upon the Cannock Chase SAC arising from new housing developments within the District. Costs for CCDC currently approx 1/5 of £2m for entire SAC partnership area.	145-149 (inclusive)	£400,000
Heath Hayes and Wimblebury Parish	Heath Hayes and Wimblebury	Expansion of existing primary school provision by up to 210 additional places in the Heath Hayes and Wimblebury Parish.	Planning of School Places and Education Planning Obligations Policy-88, 89	£4,416,000
Rugeley and Brereton	Rugeley/Brereton	Land acquisition and associated costs to provide additional primary school places in Rugeley (in addition to the proposed primary education infrastructure to be located within the Rugeley Power Station site)	88,89	
West Hill Primary School	Hednesford	Expansion of West Hill Primary to provide an additional 105 places	88, 89	
Hob Hill Primary School	Brereton and Ravenhill	Expansion of Hob Hill to provide an additional 105 primary school places	88, 89	
•Hednesford (Town) •Rugeley (Town)	•Hednesford •Rugeley	Replacement of temporary accommodation with permanent accommodation	88, 89	
<i>TOTAL COST OF EDUCATION ITEMS</i>				
Cannock, Rugeley and Hednesford town train stations	Cannock, Rugeley and Hednesford	Upgrades to Cannock, Rugeley and Hednesford train stations to support Chase Line improvements.	99a	TBC

Five Ways Island	Heath Hayes and Wimblebury	Delivery of Five Ways Junction Improvement (part of Local Pinch Point Package Programme)	99a	£300,000
Rugeley Town Centre (Hagley Park)	Rugeley	Measures related to Rugeley Town Centre Flood Alleviation Scheme ¹	117	£200,000
Hednesford, Rugeley, Brereton and Norton Canes	Hednesford, Rugeley, Brereton and Norton Canes	Initial programme to replace bus shelters (15), bins (15) , benches (15) and provide cycle racks (3)	Internally generated evidence of need for upgrades.	£121,000

TOTAL COST OF PROJECTS	£10,479,000
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Details of evidence referenced

- Reference 88: Planning of School Places (SCC annual)
- Reference 89: Education Planning Obligations Policy (SCC 2008 /9)
- Reference 99 A Staffordshire Local Transport Plan 3 (SCC 2011)
- Reference 117 Rugeley Town Centre Flood Risk Assessment (Halcrow 2009)
- Reference 129: PPG17 Open Space Sport and Recreation Facilities Audit incorporating 129 a and b as below
- Reference 129a: Indoor and Outdoor Sports facilities study (CCC 2010)
- Reference 129b: Open Spaces Assessment (CCC 2009)
- Reference 145: Evidence base relating to the Cannock Chase SAC and the Appropriate Assessment of Local Authority Core strategies (November 2010)
- Reference 146: Cannock Chase SAC visitor Survey (2012)
- Reference 147: Impacts of Recreation to Cannock Chase SAC (2012)
- Cannock Chase SAC Mitigation Report (2012)
- 148A CCDC Advice on Cannock Chase SAC (Bircham Dyson Bell May 2013)
- 149 Cannock Chase SAC Visitor Observation Study (2012)

¹ Main flood alleviation scheme delivered 2017. Measures relate to potential sustainable drainage systems associated with the scheme.

CIL Regulation 123 Listⁱ (note:-not in priority order)				
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TOTAL COST OF PROJECTS	£11,729,000
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Details of evidence referenced

Reference 88: Planning of School Places (SCC annual)

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Reference 117 Rugeley Town Centre Flood Risk Assessment (Halcrow 2009)

Reference 129: PPG17 Open Space Sport and Recreation Facilities Audit incorporating 129 a and b as below

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Reference 145: Evidence base relating to the Cannock Chase SAC and the Appropriate Assessment of Local Authority Core strategies (November 2010)

Reference 146: Cannock Chase SAC visitor Survey (2012)

Reference 147: Impacts of Recreation to Cannock Chase SAC (2012)

Cannock Chase SAC Mitigation Report (2012)

148A CCDC Advice on Cannock Chase SAC (Bircham Dyson Bell May 2013)

149 Cannock Chase SAC Visitor Observation Study (2012)

ⁱ Updated July 2016

Regulation 123 list update form

Please note: only updates to existing projects costs/funding required from CIL and minor amendments to the scope of existing projects will be considered. No new projects will be considered at this stage. If the project has already been funded and delivered from non-CIL funds in full then please advise if it can be removed from the Regulation 123 list accordingly.

Name of existing project on Regulation 123 list	
Project scope update (suggest specific wording for project description on Regulation 123 list)	
Provide justification for project scope update	
Project costs/funding required update (provide specific figures)	
Provide explanation for costs update	
Project that can be removed from Regulation 123 list due to alternative funding/delivery sources	