



PRCC.27 13/14

Prosperous Communities  
Committee

15 October

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**Subject: Consultation on the Draft Community Infrastructure Levy  
Charging Schedule**

Report by:

Director of Regeneration and Planning

Contact Officer:

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Purpose / Summary:

- To seek comments from members on the draft list of infrastructure to be funded by CIL (contained in Appendix 1).

**RECOMMENDATION(S):**

Members are asked to:

- Provide any comments they have on the Draft Regulation 123 list which will be consulted on alongside the Community Infrastructure Levy Draft Charging Schedule.

**IMPLICATIONS**

**Legal:** Legal implications of implementing CIL are being considered as part of the programme for introducing a charge. The final layout of the regulation 123 list may change as discussions with the planning inspectorate over future regulation changes are on-going

**Financial : FIN 24/14**

the projects contained within the Regulation 123 list are those which will be eligible for CIL funding but not Section 106 funding. A 'B list' of projects has been developed to highlight projects which may in future receive CIL funding but are not developed enough.

**Staffing :** None relating to this particular consultation

**Equality and Diversity including Human Rights :**

none

**Risk Assessment :**

n/a

**Climate Related Risks and Opportunities :n/a**

**Title and Location of any Background Papers used in the preparation of this report:**

n/a

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**/**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

**/**

## **1.0 Introduction**

Members have previously agreed to the consultation on a Preliminary Community Infrastructure Levy Draft Charging Schedule (PDCS) and as part of the next round of consultation to consult on a draft regulation 123 list which sets out the infrastructure which will be funded by CIL. This paper seeks comments from members on the projects contained within the draft regulation 123 list which will then be submitted on behalf of the Council during the upcoming consultation.

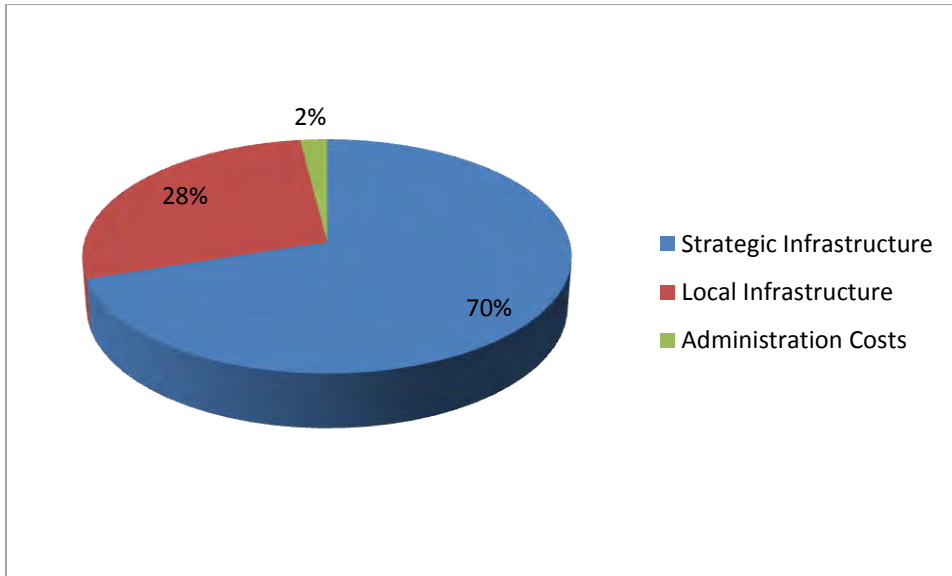
## **2.0 Background**

The Draft regulation 123 list is a list of the infrastructure which will be funded by CIL. The approach of the Central Lincolnshire Authorities who are pursuing an aligned CIL has been to produce an A list on infrastructure which will definitely be funded by CIL and a B list of infrastructure which may be funded by CIL but there is not currently enough detail of the project. It may also be that infrastructure on the B list is funded by Section 106 and therefore should not be included on the A list.

Local priority infrastructure will differ between the three authorities whilst strategic infrastructure will be agreed by all three in collaboration with the County Council. Without a Reg 123 list it would not be possible to continue using Section 106 agreements which is considered to be detrimental to the future provision of infrastructure across the district.

## **3.0 Regulation 123 List**

As part of the work programme around developing CIL a group of Central Lincolnshire Officers from each authority (including a group of finance officers) are working on a draft Regulation 123 list. This draft is informed by the adopted Infrastructure Delivery Plan and will identify infrastructure projects categorised as:



- Central Lincolnshire Strategic infrastructure - 70% of total CIL fund
- Local Infrastructure ( each authority’s specific infrastructure) 28% of total CIL fund ( meaningful proportion to come out of this element)
- Administration costs and dedicated officer support.

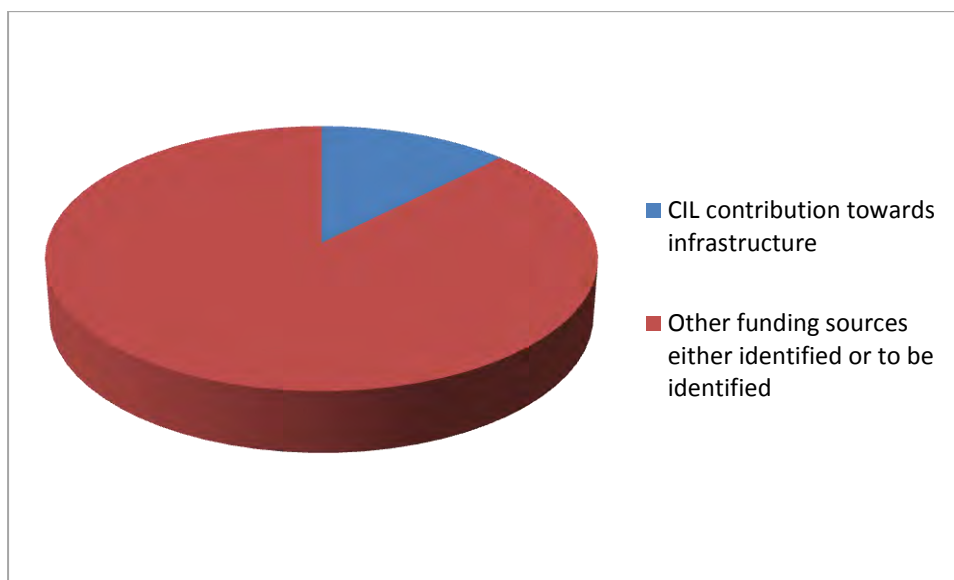
The 28% contribution towards local infrastructure includes local infrastructure for local communities. Where a local community has a neighbourhood plan in place 25% of the overall CIL contribution will be passed to the local community for infrastructure provision. In communities without a neighbourhood plan in place it will be 15%. The remaining will be retained by WLDC. For communities which support growth CIL will provide them with a funding source to provide local infrastructure which supports new development but its investment is guided by local people.

It is important to recognise that CIL is designed to fund infrastructure which enables or supports growth and it will therefore focus on areas where growth takes place.

CIL will play a key part in funding infrastructure but the majority of funding will come from other sources such as the County Council and government loans and grants. An example of this is the Lincoln Eastern Bypass which has received approximately £60 million in government funding to deliver the project. This is similar to the past use of Section 106 which has made

contributions to infrastructure which is being partially funded by others sources e.g. extensions to schools or new schools.

The table below gives an indication of the level of infrastructure funding that CIL will provide:



The other funding sources could include the LEP (Local Enterprise Partnership), Local Transport Board, LCC capital and WLDC capital.

Members should note that in relation to the production of a Regulation 123 list there are a number of issues to be considered;

- Authorities cannot pool more than 5, Section 106 contributions to deliver strategic infrastructure, so infrastructure projects on the Regulation 123 list are those which are likely to need a significant contribution, beyond this pooling limit.
- CIL funding and Section 106 contributions cannot be secured for the same project if it is on the list, once adopted.
- Once a project is on the Regulation 123 list, it should only be removed once it has been funded/completed (to remove an item and seek section 106 could certainly result in bad public relations and possibly legal challenge)
- It is essential that an explicit project definition is used on the Regulation 123 list, rather than a generic description, (for example the exact location and project name of any highways improvements should be specified) so it is clear exactly what is being funded by

CIL and Section 106 funding can still be charged for other highways projects

- Authorities need to show an infrastructure funding gap which is the basis of charging CIL, so the list must cover projects of sufficient costs to show this gap
- The projects on the list do not need to be prioritised and those items on the draft list are not prioritised within the Central Lincolnshire strategic / local infrastructure or any other categories (although the IDP considers this on a high-level basis)
- There will be some consideration of whether a project is Central Lincolnshire strategic or local infrastructure, but a project is more likely to receive CIL funding at a local level, as the Lincoln Eastern Bypass and Secondary Education are forecast to use up all the strategic infrastructure funding
- There is a balance to be struck between certainty for the developer in the projects that will be funded and flexibility for the authority in terms of securing funding to deliver infrastructure. In recognition of this it is proposed to seek legal advice about the potential to consult on an A and B list of projects. This would differentiate between
  - Projects that will definitely be funded by CIL, the A list and
  - Projects that would be funded by CIL only if CIL income exceeds expectation, projects that need more definition, or projects where anticipated other non CIL funding sources, are not forthcoming. These projects are identified as 'emerging projects for future funding consideration' in the appended Regulation 123 list, (the B list).

The list is based on the Infrastructure Delivery Plan (IDP) which is one of the key documents supporting the Core Strategy. The IDP sets out the infrastructure required to deliver the growth aspirations contained within the Core Strategy. CIL will make an important contribution towards funding this infrastructure alongside other funding sources.

The list will be updated annually to take into account new infrastructure requirements or the findings of other studies linked to the Core Strategy.

## **Appendix 1**

### **Draft Central Lincolnshire “Regulation 123 list”**

*Please note: this list is not prioritised in any way. It should be read in the context of the list of emerging projects overleaf and the Central Lincolnshire Infrastructure Delivery Plan (which does provide a narrative on priorities and assigns priorities – for IDP purposes – to relevant infrastructure items).*

<b>Central Lincolnshire ‘strategic infrastructure’:</b> Lincolns Eastern Bypass New secondary school in Lincoln Extensions to secondary schools in Lincoln Extensions to secondary schools in the Central Lincolnshire rural area New secondary school in Gainsborough New secondary school in Sleaford		
<b>City of Lincoln ‘local infrastructure’</b> Further assessment on-going	<b>Rural area ‘local infrastructure’:</b> Further assessment on-going	
	<b>North Kesteven ‘local infrastructure’:</b> Pedestrian bridge over Sleaford railway Further assessment on-going	<b>West Lindsey ‘local infrastructure’:</b> Further assessment on-going



**Draft list of emerging projects for future consideration in Central Lincolnshire “Regulation 123 list”**

<p><b>Central Lincolnshire ‘strategic infrastructure’:</b>          Investment in Gainsborough John Coopland Hospital          Lea Road Station Improvements          Sleaford Fire Station          Lincoln Fire Station          Lincoln Relief Road Improvements          Beevor St to Swanpool Link          Gainsborough Bus Expressway          Lincoln Quality Bus Corridors          Lincoln Park &amp; Ride - North East          Lincoln Park &amp; Ride - South East          Lincoln Park &amp; Ride - West          Lincoln Small-scale Walking/ Cycling/ Public Transport Schemes          A46 to Swanpool Link          New Lincoln Ambulatory Care Centre          Sleaford Ambulatory Care Centre          East-West Link (EWL): Pelham Bridge to South Park Avenue          East-West Link (EWL): Rope Walk to High Street          Gainsborough Belt Road Upgrade          Lincoln Eastern Bypass Dual carriageway          Lincoln Southern Bypass          Lincoln Public Transport Interchange          Lincoln Parking Strategy          Lincoln Rail Service Improvements          Rural Public Transport Programme</p>	
<p><b>City of Lincoln ‘local infrastructure’</b>          North Hykeham Highways Improvements</p>	<p><b>Rural area ‘local infrastructure’:</b>          GPs in rural area</p>

<p>Beevor Street Link  Lincoln - up to 2 synthetic MUGAs  Strategic Green Infrastructure in Lincoln  Carbon reduction schemes in Lincoln  Lincoln-area Passenger Information  Lincoln swimming pool  Lincoln Rugby pitches, up to 2  Lincoln Cricket Pitches, up to 3</p>	<p>Rural area - up to 1 synthetic pitch or rugby or cricket  Dentists in rural area  Rural Rugby, up to 1  Rural Cricket Pitch, up to 2  Pharmacy in rural area</p>	
	<p><b>North Kesteven 'local infrastructure':</b>  North Hykeham transport improvements  Strategic Green Infrastructure Sleaford  Carbon reduction schemes in Sleaford  Sleaford cricket, up to 1  Rural area, up to 1 synthetic MUGA (total)</p>	<p><b>West Lindsey 'local infrastructure':</b>  Gainsborough - up to 1 synthetic MUGA  Strategic Green Infrastructure Gainsborough  Carbon reduction schemes in Gainsborough  Gainsborough Rugby, up to 1  Gainsborough Cycle Improvements  Gainsborough Cricket, up to 2  Gainsborough Pedestrian Improvements  Gainsborough Bus Station</p>