

CABINET
26 January 2023

UNPARISHED CIL PROGRAMME

Brent, Bridge, Burnham, Heath, Joydens Wood (part), Maypole & Leyton Cross (part), Newtown, Princes (part), Temple Hill, Town and West Hill.

1. Summary

1.1 The report sets out the results of the consultation carried out on the pilot programme of projects for the unparished areas of the Borough and seeks approval for the allocation of CIL funding towards those projects from the CIL receipts retained by the Council for the unparished areas to enable the delivery of the projects.

2. RECOMMENDATIONS

2.1 That the results of the consultation on the pilot programme for the unparished area of the Borough, as set out in paragraphs 4.1 to 4.4 of the report, be noted.

2.2 That the allocation of CIL funding from the receipts retained by the Council for projects within the unparished area of the Borough, in accordance with paragraphs 5.2 to 5.4 of the report, and as listed in Appendix B, be agreed.

2.3 That the Head of Planning Services be granted delegated authority to enter into agreements with those responsible for the delivery of the projects as listed in Appendix B, and in accordance with paragraph 5.5 of the report, to ensure that the allocated CIL funding is used appropriately.

3. Background and Discussion

3.1 At its meeting on 26 May 2022, Cabinet approved the Governance arrangements for the management and decision making related to the CIL funding retained by the Council for the unparished areas of the Borough (Minute No.11). At this meeting, Cabinet agreed that the Head of Planning Services be authorised to develop a pilot delivery programme of projects for the unparished areas to be approved by Cabinet for the purpose of consulting the local community.

3.2 For this pilot programme, it was proposed that projects would be identified through discussions with Council service departments and key infrastructure service providers such as KCC Highways. A cap of £500,000 was also set on the pilot programme. At its meeting on 27 October 2022, Cabinet approved the pilot programme for consultation (Minute No.64).

3.3 This report sets out the results of the consultation, confirms the projects to be delivered through the pilot programme and seeks Cabinet approval for the allocation of CIL funding to the projects from the receipts retained by the Council for the unparished areas of the Borough.

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4. Results of Consultation on Unparished CIL Pilot Programme

4.1 The consultation on the Unparished CIL Pilot Programme was carried out between 25 November and 21 December 2022. The consultation was published on the Council's website and involved an online survey, a copy of which is shown in **Appendix A** to this report. The consultation was focused on the unparished areas of the Borough (excluding Ebbsfleet as CIL payments have yet to be received for this unparished area) using the knowledge and local understanding of Ward Members to reach community organisations and volunteer groups that may have a view on the use of CIL funding.

4.2 As well as seeking an opinion on the projects included in the pilot programme the online survey also gathered views on:

- priorities for infrastructure provision within the unparished areas of the Borough;
- whether CIL funding should continue to be retained for projects in the unparished areas and the level of funding that should be given to individual projects; and
- any other projects that should be considered for subsequent programmes.

A Factsheet, published online, provided further details on the types of projects that could be funded through CIL and who could apply. A summary of the pilot programme was published on the website with a link provided for the public to view more details of the projects included in the pilot programme.

4.3 A low response was received to the consultation but those who did respond agreed with the policy of retaining the CIL portion for the unparished areas and supported CIL being used to fund 100% of the costs of projects. Projects that improved access to green spaces was the main infrastructure priority. There were no major objections to the projects contained in the pilot programme with the Dartford Heath and Darent River Path projects receiving complete support from those who responded.

4.4 Other projects were suggested as part of the consultation process. Further details will need to be collected so that these new projects can be evaluated and assessed regarding their suitability for inclusion in further rounds of the Unparished CIL programme. Some of the projects suggested would need to be implemented by delivery partners, principally KCC Highways, requiring consultation with them.

4.5 It is also proposed that an adapted version of the survey form (excluding reference to the pilot programme) is kept on the Council's website along with the accompanying Factsheet. This would have value in gathering further information from the local community on the priorities for infrastructure improvements in the unparished areas of the Borough. It would also enable Ward Members to continue directing community organisations and volunteer groups to a source of information on the availability of CIL funding and provide a means of registering potential projects in the unparished areas.

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5. Unparished CIL Programme

- 5.1 No major objections were raised during the consultation regarding any individual project within the Unparished CIL Pilot Programme. Some concerns were raised regarding the inclusivity of the Europa Weightlifting Club and the benefits it would bring to the local community. However, after reviewing the information already provided and in view of the significant level of funding being provided by Sport England it was decided that this project would be retained within the pilot programme and reassurances regarding the wider benefits of the project would be sought through the funding agreement with applicant.
- 5.2 The total CIL allocation proposed amounts to £458,100 across the six projects contained within the Unparished CIL Pilot Programme with the level of CIL funding relative to the estimated costs of the projects ranging from 11.6% to 100%. The total CIL allocation is £41,900 (roughly 9% of the total CIL bid) below the cap of £500,000 that was agreed by Cabinet for the pilot programme. From experience, initial cost estimates for projects can vary considerably to the final costs of the delivered scheme. This is particularly the case in the current economic climate. In general, a condition on the allocation of CIL funding to a project is that any subsequent increase in costs are borne by the delivery agent. However, as this is the first programme of projects for the unparished areas of the Borough it is proposed to apply a 9% contingency to the CIL allocations for each project. This is to cover likely increases in project costs but would not be automatically granted.
- 5.3 An assessment of the six projects against the eligibility and prioritisation criteria, set out in the governance arrangements for the Unparished CIL, was carried out when the pilot programme was put together and approved for consultation in October 2022. This assessment has been added to the pilot programme, as shown in **Appendix B**, as an indication of the value in allocating CIL funding.
- 5.4 The Unparished CIL Pilot Programme (shown in **Appendix B** to this report) provides a brief description of each project; a summary of the principal benefits; the assessment of each project (as discussed in paragraph 5.3); estimated project costs and CIL bid with and without the contingency element (as discussed in paragraph 5.2). Cabinet is being asked to agree to the projects contained within the pilot programme and the allocation of CIL funding as described.
- 5.5 Following Cabinet's decision, it is proposed that the Head of Planning Services enters into funding agreements with each of the organisations delivering the projects to ensure that the projects are delivered at the earliest opportunity, that any CIL funding allocation is used appropriately and the terms under which the contingency funding can be claimed.

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6. Relationship to the Corporate Plan

6.1 The subject of this report supports the Corporate Plan Themes of:

Economic Development & Regeneration through ensuring that community infrastructure and facilities are delivered in time to meet the needs of the growing population.

Health & Wellbeing by increasing the opportunities for participating in sporting, cultural and leisure activities.

Environment & Sustainability by ensuring that development in Dartford is sustainable and supporting the development and implementation of parking management schemes, particularly in residential areas.

7. Financial, legal, staffing and other implications and risk assessments

Financial Implications	<p>The proposals contained within this report will ensure that spending on local infrastructure projects will not exceed the monies collected through the unparished CIL contributions, or the combined funding from additional sources, where a project has multiple funding sources.</p> <p>The proposals in this report would result in up to £500,000 of the CIL funding retained by the Council for the unparished areas of the Borough being committed to and spent on infrastructure projects of the 2022/23 and 2023/24 financial periods. This would be Capital expenditure.</p> <p>The administrative costs associated with the allocation and monitoring of this expenditure will be covered from the Council's existing revenue budget.</p>
Legal Implications	<p>The use of CIL monies is defined by regulatory requirements. Regulations also require the Council to publish an annual Infrastructure Funding Statement that sets out the monitoring of CIL receipts and spending. The regulatory requirements have been taken into account in the proposals set out in this report.</p>
Public Sector Equality Duty Crime & Disorder Duty	<p>There are no specific Public Sector Equality Duty or Crime & Disorder Duty implications arising from this report. However, individual infrastructure projects will need to be assessed against these duties as they come forward.</p>

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<p>Climate Impact Assessment</p>	<p>A preliminary assessment of the projects contained within the programme has concluded that overall they would not have a detrimental impact on climate change.</p> <p>Some of the projects could potentially have a positive impact where these are targeted towards environmental improvements, reducing congestion or encouraging more sustainable transport.</p> <p>A further assessment of each project that is submitted for the allocation of CIL funding will have its own impact assessment on climate change.</p>
<p>Staffing Implications</p> <p>Administrative Implications</p>	<p>The administration of CIL covering collection, spending and governance is carried out within existing staff resources. There is provision within CIL Regulations for up to 5% of CIL receipts to be used for administrative purposes. This provision is being utilised.</p> <p>Resource requirements for proposals within this report have been highlighted and predominantly relate to the on-going consultation to identify projects for further rounds of the Unparished CIL Programme and the monitoring of CIL funds allocated to individual projects. It is anticipated that current staff within the Council's Planning Services and Communications department will be sufficient without the need for additional staff resources.</p>
<p>Risk Assessment</p>	<p>The risk of overspend on individual projects will be borne by the service/infrastructure provider delivering the project. This means that for the three projects that are being delivered by the Council any overspend will rest with the Council. The initial programme of projects for the unparished areas of the Borough is capped at £500,000 limiting the level of expenditure that will be available for the remainder of 2022/23 and 2023/24.</p> <p>The delivery of individual projects could also be delayed and this is initially mitigated by identifying eligible projects that have no major obstacles to their delivery.</p> <p>Risks associated with individual projects will form part of the further assessment process before the allocation of any CIL funding is approved.</p>

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9. Details of Exempt Information Category

Not applicable.

10. Appendices

Appendix A: Copy of Survey Form used for Unparished CIL
Programme Consultation

Appendix B: Unparished CIL Pilot Programme

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
CIL Regulations 2010 (SI 2010 No.948) (as amended)	6 Apr 2010	Stephen Dukes (01322) 343015	Planning Services, Growth & Communities Directorate	N/A