

COMMUNITY INFRASTRUCTURE LEVY AND SECTION 106 FUNDING ALLOCATIONS

Cabinet Member: Councillor David Johncock

Wards Affected: All

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PROPOSED DECISION

That:

- (i) Cabinet confirms the current list of projects that have been allocated CIL and S106 funding as outlined in Appendix A. These projects have been approved by February 2018 Cabinet and Council as part of the total capital programme;
- (ii) delegated authority be granted to the relevant Head of Service in consultation with the Head of Finance and Commercial and relevant Cabinet Member to release, in part or whole, funds to the outside bodies identified for the implementation of the identified projects in Part 1 of Appendix A, subject to satisfactory project plans;
- (iii) the release of funds for projects identified in Part 2 of Appendix A is subject to the Financial Regulations Standing Orders as per Appendix 3 of Part 3G of the Constitution; and
- (iv) S106 Open Space funding be allocated to the projects identified in Appendix B with the release of funding subject to the Financial Regulations Standing Orders as per Appendix 3 of Part 3G of the Constitution.

Reason for Decision

To ensure public transparency regarding the CIL and S106 funding programmes which are to be implemented in order to address the impacts of developments that have taken place and to improve the infrastructure of the District.

Corporate Implications

1. Section 274 of the Highways Act 1980 allows District Councils to contribute to the expenses of the Highway Authority when it is satisfied that it is to the benefit of the District.
2. Section 106 of the Town and County Planning Act 1990 (as amended) governs the entering into of planning agreements between the local planning authority and persons interested in the land relating to the development or use of the land, operations or activities carried out and requiring contributions to be paid to the authority or other parties. Section 106 monies can only be expended in the period and for the purposes prescribed in each individual s106 agreement.
3. The introduction of the Community Infrastructure Levy ("CIL") is provided for by Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 as amended ("CIL Regulations").
4. The District Council is the charging and collecting authority for CIL. The powers

to collect CIL largely supersede funding of off-site infrastructure through pooled developer contributions secured via planning obligations under section 106 of the Town and Country Planning Act 1990 (as amended), and therefore CIL is vital to the future development and infrastructure provision in relation to the Council's area.

5. The Council's CIL Charging Schedule was introduced on 1 November 2012 alongside a CIL Instalments Policy and a CIL Infrastructure (R123) List. The CIL Infrastructure (R123) list indicates which schemes are likely to be funded by CIL.
6. Fifteen per cent of CIL raised is passed to relevant town and parish councils. This rises to twenty five per cent in areas with adopted Neighbourhood Development Plans. Cabinet has previously resolved that the High Wycombe Town Committee will make a recommendation to Cabinet annually on the use of the local allocation in the unparished wards.

Executive Summary

7. Cabinet is being asked to confirm the range of projects being funded by S106 and CIL allocations which were included in the 2018/19 Capital Programme approved at 5 February 2018 Cabinet and 22 February 2018 Council; and in previous years (see Appendix A). Delegated authority is being sought to the relevant Heads of Service in consultation with the relevant Cabinet Members to release the funding when project plans (including implementation timetables) are in place for projects in Part 1 of Appendix A. Projects in Part 2 will need a further Cabinet decision for the release of funds.

Sustainable Community Strategy/Council Priorities - Implications

8. The "Place" priority of the Council's 2015-20 Corporate Plan includes the ambition to ensure supporting infrastructure is provided alongside new housing. The Council's "Prosperity" priority highlights using urban design to make our town centres better places.

Background and Issues

9. At their September 2016 meeting, Cabinet agreed a broad allocation of CIL for the next three financial years (2017/18 – 2019/20). It was agreed that 80% of CIL would be prioritised for the category of physical and green infrastructure and 20% being prioritised for social infrastructure. A list of priority projects was outlined at that time which Cabinet noted.
10. The Council receives approx. £3M per year in CIL funding. This is based on both housing and retail projections and excludes the local allocation of typically 15% that is sent to parish and town councils, and in respect of which the High Wycombe Town Committee (HWTC) makes recommendations for the unparished area.
11. The introduction of the CIL has significantly reduced the number of new S106 Agreements that the Council requires. However there is still funding that has not yet been spent from historic S106 Agreements. There is generally a 10 year

period for the Council to allocate and spend S106 funds which is closely monitored.

Previous allocations of funding

12. Appendix A outlines the current list of projects that have been allocated CIL and S106 funding. These allocations are based on previous Cabinet decisions including the decision at 5 February 2018 Cabinet to approve the 2018/2019 Capital Programme. Part 3 of Appendix A also outlines approved schemes making use of the local allocation (15%) of CIL collected from developments in High Wycombe after recommendations from the HWTC. The approved 2018/19 Capital Programme includes four new projects proposed to be implemented with CIL funding:
 - a. A £120k contribution for furthering the delivery of the Little Marlow Lakes Country Park including providing visitor facilities.
 - b. A £100k contribution to the Chiltern Conservation Board (CCB) proposed Chalk, Cherries and Chairs project (This is a local match element to a wider £2m grant the CCB have been awarded through the Heritage Lottery Fund).
 - c. A £100k contribution for funding for a study, design and measures to increase capacity at High Wycombe Bus Station in a response to increased number of services.
 - d. Funding for implementation of the next phases of regeneration measures in High Wycombe Town Centre (The budget agreed at February 2018 Cabinet and Council includes an element of WDC Capital funding for these projects).
13. Many schemes that have been allocated funding are led by outside services. The projects will deliver schemes that will support the delivery of the Council's Corporate Plan objectives and improve infrastructure in response to housing growth. WDC agrees the terms for the expenditure prior to passing the funding onto those organisations.
14. Appendix B sets out a number of proposed open space projects put forward by WDC Community Services for use of remaining unallocated S106 open space funding. These projects include river bank works at the Dyke in the Rye; a new skate park at Holmers Farm Recreation Ground; car parking resurfacing at Desborough Recreation Ground; Upgrade of the multi-use games areas at Baring Road and Plomer Hill open spaces; and measures at Hughenden Park including a tree trail and wood carvings.

Consultation

15. Significant consultation has taken place with infrastructure providers in the drafting of the Council's Infrastructure Delivery Plan which informs the programme. The Infrastructure Delivery Plan forms part of the evidence base for the emerging Local Plan, which has also been subject to extensive public consultation. Prior to implementation of specific schemes further consultation may be held by the scheme promoters.

Options

16. To confirm the allocations set out at Appendix A and Appendix B and the proposed delegation (recommended).
17. To amend the allocations set out at Appendix A and Appendix B.
18. To not confirm the allocations set out at Appendix A and Appendix B.

Conclusions

19. Cabinet is being asked to confirm the full range of projects that CIL and S106 funding has been allocated towards and to agree to delegate the release of funds to the relevant lead service when project plans and implementation timetables are in place.

Next Steps

20. Implementation of the different projects lies with the various services and providers.
21. Progress against spending will be reported at future Cabinet meetings as part of quarterly financial monitoring.

Background Papers

Previous Cabinet decisions that allocated CIL and S106 Funding –

3 March 2014 – Minute number 97

9 February 2015 – Minute number 82

7 March 2016 – Minute number 78

13 March 2017 – Minute number 79