

Agenda for Strategic Planning Committee

Monday, 27 November 2017, 2pm



[Members of the Strategic Planning Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

Contact: Hannah Whitfield, 01395 517542 (or group number 01395 517546): Issued 17 November 2017

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

- 1 [Public speaking](#)
- 2 Minutes of the Strategic Planning Committee meeting held on 6 November 2017 (pages 3 - 7)
- 3 Apologies
- 4 Declarations of interest - Guidance is available online to Councillors and co-opted members on making [declarations of interest](#).
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Matters for Debate

- 7 **Section 106/Community Infrastructure Levy contributions – Annual report 2016/2017** (pages 8 - 15)
The report updates the Committee of the progress made on planning obligation matters between April 2016 and March 2017.
- 8 **Community Infrastructure Levy Working Party minutes** (pages 16 - 18)
The Committee are asked to consider the recommendations from the Community Infrastructure Levy Working Party meeting held on 9 November 2017.
Appendix 1 – Community Infrastructure Levy Working Party agenda, 8 September 2017 (pages 19 - 31)
Appendix 2 – Community Infrastructure Levy Working Party agenda, 9 November 2017 (pages 32 - 64)

9 **Recommendation from Overview Committee**

Members to note that the following recommendation was made to the Committee by the [Overview Committee at its meeting on 5 October 2017](#):

RECOMMENDED to Strategic Planning Committee that a report be presented to them, in consultation with the Development Management Team which:

- a) Details the enhanced economic evidence and intelligence input from the Economic Development Team including advice on planning applications;
- b) Identified the practical advantages of closer working between Economic Development and Development Management functions;
- c) Explores means by which the positive economic impact of planning policy be maximised. Details the enhanced economic evidence and intelligence input from the Economic Development Team including advice on planning applications;
- d) Identified the practical advantages of closer working between Economic Development and Development Management functions;
- e) Explores means by which the positive economic impact of planning policy be maximised.

A further report would be brought to the Committee when the LEP Productivity Plan was finalised so that implications of the Plan on the recommendations above could be assessed.

10 **Brownfield Land Register** (pages 63 - 67)

The report sets out the requirements of the register, which must be in place and published by the end of the year.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chairman has the power to control public recording and/or reporting so it does not disrupt the meeting.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 6 November 2017

Attendance list at end of document

The meeting started at 10.00am and ended at 11.55pm.

***9 Public speaking**

The Chairman welcomed everyone present to the meeting.

There was one member of the public present who wished to address the Committee when the relevant item was considered.

***10 Minutes**

The minutes of the Strategic Planning Committee meeting held on 11 July 2017 were confirmed and signed as a true record.

***11 Community Infrastructure Levy Working Party**

The minutes of the Community Infrastructure Levy Working Party meeting held on 8 September 2017 were confirmed and signed as a true record.

***12 Declarations of interest**

Cllr Phil Twiss; Minute *13 - Cranbrook Plan Development Plan Document – preferred approach

Interest - Personal

Reason: Consultant in travel industry

Cllr Mike Howe; Minute *15 - Infrastructure Delivery Plan – Review 2017

Interest - Personal

Reason: Business owner in Clyst St Mary

Cllr Jill Elson; Minute *15 - Infrastructure Delivery Plan – Review 2017

Interest - Personal

Reason: Governor – Exmouth Community College

***13 Cranbrook Plan Development Plan Document – preferred approach**

The Committee considered the Service Lead's – Planning Strategy and Development Management report seeking Member approval for the publication of the Cranbrook Plan Development Plan Document (DPD) - preferred approach for consultation. The purpose of the DPD was to guide the expansion of Cranbrook to around 8000 homes and ensure that the needs of all groups and sections of society were considered and catered for, including Gypsies and Travellers. The DPD was identified in the Local Plan as being critical to securing the long-term success of Cranbrook.

The Chairman invited Nick Freer to address the Committee, who had registered to speak on behalf of the Cranbrook Consortium. He advised that they saw much of the preferred approach document as a positive way forward and that there was opportunity for appropriate development south of the A30 to coexist with the airport, as well as clear benefits from developing to the south west due to the proximity to

SkyPark, Exeter and the district heat network - the Consortium had been positively working with the airport regarding mitigation measures. Inclusion of the west and east expansion areas was also welcomed. He asked that the DPD recognise that some development might be necessary in the Neighbourhood Plan areas but asked that the document express a preference for delivering development in the Tresbeare, Bluehayes and Cobden expansion areas.

Members received a presentation from the Service Lead providing an overview of the Council's approach to the Cranbrook Plan outlining:

- What was being consulted on;
- The supporting evidence;
- Constraints and opportunities within the Cranbrook Area, such as noise from the airport, landscape and overhead lines;
- Key points of what was being proposed:
 - Development on both sides of London Road;
 - Between 3,650 and 4,200 homes
 - Three primary schools and one SEN school
 - Land safeguarded for a second railway station;
 - Sports facilities;
 - Employment land;
 - Allocation for 'meanwhile spaces' – the community could use these spaces to meet future needs as they emerge;
 - Continuation of district heating;
 - On-site SANGS provision;
 - Undergrounding of a section of overhead powerline;
- The expansion areas had been split into four areas – Bluehayes, Tresbeare, Cobdens and Grange and the distribution of uses in each of these areas was outlined;
- Development had been set back from prominent ridges lines to prevent it appearing prominent in the landscape particularly when viewed from Rockbeare;
- How green infrastructure in the existing town would link to the expansion areas;
- How drainage would be addressed through basins and swales;
- Proposed densities for each expansion area – higher densities around areas of mixed use and economic activity and lower densities in areas that were visually sensitive.

If approved, the consultation on the preferred approach document, including a table of policy topics and evidence to support them, and Sustainability Appraisal would commence on 10 November and run for eight weeks finishing on 8 January 2018.

Various events were planned over the period in Cranbrook and Rockbeare, including attendance at parish and town council meetings, and postcards were being distributed to the area to advise of the consultation. There would also be an unmanned display at the Youghayes Centre during the consultation period.

Discussion on the Cranbrook Plan DPD - preferred approach included:

- Funding for undergrounding powerlines was queried – In response, the Service Lead advised that costings had shown that it was economically viable for this work to be undertaken and it was envisaged it would be funded by the development;

- Clarification was sought on whether the expansion of the existing station would be instead of a second station being provided. In response, the Service Lead advised that it would not be possible to fund both options; however both were being left in for the purposes of the consultation to gather feedback. The aim was to achieve a half hourly service from Exeter and this could be done by providing a second platform at the existing station and a passing loop – this would be a considerably cheaper option compared with delivering a new station;
- Concern was raised about healthcare, community facility and affordable housing provision. In response, the Service Lead advised that the mixed use areas would include healthcare and community facilities and the ‘meanwhile spaces’ set aside could also be used to meet these needs. The Council was looking forward to engaging with partners, including the NHS and CCG, through the consultation. In the Local Plan, affordable housing provision at Cranbrook was set at 25%.
- Issues that had slowed build rates at Cranbrook were now starting to be resolved and it was hoped that this would allow delivery to move forward;
- Suggestion that the eight week consultation period be extended if required. A proposal was put forward to extend the consultation period until the 22 Jan 2018 and voted on - the motion was lost;
- Concern raised regarding proposals to expand south of the A30;
- There was a need for adequate sports provision in the town – overlaid pitches were not considered suitable. In response, the Service Lead advised that the main provision of sports pitches would be within the southern expansion area and there was no intention for the pitches to overlap;
- There was a need to be mindful of the FAB project when looking to underground powerlines;
- Employment provision was based on the Economic Development Strategy;
- The proposed industrial site between the airport and southern expansion site would help to mitigate airport noise, however a wider mitigation package would be required;
- There was a need to ensure provision of employment space for expanding small businesses;
- ‘Mixed use development’ was considered too vague - there was a need to be clearer as to what would be delivered, such as office space. In response, the Service Lead advised that the policies that would sit within the DPD would identify the proportion of employment land to be delivered in each area;
- There was a need to be more innovative with it suggested that a metro system be introduced;
- The number of gypsy and traveller pitches to be provided at Cranbrook would evolve as the Council sought to purchase sites elsewhere in the District, however two sites were currently proposed with up to 15 pitches on each. The importance of engaging with the community and gypsy and traveller community was recognised;
- The poor mobile phone reception in Cranbrook needed addressing. In response, the Chairman advised that this was an ongoing issue that the Town Council were pursuing;
- Policies proposed such as those relating to car charging points and car parking spaces should be included in the Local Plan review as they applied to the whole District and not just Cranbrook.

RESOLVED: that the Cranbrook Plan Development Plan Document – preferred approach document together with publication on the associated Sustainability Appraisal and Strategic Environmental Assessment and background evidence documents be published for consultation.

***14 Proposed response to Government document – Planning for the right homes in the right places: consultation proposals**

The Committee considered the Service Lead's – Planning Strategy and Development Management report outlining a proposed response to a Government document – Planning for the right homes in the right places. The document covered the following areas:

- Calculation of housing need;
- Statement of common ground;
- Planning for a mix of housing needs;
- Neighbourhood planning;
- Viability assessment;
- Planning fees
- Other issues, including build out, prematurity and the housing white paper.

During discussion, Members commented on the comprehensive proposed response by officers. It was suggested that the response also be sent to the three local MPs.

RESOLVED: that the proposed Officer response to the consultation document – Planning for the right homes in the right places, as set out in Appendix A to the Committee report, be submitted as the Council's formal response to Government. Copies of the response to also be sent to the three local MPs.

***15 Infrastructure Delivery Plan – Review 2017**

The Committee considered and discussed the report presented by the Service Lead – Planning Strategy and Development Management outlining the findings of the Infrastructure Delivery Plan (IDP) – Review 2017, which updated the previous study published in March 2015. The IDP was a technical document which the Council was required to regularly review. Evidence relating to infrastructure issues needed to be updated regularly to inform and support the delivery of future development in the area, as set out in the adopted Local Plan and emerging Cranbrook Plan.

The review showed that there were currently funding gaps for many projects, particularly with regards to priority one and two transport and education infrastructure. Given this information, the Council would need to carefully consider how to spend any available funding in order to focus on infrastructure requirements that would deliver the Local Plan and Cranbrook Plan, whilst also seeking to secure other grant and loan funding where possible.

Members also noted that it was important that the IDP was used as a basis for discussion with other agencies, infrastructure providers and Government to highlight the shortfall in infrastructure funding and to put pressure on them to prioritise supporting the delivery of those projects when setting their own budgets and considering funding bids. The impact of not addressing the highlighted funding gap was that the required homes and jobs identified in the Local Plan could not be provided which would have significant social and economic issues.

RESOLVED: the Infrastructure Delivery Plan – Review 2017 be noted and published, subject to ‘Section 106’ being added to the funding secured/potential column relating to West End – Exeter Airport Business Park (page 53 of the Review document).

Attendance list

Committee Members:

Councillors

Phil Twiss - Chairman

Graham Godbeer – Vice Chairman

Mike Allen

Susie Bond

Colin Brown

Jill Elson

Mike Howe

Geoff Jung

Rob Longhurst

Brenda Taylor

Also present (present for all or part of the meeting):

Councillors:

Megan Armstrong

Brian Bailey

David Barratt

Paul Carter

Peter Faithfull

Roger Giles

David Key

Helen Parr

Officers present (present for all or part of the meeting):

Thea Billeter, Cranbrook New Community Manager

Matt Dickins, Planning Policy Manager

Ed Freeman, Service Lead – Planning Strategy and Development Management

Shirley Shaw, Planning Barrister

Hannah Whitfield, Democratic Services Officer

Mark Williams, Chief Executive

Apologies

Committee Members:

Ian Hall

Philip Skinner

Mark Williamson

Non-committee Members:

Paul Diviani

Report to: Strategic Planning Committee

Date of Meeting: 27 November 2017

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 7

Subject: **S106/Community Infrastructure Levy Developer Contributions Annual Report 2016/17**

Purpose of report: This report focuses on the financial contributions paid to East Devon District Council, the sums paid, where these have been spent and the balance of unspent monies at the end of the last financial year. It also introduces the new way that we collect financial contributions CIL (Community Infrastructure Levy).

Recommendation: **That the contents of this report to be noted.**

Reason for recommendation: To inform Strategic Planning Committee of the progress made on planning obligation matters between April 2016 and March 2017.

Officer: Sulina Tallack – S106 Monitoring Officer - Ext: 1549

stallack@eastdevon.gov.uk

Financial implications: All financial information is contained within the body of the report

Legal implications: Planning obligations governed by section 106 of the Town and Country Planning Act 1990, as amended. The Community Infrastructure Levy is governed by the Planning Act 2008, as amended and the Community Infrastructure Levy Regulations 2010 as amended. This report ensures the Council as Local Planning Authority is transparent in how it collects and proposes to spend such funds. There are no legal implications other than as set out in the report

Equalities impact: Low Impact

Risk: Medium Risk

The risk associated with not monitoring planning obligations relating to planning applications is that the Council could be criticised for not operating a transparent and comprehensive framework for monitoring such financial and non-financial obligations.

Without adequate co-ordination Commuted Sums could be spent on inappropriate schemes and not on priorities identified within the Council's various plans and strategies. Without an adequate and co-ordinated system for monitoring Section 106 Agreements and any subsequent Commuted Sums it is possible that should deadlines expire, secured sums would have to be returned (plus interest) to the developers and required community facilities / affordable housing would not be provided.



Links to background information:

- [Council Report April 2016 – Introduction of CIL](#)

Link to Council Plan: Encouraging communities to be outstanding
Developing an outstanding local economy
Delivering and promoting our outstanding environment
Continuously improving to be an outstanding council

1 Background

- 1.1 This report relates to the management and allocation of resources accrued through planning obligations and is the latest in a series of annual reports on the spend of monies collected through Section 106 agreements. This latest report will also advise on the monies collected from the Community Infrastructure Levy (CIL) which has been collected since September 2016.
- 1.2 Planning Obligations, commonly known as Section 106 Agreements, were introduced following the Town and Country Planning Act 1990. Section 106 Agreements are legal agreements and are negotiated between a local authority and developers, and are intended to enable infrastructure contributions to be made in order to make a development proposal acceptable. An Agreement must be fairly and reasonably related in scale to the proposed development and be relevant to planning, and should only be used where planning conditions attached to a planning permission would not provide an alternative approach.
- 1.3 Since the adoption of CIL most Section 106 Agreements relate to the delivery of infrastructure on the development site itself and are requirements placed directly on the applicant or land owner. CIL being paid to contribute to the cost of strategic infrastructure projects. However there remain a number of extant agreements that pre-date the adoption of CIL that make provision for the developer to pay a financial sum (a commuted sum) for a project to be implemented directly by the Council. This is because prior to the implementation of CIL Section 106 agreements were used to secure all infrastructure associated with a development. The Council still has a number of projects being delivered under consents granted prior to the adoption of CIL and therefore we are still collecting and spending monies under old Section 106 agreements.
- 1.4 CIL (Community Infrastructure Levy) is often confused with Section 106, or mistakenly taken to be the same thing. Community Infrastructure Levy is a tariff based system designed to cover the costs of all strategic infrastructure needs which are listed on the Regulation 123 list published by the Council. In order to calculate a Community Infrastructure Levy tariff, a council will consider the total costs of delivering strategic infrastructure (such as schools, transport and flood defences) against the total scope of development expected in an area and the ability of developments to contribute to the costs of the required infrastructure.
- 1.5 The Council has been charging CIL since September 2016 and has this year undertaken a process to determine CIL spend through the CIL Members Working Party. The minutes of the working party and its recommendations appear elsewhere on this agenda for Members to consider.

2 The spending of s106 contributions

2.1 Councils are restricted to spending s106 contributions on a defined purpose within each agreement or undertaking. Under the regulations we can no longer pool more than five obligations together to pay for a single infrastructure project or type of infrastructure and we cannot require contributions from small scale developments. These restrictions have forced us and other Council's to adopt CIL as often large pieces of infrastructure can only be funded through contributions from a large number of developments and this can only now be achieved through CIL.

2.2 The following graphs illustrate the cash flow of Section 106 monies over the years 2010 – 2015 and then over 2016.

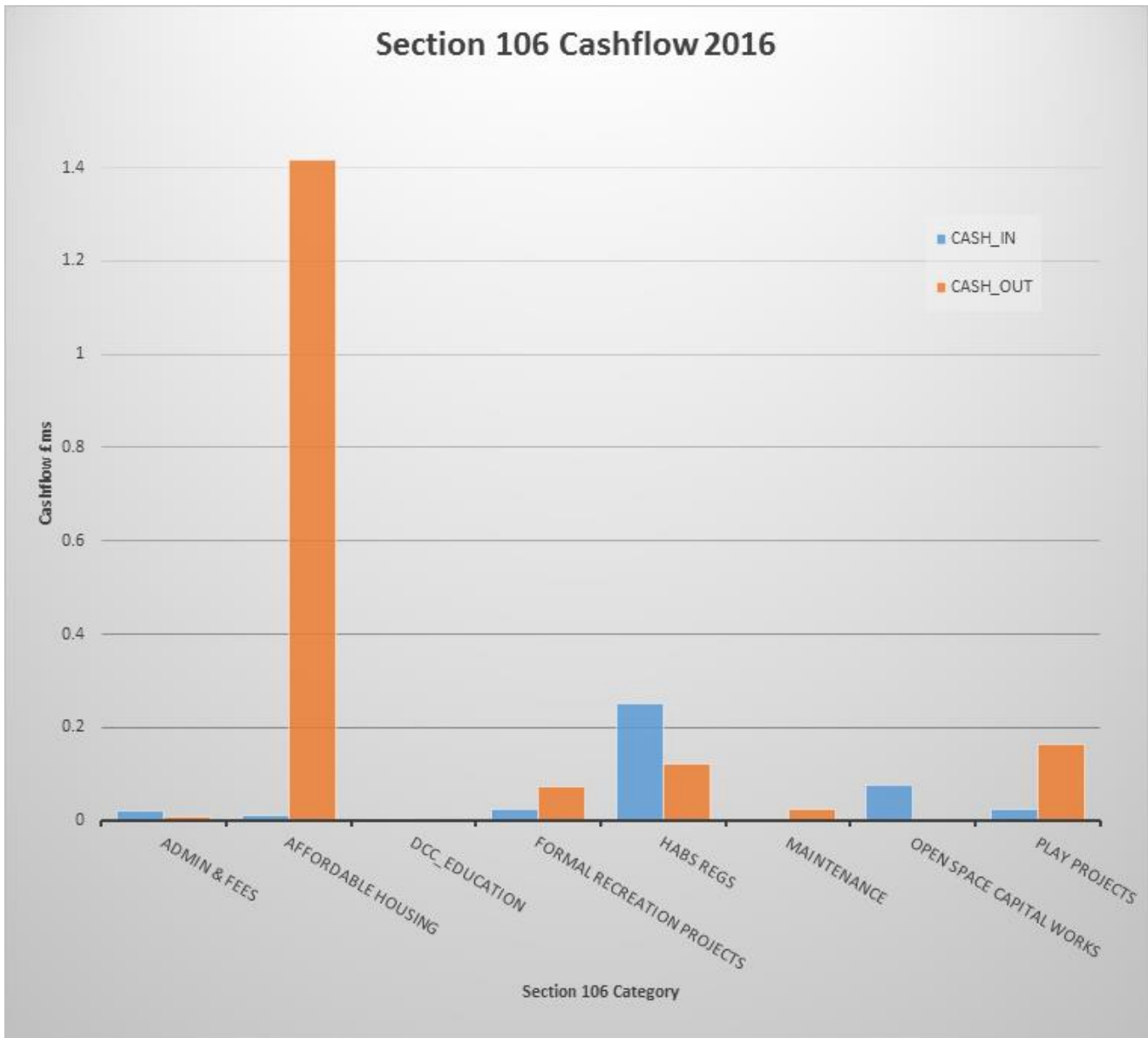
S106 transactions for the last five financial years

Table 2.1



S106 monies in and out 2016/17

Table 2.2



2.3 Within the year there was an actual spend of just over £1.8 million on the following items:

Project	Amount
Admin, Maintenance	36,000
Affordable Housing	1,419,000
Byes Lane Play Area	32,000
Davey Playing Field Play Area, Honiton.	29,000
Habitat Mitigation Partnership Projects	123,000
Hayes Square Play Area, Cranbrook	44,000
Langford Avenue Play Area, Honiton.	19,000
Payhembury Pedestrian Access	3,000
Seaton Jurassic Adventure Golf	73,000
Woodbury Common Playing Fields Trust	38,000
Grand Total	1,816,000

- 2.4 As an example Seaton has a new Jurassic themed adventure golf course in Seafeld Gardens. East Devon District Council, Seaton Town Council and LED worked in partnership to make this exciting visitor attraction ready for residents and visitors to enjoy this spring. The course has been funded by Section 106 receipts - the total cost of the scheme's hard construction was £71,500 with the remainder spent on the Jurassic planting theme.
- 2.5 The idea for the mini golf course came from Seaton Town Council, who along with the town's residents, community groups and sports organisations were asked by East Devon District Council what sporting facilities they would like to see in the town. The adventure golf course was the most popular choice among a range of suggestions put forward and voted on by the local community.
- 2.6 Just prior to Christmas last year £29,000 worth of new play equipment went into the Byes Lane Play Area. Local children at Sidmouth College, Sidbury Primary School and Sidmouth Children's Centre chose the design for the eagerly anticipated improvements.
- 2.7 Children had a choice of two designs for the play area and voted for their favourite. The designs which children chose from were provided by companies in line with the children's design brief for the area. They came up with the design brief a while ago, when East Devon visited each Sidmouth College, Sidbury Primary School and Sidmouth Children's Centre to find out what type of activities the children wanted to do in the play area. A total of 404 children voted on their favourite design with each age group being given an equal say.
- 2.8 At year end 2016/17 a total of £3.8 million was held in the s106 account.

- 2.9 So far in 2017 monies have also been used to provide the soon to be opened Northwood Acres play area which has been the subject of extensive consultation with the community. This is the third Local Equipped Area of Play (LEAP) at Cranbrook provided through section 106 monies collected from the developer consortium. Other play areas funded by Section 106 monies include improvements to the play areas at Exton and Axmouth, a climbing wall at Dalwood and a sports activity wall at Budleigh Salterton.
- 2.10 By far the greatest spend of S106 monies has been in affordable housing including the spend of a substantial sum collected from the redevelopment of the Fortfield Hotel, Sidmouth. Over £1 million pounds of monies collected from this development has been used to buy 8 houses in Sidmouth to be provided as affordable homes.

3 Introduction of CIL

- 3.1 The way that we have traditionally ensured that development is sustainable has been through s106 obligations. The policy restrictions have meant that this is less achievable and encouraged a move towards the introduction of CIL. As a LPA we went live with Community Infrastructure Levy (CIL) on 1 September 2016. The new CIL has not fully replaced s106 obligations but is an alternative to the way in which we have historically secured obligations. S106 is still the preferred method for securing all on-site infrastructure not identified on our regulation 123 list.
- 3.2 The following table shows a summary of CIL potential income, monies due and collected at year end 16/17. This is broken down by the main areas of spend of CIL admin costs. The neighbourhood proportion going to town and parish councils and the remainder left for spend on reg 123 projects.

CIL overview at year end 2016/17

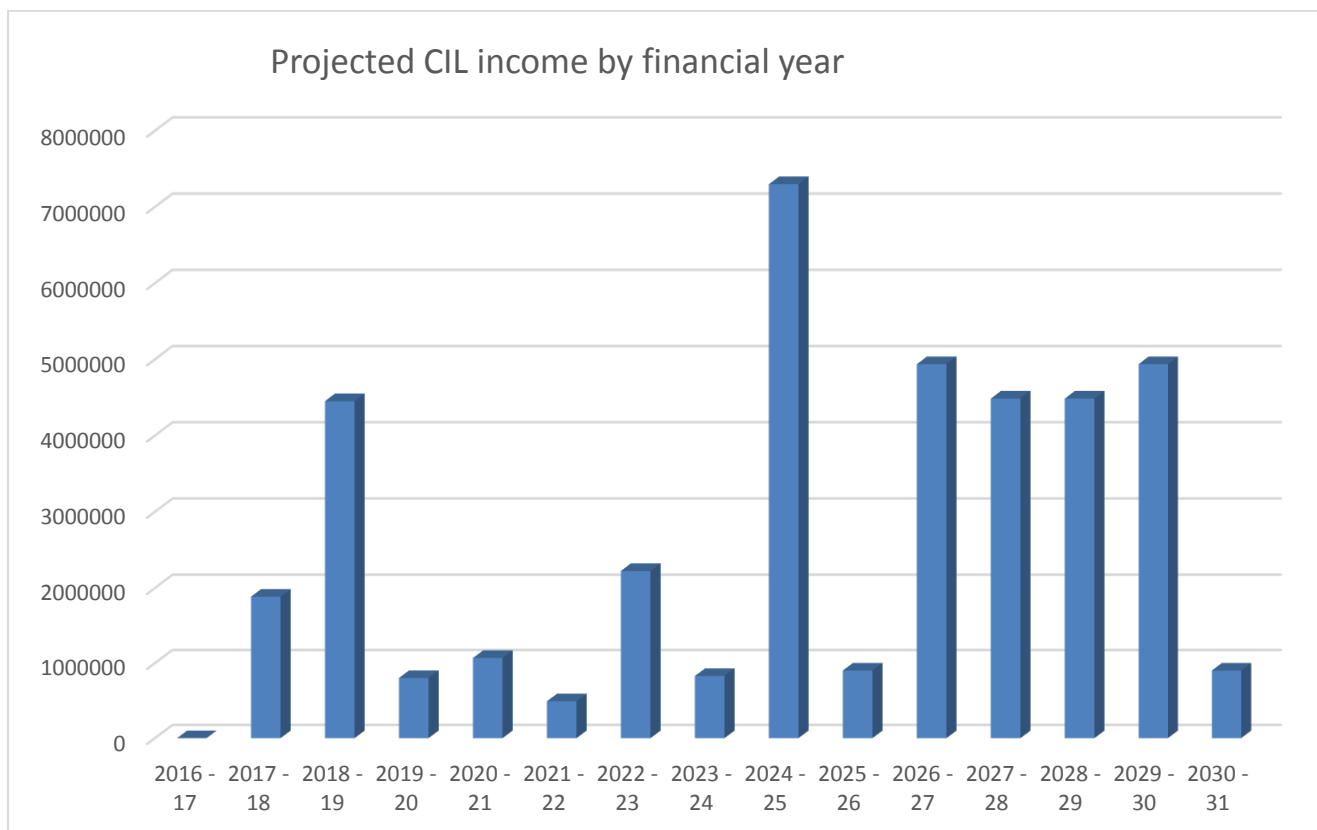
Table 7.1

Allocation	Potential	Due	Collected	Allocated	Spent	Interest	Available
CIL Admin	18,334.74	13,877.14	318.75	0.00	0.00	0.00	318.75
Neighbourhood CIL	56,891.03	41,631.42	956.25	0.00	0.00	0.00	956.25
CIL 123 List	293,355.91	222,034.28	5,100.00	0.00	0.00	0.00	5,100.00
TOTALS	368,581.68	277,542.84	6,375.00	0.00	0.00	0.00	6,375.00

- 7.2 CIL forecasts predict that Total CIL income for the Local Plan period are likely to be around £40m, the first six months show a total potential of £368,581.68 with only £6,375 actually received.
- 7.3 The CIL Regulations allow the Council to retain up to 5% of the CIL receipts in the first three years to fund set up and ongoing costs, and 5% annually for ongoing costs thereafter. This pays for ICT systems, required, additional Officer costs, training etc.
- 7.4 The Localism Act identified that a “meaningful proportion” of CIL funds would need to be transferred to town and parish councils for use on local priorities. The CIL Regulations were amended in 2013 to identify exactly how much that “meaningful proportion” must amount to. The exact percentage varies depending on whether a town or parish council has an adopted Neighbourhood Plan or not and whether an area is parished or not. After the first six months £956.25 was paid out to two East Devon parishes.

7.5 Taking account of the above, across the district as a whole this leaves around 76% of the Total CIL Income available for the Council to use towards required and identified infrastructure. Currently this is forecast to be around £30.8m over the Local Plan period. Note that this includes our contribution towards the capital element of Habitat Mitigation. In our IDP the projected infrastructure costs associated with delivering the adopted Local Plan, and the emerging Cranbrook Plan are in the region of £350 million.

7.6 The following graphs show forecasts for CIL income over the plan period by financial year and the totals:





7.7 It is clear from these charts that CIL income will be inconsistent over the plan period with higher levels of income expected when large scale housing developments commence. The second graph shows how it will take many years for the CIL pot to grow to an extent that large scale projects can be afforded. For example a potential key project may be a passing loop on the Exeter to Waterloo railway line at an estimated cost of over £7 million. If this project were entirely funded from CIL then it would not be until the 2023 – 24 financial year that sufficient funds will have been received to pay for this project by the time that we have top sliced for admin/neighbourhood proportion and Hab Regs. In reality such a project should be match funded from other sources but it illustrates how when making funding decisions for smaller projects thought also needs to be given to how larger scale projects may be funded in the future.

8 S106 and CIL Monitoring

8.1 EDDC has an Officer dedicated to the negotiation, monitoring and delivery of planning obligations. This long standing post has been newly supported by the new role of Planning Obligation Support Officer who has aided the introduction of CIL and this is funded by the admin element of the CIL receipts.

8.2 To aid the works of the two posts we have introduced CIL/S106 Administrator product called EXACOM. It is designed to take the sting out of administration, and enables an administrator to capture information, calculate charges, levies, surcharges etc., generate notices and manage finance. We now have all live S106 agreements and CIL activity on the system.

8.3 The figures within this report are held within the councils’ databases and are proactively monitored to aid delivery of infrastructure by ensuring all obligations are met and any associated spend is in accordance with the specified infrastructure need.

EAST DEVON DISTRICT COUNCIL

Community Infrastructure Levy Working Party minutes 9 November 2017

Attendance list at end of document

The meeting started at 2.00pm and ended a 2:50pm.

8 Minutes

The minutes of the Community Infrastructure Levy Working Party held on 8 September 2017 were confirmed and signed as a true record

9 Declarations of interest

Cllr Andrew Moulding

Interest - Personal

Reason: President of Cloakham Lawn Sports Centre

10 Assessment of Community Infrastructure Levy funding bids

In early August, the Council had invited funding bids from a range of infrastructure delivery partners and town/parish councils for infrastructure projects that would support new development in the area. A call for bids was also publicised in local media outlets and the Council had issued a press release to ensure that every organisation had the opportunity to bid for funding. The closing date for receiving funding bids was 22 September 2017.

At their first meeting, the Working Party had agreed the scoring criteria for assessing bids. They had also resolved that only funding bids scoring 50 points or more would be presented for consideration by Members (in the event of less than 10 bids scoring more than 50, the top 25% of all bids would be presented).

The Service Lead – Planning Strategy and Development Management reported that nine bids for CIL funding had been received in total from three different organisations. The bids had been assessed by Officers and scored against the agreed criteria – a summary of the projects and scores were set out in the agenda papers. Only one bid had not been scored and this was due to it not meeting the eligibility criteria. None of the bids submitted had achieved the 50 points threshold – the highest scoring 41 points. It was considered that the low scores of the submitted projects were a reflection of the lack of detailed information and evidence submitted, rather than a reflection of the importance or value of the projects put forward. It was noted that it had been made very clear to all bidders that the onus was on them to provide the requested information and evidence to support their bid (and not rely on officer's using their knowledge) to ensure fairness and consistency.

As less than 10 bids scored more than 50 points, the top 25% of all bids received were presented for Members, namely:

- Exmouth Community College – 8 classroom teaching block
- Clyst St Mary Primary School – education facilities

In light of the huge funding gap (£271m) to deliver all of the identified infrastructure in the Infrastructure Delivery Plan, it was considered vital that the Council operated a robust and transparent process for accessing CIL funds and that projects were not funded without proper assurances that the projects met the agreed criteria.

Members noted that all projects had the opportunity to bid in future years. The two top scoring bids both sought funds for the 2018/19 financial year, therefore could still be reconsidered next year and, if successful, funding could still be obtained to the bidders timescales.

The Working Party's recommendations would be submitted to the next Strategic Planning Committee (27 November 2017) for consideration. If the Working Party recommended to not allocate any CIL funds to any of the projects, Officers would write to the applicants to advise of the reasons why prior to the Strategic Planning Committee meeting and advise them of the public speaking arrangements for the meeting.

Discussion on the funding bids submitted and funding bid process included:

- Disappointment was expressed in the quality and lack of evidence submitted as part of the funding bids – the guidance and application form was clear that this was required;
- The current CIL scheme was having an extremely detrimental impact on education infrastructure in the District – it was essential that this was addressed through the Government's CIL review;
- It was recognised that the funding bid process needed to be reviewed and refined prior to the next round of bids (2018). SWAP, the Council's internal auditors, were to undertake an audit of the process and their recommendations would be awaited. This year's applicants would also be asked for their feedback on the process. A revised process would be brought before the Strategic Planning Committee for approval;
- Suggested that applicants might need more support/training to complete bids. Providing example/template bids might also be helpful. Officers had looked at the 'Making it Local' funding application process as an example of good practice;
- There was a risk that if partners, such as Devon County Council, did not receive sufficient funding then they would not deliver the infrastructure listed on the Infrastructure Delivery Plan (IDP) and this would lead to developments allocated in the Local Plan not coming forward;
- The current CIL system was flawed – developers were often able to deliver the infrastructure required faster and at a lower cost;
- There was a risk that by trying to be fair in distributing money amongst the infrastructure projects that this could lead to no infrastructure being delivered as the remaining funding required to meet the project costs could not be found;
- CIL was always supposed to part of a wider funding package;
- An option for the following year could be for the Council to prioritise the most critical infrastructure projects from the IDP and decide only to fund those projects, rather than have a bidding process. However there would be a need to understand how the remaining funding would be achieved;
- There was no minimum spend for allocating CIL funds, however any CIL funds allocated needed to be within the infrastructure types shown on the Reg 123 list and support the delivery of additional development;
- In respect of developments that were exempt from paying CIL, such as self-builds, it was advised that these were being monitored to ensure compliance. CIL liability sat with the land and not with the developer.

RECOMMENDED to the Strategic Planning Committee:

1. that as none of the Community Infrastructure Levy funding bids submitted had sufficiently met the criteria in this year's round of bids, largely due to the poor quality of the bids submitted (despite many of the projects being worthy and important), and the relatively limited amount of CIL that had been received so far, that no money be allocated to CIL bids in 2017;
2. that the CIL funding applicants be advised of the recommendations of the CIL Working Party and that these would be reported to Strategic Planning Committee to be held on 27 November 2017 for agreement;
3. that the CIL funding bid application process be reviewed, taking into account the comments of the Working Party and any recommendations from the SWAP audit, and a revised funding bid process for 2018 be agreed.

11 Date of next meeting

There was no requirement for a further Working Party meeting at this stage.

Attendance list

Working Party Members:

Councillors
Cllr Mike Howe (Chairman)
Cllr Susie Bond
Cllr Colin Brown
Cllr Graham Godbeer
Cllr Brenda Taylor

Also present:

Brian Bailey
Paul Diviani
Geoff Jung
Rob Longhurst
Andrew Moulding
Bruce de Saram

Officers present (present for all or part of the meeting):

Ed Freeman, Service Lead – Planning Strategy and Development Management
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Keith Lane, Planning Policy Officer
Sulina Tallack, Section 106 Officer
Hannah Whitfield, Democratic Services Officer

Apologies

Non-Working Party Members:

Cllr Ian Hall
Cllr Phil Twiss

Chairman Date.....

Meeting not open to the public



District Council

Agenda for Community Infrastructure Levy Working Party Friday, 8 September 2017, 1:30pm

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

To: Members of the Community Infrastructure Levy Working Party
(Cllrs: Susie Bond, Colin Brown, Graham Godbeer, Mike Howe,
Brenda Taylor)

Venue: Council Chamber, Knowle, Sidmouth

Contact: [Hannah Whitfield](mailto:Hannah.Whitfield@eastdevon.gov.uk), 01395 517542 (or group
number 01395 517546): Issued 31 August 2017

- 1 Election of Chairman
- 2 Apologies
- 3 Overview of Community Infrastructure Levy (CIL) – what it is; how it works; how much do we have to spend (page 2 - 4)
- 4 Timeline for determining spend and tying in with the budget setting process (page 5)
- 5 Review of CIL fund bidding process, including proposed bid assessment criteria and form (page 6 - 10)
- 6 Discussion of spend strategy and options (page 11 - 13)
- 7 Date of next meeting – TBA
- 8 Any other business

[Decision making and equalities](#)

Item 3 - Overview report

Background

1. The Community Infrastructure Levy (CIL) is a charge required from new development, based upon its use and amount of floor space. The money raised by this levy must be spent on the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of East Devon. Although there is not a comprehensive national definition of “infrastructure” in the context of town planning, the Planning Act 2008 states that infrastructure includes:
 - a) Roads and other transport facilities,
 - b) Flood defences,
 - c) Schools and other educational facilities,
 - d) Medical facilities,
 - e) Sporting and recreational facilities, and
 - f) Open spaces.¹
2. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision, unless those deficiencies will be made more severe by new development.² A ‘Regulation 123’ list of infrastructure to be funded in whole or in part by CIL has been adopted by the council (see para 4 below).

Community Infrastructure Levy in East Devon

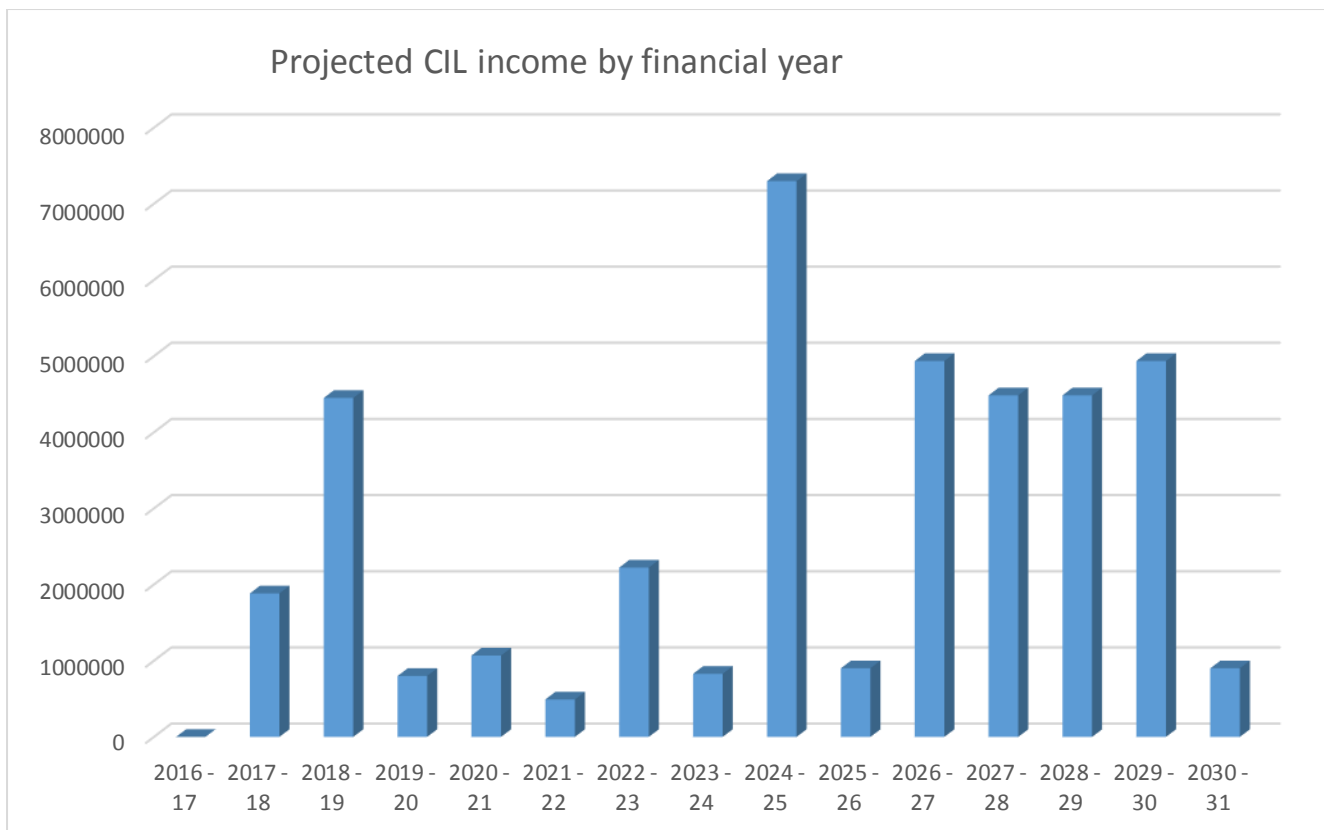
3. EDDC began charging CIL on 1 September 2016, meaning that dwellings across the district and retail development outside town centres approved since this date may be liable to pay CIL. However, there are several national exemptions from paying the levy, including dwellings which are built by ‘self-builders’; residential annexes and residential extensions; and affordable housing.
4. EDDC is responsible for deciding how money raised by the levy will be spent. The ‘Regulation 123’ list of infrastructure is reproduced for convenience below:
 - Education
 - Exmouth Regeneration Area Projects
 - Exe Estuary Mitigation
 - Pebblebed Heaths Mitigation
 - Clyst Valley Regional Park
 - Health centres
 - Emergency service facilities
 - Library facilities excluding Cranbrook
 - Community and Youth facilities
 - Capital build costs for indoor sports provision at Cranbrook
 - Improvements to sports and leisure provision
 - Open space/ recreation provision excluding on-site provision
 - Strategic Transport Infrastructure.
5. Whilst the total income from CIL up to the year 2031 (end of Local Plan period) is estimated to be £40.6m, 5% of this is retained for administration costs, and 15% or 25% where there is a made neighbourhood plan is passed to town/parish councils.
6. This means that the initial estimate is that a total of £30.8m of CIL income will be available to EDDC to spend on infrastructure up to the year 2031 (end of Local Plan period). However, it had previously been calculated that £3.5m of this needs to be spent on habitat mitigation measures to minimise the impact of development upon the Exe Estuary, Pebblebed Heaths, and Dawlish Warren European sites. It has recently been identified that the current contributions towards habitat mitigation would be insufficient to cover the costs of mitigation and so this strategy has now been

¹ Section 216 of the Planning Act 2008, as amended by CIL Regulation 63.

² Ibid.

rebased. Following the rebasing of this habitat mitigation strategy the cost to EDDC CIL pot will now be in the region of £5 - 6 million. The recalculated figures have been agreed by the Habitat Mitigations Executive Board but have yet to be agreed by Council. Assuming the new figures are agreed then this would leave approximately £25.5m for other infrastructure projects.³

7. It is important to point out that this figure (£25.5m) falls a long way short of the total infrastructure costs required to deliver the Local Plan. The Infrastructure Delivery Plan (IDP) (March 2015) identifies a total infrastructure cost of £251.1m to deliver the Local Plan, with a funding gap of approximately £210.4m. The emerging review of the IDP indicates that these figures have risen.
8. Given this large funding gap, difficult decisions will need to be made in terms of prioritising projects. Reference can be made to the IDP in making these decisions, as it categorises each project in terms of its importance in delivering the Local Plan, with priority 1 being critical, priority two (important), and priority three (desirable).
9. As can be seen, CIL will be a piece of the infrastructure funding puzzle, but it will not fund everything. Additional sources of income will need to be identified and levered in to supplement CIL in order to deliver infrastructure. This could potentially include other council sources such as new homes bonus, business rates retention, and the capital programme.
10. For the first year (2018/19) only a small proportion of the total funds up to 2031 will be available, but there is also the opportunity to consider whether commitments should be made now for spend in future years. Of course, future commitments will be subject to receipt of monies, and it should be borne in mind that the Government are considering possible changes to the CIL system; and EDDC are at the early stages of reviewing the amount of CIL charged – both of these factors could change the amount of CIL income available to spend in future years.
11. The following charts show projected CIL income by year both as each year individually and then the cumulative growth of the CIL pot over the plan period.



³ The estimates for CIL income are taken from the Strategic Planning Committee report: [Community Infrastructure Levy – Governance](#), 29 March 2017.



It is clear from these charts that CIL income will be inconsistent over the plan period with higher levels of income expected when large scale housing developments commence. The second graph shows how it will take many years for the CIL pot to grow to an extent that large scale projects can be afforded. For example a potential key project may be a passing loop on the Exeter to Waterloo railway line at an estimated cost of over £7 million. If this project were entirely funded from CIL then it would not be until the 2023 – 24 financial year that sufficient funds will have been received to pay for this project by the time that we have topsliced for admin/neighbourhood proportion and Hab Regs. In reality such a project should be match funded from other sources but it illustrates how when making funding decisions for smaller projects thought also needs to be given to how larger scale projects may be funded in the future.

Current Position

The position for CIL income and liabilities at the time of writing is summarised in the table below. It should be noted that these figures are constantly changing as further consents and liability notices are issued and claims for exemptions submitted. As a result the liabilities can go both up and down.

An up-date on these figures will be provided at the meeting.

Description	Amount
Total CIL liabilities	£409,000
Total amount received Inc. admin, neighbourhood proportion etc.	£87,665
Total available to spend on infrastructure Inc. Habitat Mitigation	£70,000

Item 4 - Timetable

2017



2018



Item 5

Funding decision protocol and Application for funding form

1. EDDC has now published a protocol that outlines the process for how we will spend CIL, and seeks to ensure that decision making is transparent. Guidance is provided on how the council will invite funding bids, and how such bids will be considered.
2. The CIL application for funding form was published alongside this protocol, and sent to a range of infrastructure delivery partners, District Councillors and all town/parish councils. A press release was also published. Infrastructure delivery partners and other stakeholders have been given six weeks to submit a funding bid, with a deadline of Friday 22 September. The relevant documents can be seen on the council's [website](#).
3. A draft criteria for assessing bids and funding assessment form have also been produced and are attached below for Members to consider.
4. It is proposed to score all incoming bids for CIL funds against the criteria detailed in the criteria and present the scoring in the form attached below. The scoring criteria has been weighted to give extra weight to factors such as the impact of delivering or not delivering the project and deliverability with less significant factors such as whether a risk assessment has been completed score lower.
5. At this stage it is not clear how many bids we will receive but there is potential for high numbers of bids to be made. It is therefore recommended that only bids scoring 50 or more based on the scoring criteria which is out of 76 will be presented to Members.

Recommendations

1. At this first meeting, Members of the CIL spend working group are asked to:
 - Consider and agree the scoring assessment criteria that determines how we will consider funding bids;
 - Consider and agree that only bids scoring 50 points or more based on the scoring criteria will be presented for consideration by Members.

East Devon District Council

Scoring Assessment for the consideration of Community Infrastructure Levy funding bids (August 2017)

Eligibility Check – must answer Yes to four questions below to proceed

Criteria	Yes	No
1. Does the project align with an infrastructure type included in the adopted Regulation 123 List ?		
2. Is the project specifically identified in the latest Infrastructure Delivery Plan (March 2015)? <i>(although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i>		
3. Does the Infrastructure Delivery Plan identify the project as potentially being funded in whole or in part by Community Infrastructure Levy? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i>		
4. Will the project contribute towards the delivery of the adopted Local Plan or emerging Cranbrook Plan ?		

Scoring criteria for each question

The scoring system for each question is 0 – 4, although some scoring criteria have been weighted more heavily where they are deemed more important for delivering infrastructure that supports the development of East Devon.

Question 1. Project delivery – Scoring criteria	Score
No information/evidence submitted to show that the project can be delivered.	0
Limited evidence to show that the project can be delivered.	2
The organisation submitting the bid does not have statutory responsibility and has not sought the agreement of the relevant statutory organisation(s).	4
The organisation submitting the bid does not have statutory responsibility and has sought, but not yet gained agreement from the relevant statutory organisation(s).	6
The organisation submitting the bid either has statutory responsibility for the project delivery; or has the agreement of the statutory organisation.	8

Question 2. Existing infrastructure issues – Scoring criteria	Score
No information/evidence submitted in relation to existing infrastructure issues.	0
Limited explanation about existing infrastructure issues.	1
Existing infrastructure issues are explained, support by partial evidence.	2
Good evidence shows that the existing infrastructure is under pressure in terms of capacity <u>or</u> quality.	3
The existing infrastructure is fully demonstrated to be under pressure in terms of capacity <u>and</u> quality.	4

Question 3. Additional demands on infrastructure from planned new development – Scoring criteria	Score
No information/evidence submitted regarding additional demands from planned new development.	0

Planned new development would not cause any additional demands upon the infrastructure.	3
Limited additional demands upon infrastructure are likely from planned new development.	6
Moderate additional demands upon infrastructure are likely from planned new development.	9
Significant additional demands upon the infrastructure are likely from planned new development.	12

Question 4. Consequences of not carrying out the project – Scoring criteria	Score
No information/evidence regarding the consequences of not carrying out the project.	0
No consequences upon the capacity and/or quality of infrastructure if the project is not delivered.	3
Limited consequences upon the capacity and/or quality of infrastructure if the project is not delivered.	6
Some consequences upon the capacity and/or quality of infrastructure if the project is not delivered, but these are not considered significant.	9
Significant consequences upon the capacity and quality of infrastructure if the project is not delivered.	12

Question 5. How will the project support East Devon Local Plan housing and economic development; including specific sites – Scoring criteria	Score
No information/evidence to explain how the project will support housing and economic development.	0
Limited housing and/or economic development can be delivered as a result of the infrastructure, but no evidence of specific sites that the project will support.	2
Limited housing and/or economic development can be delivered as a result of the infrastructure, supported by evidence of specific sites that the project will support.	4
Moderate housing and/or economic development can be delivered as a result of the infrastructure, supported by evidence of specific sites that the project will support.	6
Significant housing and/or economic development can be delivered as a result of the infrastructure, supported by evidence of specific sites that the project will support.	8

Question 6. Planning permission obtained or required – Scoring criteria	Score
No information/evidence relating to planning permissions.	0
Planning permission is required, but has not been applied for.	1
Planning permission is required, and has been applied for but not determined.	2
Planning permission has been granted, but no application number.	3
Planning permission has either been granted for the project and an application number is stated; or is not required.	4

Question 7. Cost and other funding sources – Scoring criteria	Score
No information/evidence relating to the project cost and funding sources.	0
The cost of the project is identified but no other funding sources have been obtained or confirmed. There is limited or no explanation for how the shortfall will be met.	2
Limited sources of other funding have been obtained or confirmed. A funding shortfall remains, and there is limited or no explanation for how the shortfall will be met.	4
Other funding sources have been obtained or confirmed, which form a significant contribution to the total cost. The names of other funders are given. The remaining funding shortfall is substantial, although there is some explanation as to how this shortfall can be met.	6

Other funding sources have been obtained or confirmed, which form a significant contribution to the total cost. The names of other funders are given. The remaining funding shortfall is moderate or limited, and it is clearly explained how this shortfall can be met.	8
--	---

Question 8. Risk assessment – Scoring criteria	Score
No information/evidence relating to risk assessment.	0
Limited assessment of the risks, their impact, and actions to reduce the risks.	1
There is moderate evidence that the risks, their impact, and actions to reduce the risks have been assessed.	2
A risk assessment has not been submitted, but the risks are clearly identified on the application form, along with their impacts, and any actions necessary to reduce the likelihood and impact of each risk. There are no residual high risks to delivering the project.	3
A risk assessment has been submitted which clearly identifies the risks, the impact of each risk, and any actions necessary to reduce the likelihood and impact of each risk. There are no residual high risks to delivering the project.	4

Question 9. Equalities issues – Scoring criteria	Score
No information/evidence relating to equalities issues.	0
Limited information on equalities issues.	1
Moderate level of information on equalities issues, with some explanation as to how these will be addressed.	2
Most equalities issues are identified and described, with some explanation as to how these will be addressed.	3
All equalities issues are identified and fully described, with detail about how these will be addressed.	4

Question 10. Project timescale – Scoring criteria	Score
No timescales are given.	0
Limited information on timescale. Major concerns that the project timescale is not realistic. The timescale does not align with the delivery of housing and/or economic development.	1
The timescale is outlined, but key milestones are not identified. Concerns that the project timescale is not realistic. The timescale does not align with the delivery of housing and/or economic development.	2
The timescale is outlined, including key milestones. Some uncertainty as to whether the timescale for delivering the project is realistic. Unsure as to whether the timescale aligns with the delivery of housing and/or economic development.	3
The timescale is outlined, including key milestones. The timescale for delivering the project is realistic. The timescale aligns with the delivery of housing and/or economic development.	4

Question 11. Ongoing maintenance – Scoring criteria	Score
No information submitted with regards to ongoing maintenance of the infrastructure project.	0
Limited information is submitted with regards to the ongoing maintenance of the infrastructure project – no organisations or costs are given.	2
The organisation(s) responsible for ongoing maintenance is described, but the costs are not specified.	4
The organisation(s) responsible for ongoing maintenance is described, and an overall maintenance cost is given but not broken down any further.	6
The organisation(s) responsible for ongoing maintenance costs is described and explained. The costs are broken down and specified in detail over an appropriate time period (e.g. amount per year for 30 years).	8

East Devon District Council Community Infrastructure Levy – Scoring template for funding bids

Project Summary (no more than 150 words, insert from application for funding form)

--

Scoring template

Question topic	EDDC comment – short paragraph outlining how the bid answered the question. Use the scoring criteria, and highlight any supporting evidence	Score (0 – 4)
1. Project delivery		
2. Existing infrastructure issues		
3. Additional demands from planned new development		
4. Consequences of not carrying out the project		
5. How will the project support East Devon Local Plan housing and economic development; including specific sites		
6. Planning permission obtained or required		
7. Cost and other funding sources		
8. Risk assessment		
9. Equalities issues		
10. Project timescale		
11. Ongoing maintenance		
TOTAL SCORE		XX / 76
COMMENTS		

Item 6 - Spend Options

It is important to establish some parameters for the spend of CIL funds over the next financial year and the level of commitments to be made beyond that period.

Some authorities have decided not to spend any CIL receipts in the early years of collecting CIL and allow their fund to accrue presumably for the future spend on large scale projects. A recent national study has shown that very few CIL receipts have actually been spent to date. The table below shows the study councils and their CIL spend to date:

THE COUNCILS WITH THE BIGGEST CIL POTS

Local authorities ranked by the value of CIL receipts minus infrastructure spend

Rank	Local authority	CIL charging start date	CIL receipts to date (£m) ²	Infrastructure spend to date (£m) ²	Receipts minus infrastructure spend (£m) ²	% CIL spent on Infrastructure
1	Wandsworth	Nov 2012	42.8	3.4	39.3	8%
2	Brent ¹	July 2013	21.9	0	21.8	0%
3	Croydon ¹	April 2013	7.9	0	7.9	0%
4	Elmbridge	April 2013	8.6	1.6	7.0	19%
5	Portsmouth	April 2012	7.3	1.0	6.3	13%
6	Shropshire	Jan 2012	6.3	<0.05	6.3	<0.5%
7	Harrow ¹	Oct 2013	6.1	0	6.1	0%
8	Barnet ¹	May 2013	5.6	<0.05	5.6	1%
9	Wycombe	Nov 2012	5.4	1.1	4.3	20%
10	Redbridge	Jan 2012	4.9	1.5	3.4	31%
11	Greater Norwich ²	N/A	4.3	1	3.3	24%
12	Southampton	Sept 2013	3.2	0	3.2	0%
13	Oxford	Oct 2013	3.4	0.3	3.1	10%
14	Merton	April 2014	3.0	0	3.0	0%
15	Preston	Sept 2013	3.8	1.0	2.8	26%
16	Huntingdonshire	May 2012	3.3	1.5	1.8	45%
17	Bristol	Jan 2013	7.3	5.7	1.6	79%
18	Plymouth	June 2013	1.5	0	1.5	0%
19	Newark and Sherwood	Dec 2011	1.5	0	1.5	0%
20	Havant	Aug 2013	1.5	<0.05	1.5	2%
21	East Cambridgeshire	Feb 2013	1.5	<0.05	1.5	1%
22	Chorley	Sept 2013	1.2	0	1.2	0%
23	Poole	Jan 2013	3.9	2.9	1.0	74%
24	Taunton Deane	April 2014	1.0	0	1.0	0%
25	Fareham	May 2013	3.4	2.4	1.0	71%
26	Waveney ¹	Aug 2013	0.9	0	0.9	0%
27	Dartford	April 2014	0.7	0	0.7	0%
28	Exeter	Dec 2013	0.6	0	0.6	0%
29	Newham	Jan 2014	3.1	2.6	0.5	83%
30	South Ribble ¹	Sept 2013	0.4	0	0.4	0%

Source: Planning Resources

Two local examples of this are Teignbridge and Exeter whose spend patterns are detailed below. Note that they have identified priorities and timeframe for spend.

Exeter City Council – began charging CIL in December 2013	
CIL collected⁴	£181,917.39 collected in 2014/15; £422,928.68 collected in 2015/16.
CIL spent (and on what items)⁵	£9,095.87 (5%) on administration in 2014/15; £21,146.43 (5%) on administration in 2015/16.
CIL remaining⁶	No other CIL expenditure during 2014/15, therefore £172,821.52 retained at end of financial year. No other CIL expenditure during 2015/16, therefore £401,782.25 retained at end of financial year.
CIL funding priorities⁷	Total assumed: £25 million (in the period to 2026). <ul style="list-style-type: none"> • 5% for administration (£1.25m); • 15% for neighbourhood funding (£3.75m); • 8% for mitigating the recreational impacts arising from new development on European protected habitats (Exe Estuary, Pebblebed Heaths, and Dawlish Warren) (£2m); • 32% for City Centre major infrastructure, dedicated to city centre leisure, transport and public realm projects unless alternative contributions can be secured. Priority will be given in the early years to the city centre above other major infrastructure (£8m); • 40% to other major infrastructure to include roads and schools, expected after 2019/20 (£10m).

Teignbridge District Council – began charging CIL in October 2014	
CIL collected⁸	£37,137 (October 2013 – end March 2016). (A further £1,581,831 is due from developments which have commenced).
CIL spent (and on what items)⁹	£0 (October 2013 – end March 2016).

⁴ Exeter City Council Authority Monitoring Report 2014/15 and 2015/16.

⁵ Exeter City Council Authority Monitoring Report 2014/15 and 2015/16.

⁶ Exeter City Council Authority Monitoring Report 2014/15 and 2015/16.

⁷ Governance and Prioritisation of Community Infrastructure Levy Funding, ECC report, 10 Feb 2015.

⁸ Teignbridge Community Infrastructure Levy Monitoring Report, April 2015-March 2016.

⁹ Teignbridge Community Infrastructure Levy Monitoring Report, April 2015-March 2016.

CIL remaining¹⁰	No expenditure, so £37,137 as at end March 2016.
CIL funding priorities¹¹	Estimated CIL income: £50m (up to 2033). ¹² Planning to fund various projects either partially or fully with CIL income. However the funding for these projects is yet to be drawn down, meaning no spending has taken place to date.

It is clear that one option is therefore to follow suit and bank the limited receipts that have been made so far. What the above tables do not show is commitment to spend and it is in this area where we are under particular pressure. Education projects are being pursued through the DCC funding process and seeking match funding from government, however projects in East Devon are not moving forward because there is currently no commitment to match fund with CIL funds. It will therefore be important to consider these bids that will inevitably come through from DCC but in order to consider them in context they have to be considered alongside bids from other organisations and providers of infrastructure.

Commitments to future CIL spend would have to be underwritten in effect by spend from the capital programme if the funds are required prior to adequate CIL funds being received with the capital programme effectively being repaid from CIL as funds become available. Through this mechanism it would be possible to commit to the future spend of CIL funds based on an assessment of the bids made. It is important however to note that under the legislation we cannot borrow against future CIL receipts. As a result such an approach would have significant implications for the capital programme which in any event is going to be modest in the coming financial year.

It is worth noting that CIL itself is currently being reviewed as a regime with the government due to make an announcement on its future as part of the autumn statement. A review board concluded that CIL is not fit for purpose and have proposed a revised system based on a local infrastructure tariff and widening the scope for the use of Section 106 agreements. The review boards report can be found at <https://www.gov.uk/government/publications/community-infrastructure-levy-review-report-to-government>

It is considered that there are in effect the following options to be considered:

1. Commit to spend nothing at this stage and wait for more CIL income to accrue before committing to spend.
2. Commit to spend only what has currently been received in CIL income.
3. Make commitments to spend beyond what has currently been received in CIL income and request that these be supported through the Capital Programme. This option then presents sub-options in terms of how much the group are willing to recommended is committed and how far into the future they are willing to look.

¹⁰ Teignbridge Community Infrastructure Levy Monitoring Report, April 2015-March 2016.

¹¹ Teignbridge Community Infrastructure Levy Monitoring Report, April 2015-March 2016.

¹² Teignbridge CIL Examiner's Report, 2014.

Meeting not open to the public



District Council

Agenda for Community Infrastructure Levy Working Party Thursday, 9 November 2017, 2.00pm

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

To: Members of the Community Infrastructure Levy Working Party
(Cllrs: Susie Bond, Colin Brown, Graham Godbeer, Mike Howe,
Brenda Taylor)

Venue: Committee Room, Knowle, Sidmouth

Contact: [Hannah Whitfield](mailto:Hannah.Whitfield@eastdevon.gov.uk), 01395 517542 (or group
number 01395 517546): Issued 1 November 2017

- 1 Apologies
- 2 Minutes of the Community Infrastructure Levy Working Party held on 8 September 2018 (page 2 - 5)
- 3 Assessment of Community Infrastructure Levy Funding bids (page 6 - 31)
Service Lead – Planning Strategy and Development Management
- 4 Date of next meeting – TBA

[Decision making and equalities](#)

EAST DEVON DISTRICT COUNCIL

Community Infrastructure Levy Working Party minutes 8 September 2017

Attendance list at end of document

The meeting started at 1.30pm and ended at 2.40pm.

1 Election of Chairman

Cllr Graham Godbeer proposed, seconded by Cllr Susie Bond, that Cllr Mike Howe be elected Chairman of the Working Party.

2 Declarations of interest

Cllr Jill Elson

Interest - Personal

Reason: Chair of Governor's, Exmouth Community College

3 Overview of Community Infrastructure Levy (CIL)

As part of the Working Party agenda papers the Service Lead – Strategic Planning and Development Management had provided a detailed overview of CIL in East Devon, which included a background to CIL, how it worked and how much the Council had to spend.

The Council had started charging CIL from 1 September 2016 and from this date all approved dwellings across the district and retail development outside town centres were liable to pay CIL, subject to not falling within one of the exemption categories (such as 'self builders' and affordable housing). CIL contributions collected are to be used to part fund the 'Regulation 123' list of infrastructure. The Working Party noted that there were obvious funding gaps - these had previously been reported to the Strategic Planning Committee and were outlined in the Working Party papers.

The total income from CIL up to the end of the Local Plan period (2031) was estimated to be £40.6m. However 5% of this would be retained for administration costs, 25% would be passed to town/parish councils with a made Neighbourhood Plan (15% otherwise), and approximately 12% would need to be spent on habitat mitigation measures (the cost of these measures were currently been recalculated and would be represented to Strategic Planning Committee by the end of the year). This would leave approximately £25.5m for other infrastructure projects – this fell a long way short from the total infrastructure cost which the Infrastructure Delivery Plan identified to be £251.1m to deliver the Local Plan.

The Working Party noted the current position regarding income and liabilities – however it was stressed that these figures were constantly changing as further consents were granted and liability notices were issued. The Working Party would need to consider whether to make recommendations regarding commitments to spend what was currently available in the CIL pot and what, if any, commitments should be made regarding spend in future years.

Discussion on the overview report included:

- Clarification regarding habitat mitigation measures - these measures were set out within the adopted Habitat Mitigation Strategy and covered on-site and off-site mitigation measures, such as SANGS and the provision of wardens. CIL

only funded those measures that were classed as infrastructure. Non-infrastructure contributions are collected under separate legal undertakings. Exeter City Council, and Teignbridge District Council also collect funds towards the delivery of the Strategy.

- The Council had no control over how parish/town councils in receipt of CIL monies should spend it, however it was hoped the parish/town councils would work with the District Council as if spent incorrectly the funds could be claimed back. Funds were released every 6 months, therefore the amounts received so far were minimal (any funds received must be spent within 5 years). The infrastructure must be required as a result of the additional development.
- Concerns were raised regarding the need for schools to expand to accommodate new development, however DCC are not pursuing these projects in the absence of any commitments from EDDC to match fund projects using CIL receipts.. In response, Members were advised that officers were aware of the issues, however there were limited funds available and the Working Group would need to make recommendations as to how the current income would be spent and consider forward funding in order to enable infrastructure to come forward. Members were advised that any forward funding would have to come out of the capital programme and be repaid through future CIL receipts as we are unable to borrow against future CIL receipts under the legislation.
- CIL contributions are a legal requirement and a phased payment scheme has been used to collect contributions from developments thereby minimising the upfront cost to developers.
- Queried whether the reduced build rate at Cranbrook would affect CIL income. In response, it was advised that CIL only applied to approvals gained after 1 September 2016, therefore the majority of the approvals at Cranbrook were covered by Section 106 Agreements. The expansion areas would be covered by CIL, however this was currently under review.
- The CIL Charging Schedule was confirmed as being index linked albeit this only applies from the date of implementation. The charging schedule had been formulated nearly 2 years prior to this date and could not be index linked during the examination period and so in real terms we are not charging what was envisaged. This is a further reason for the current review of the charging schedule.
- Clarification sought on the Government's review of CIL - Members were advised that an announcement was expected in the Autumn Statement. A review had been undertaken and it had been recommended that a new system be implemented. However, any new system would need to be consulted on and new regulations passed, therefore this would not be introduced imminently.
- Developers would prefer to deliver the infrastructure needs themselves as they could deliver at a much cheaper cost.
- There was no appeal process on the Council's decision not to prioritise a bid. The Council's decision on which bids for CIL funding are supported is final. It was recognised that Members would have some tough decisions to make.

4 Timeline for determining spend and tying in with the budget setting process

The Working Party noted the timeline in the agenda papers.

5 Funding decision protocol and application for funding form

The Working Party noted that the Council had published a protocol outlining the process of how CIL would be spent and to ensure the decision making process was as transparent as possible. Guidance had also been provided explaining how the Council would be inviting bids and how they would be considered.

The CIL application for funding form had been published and sent to a range of infrastructure delivery partners, District Councillors and all town/parish councils. A press release had been issued. Infrastructure Delivery Partners and stakeholders had been given a deadline of 22 September to submit their funding bid.

A draft criteria for assessing bids and the funding assessment form were presented to the Working Party for consideration.

RESOLVED:

1. that the scoring assessment criteria for assessing CIL funding bids, as set out in the Working Party agenda papers, be agreed;
2. that only funding bids scoring 50 points or more based on the scoring criteria be presented for consideration by Members. In the event of less than 10 bids scoring more than 50, the top 25% of all bids received be presented.

6 Discussion of spend strategy and options

The Working Party considered a paper seeking guidance from Members on a strategy for how CIL should be spent. To help provide some context the paper included examples of CIL spend by other authorities and a detailed breakdown of spend by Teignbridge and Exeter City Councils.

There were felt to be three options available:

1. Commit to spend nothing at this stage and wait for more CIL income to accrue before committing to spend;
2. Commit to spend only what has been received in CIL income;
3. Make commitments to spend beyond what has currently been received in CIL income and request that these be supported through the Capital Programme. This option presented sub-options in terms of how much the Working Party were willing to recommend was committed and how far into the future the Working Party was willing to look.

Points raised during discussion included:

- The need to be mindful of the implications on larger projects if the council spends all CIL income on smaller projects.
- CIL contributions would be pooled for cross-boundary infrastructure.
- The larger infrastructure projects would allow for more development, which would bring in more CIL receipts.
- Larger projects would need to be match funded.
- Up to date CIL income and liabilities would be presented at each Working Party meeting – suggested that it would be helpful to have a breakdown of liabilities for the next two years.
- The CIL liability sits with the land not the developer.

- Current phased payment scheme was recognised as being generous and would be reviewed as part of the review of the CIL Charging Schedule being undertaken by appointed consultants. It was hoped a report would be presented to Strategic Planning Committee later in the year.

RESOLVED: that the Working Party are minded to make commitments to spend beyond what has currently been received in CIL income and request that these be supported through the Capital Programme.

7 Date of next meeting

The date of the next meeting would be set once the final number of funding bids received was known – likely to be end of October.

Attendance list

Working Party Members:

Councillors
Cllr Mike Howe (Chairman)
Cllr Susie Bond
Cllr Colin Brown
Cllr Graham Godbeer
Cllr Brenda Taylor

Also present:

Cllr Brian Bailey
Cllr Jill Elson
Cllr Bruce de Saram

Officers present (present for all or part of the meeting):

Ed Freeman, Service Lead – Strategic Planning and Development Management
Henry Gordon Lennox, Strategic Lead – Governance and Licensing
Keith Lane, Planning Policy Officer
Sulina Tallack, Section 106 Officer
Hannah Whitfield, Democratic Services Officer

Apologies

Non-Working Party Members:

Cllr Andrew Moulding
Cllr Tom Wright

Chairman Date.....

Community Infrastructure Levy Working Party, Thursday 9 November 2017

Assessment of Community Infrastructure Levy Funding Bids

Introduction

1. East Devon District Council has been charging Community Infrastructure Levy (CIL) for just over a year (since 1 September 2016), and has now set out a transparent process for deciding how to spend the money which is being received.
2. In early August, EDDC invited funding bids from a range of infrastructure delivery partners and town/parish councils for infrastructure projects that support new development in the area. We also publicised the call for bids in local media outlets to ensure that every organisation had the opportunity to bid for funding. These organisations were given six weeks to submit a funding bid, with the closing date of Friday 22 September.
3. The first meeting of the CIL Working Party (8 September) agreed the scoring criteria for assessing the bids. This meeting also resolved that only funding bids scoring 50 points or more out of a possible 76 be presented for consideration by Members. In the event of less than 10 bids scoring more than 50, the top 25% of all bids received should be presented.
4. A total of nine bids for CIL funding were received, from three different organisations. The submitted projects and the amount of CIL being sought are shown below:

Devon County Council

- Clyst St Mary primary education facilities (*£250,000 in 2018/19*).
- Relocation of Tipton St John Primary School to Ottery St Mary (*£1,000,000 in 2019/20, a further £1,000,000 post 2023 subject to future Local Plan/GESP proposals*).
- Exmouth Community College, 8 classroom teaching block (*£1,000,000 in 2018/19*).
- Dinan Way, Exmouth (*£300,000 in 2018/19, and a further £2,200,000 post 2023*).
- Additional passing loop on the Waterloo rail line and associated infrastructure between Exmouth Junction and Honiton (*£250,000 in 2019/20, a further £250,000 in 2020/21 and £5,000,000 post 2023*).

LED Leisure

- New health and fitness facility in Axminster Town (*£150,000*).
- Provision of floodlights for the Sidmouth College / Sidmouth Leisure Centre Synthetic pitch (*£50,000*).
- New gym and fitness studios in Sidmouth Town (*£250,000*).

Offwell Recreation Ground and Village Hall charity

- New children's playground, Offwell Recreation Ground (*£10,000*).

5. A summary table showing the 9 bids and their respective funding implications over time is attached as table 1 for information.

Assessment of Bids

6. Three Officers have assessed the bids that have been submitted, and scored them according to the agreed scoring assessment.
7. The only bid that has not been scored is the new children’s playground at Offwell, as it does not meet the eligibility criteria “will the project contribute towards the delivery of the adopted Local Plan or emerging Cranbrook Plan?” Although this may be a worthwhile project, it does not meet this threshold criterion as it does not support housing and/or economic development, and is not a recreation project highlighted in the Local Plan.
8. The other eight bids have been assessed, and a summary of the project along with their score, are shown in the following tables. It should be noted that the scoring is based on an assessment of the information provided against the agreed scoring criteria only. Some bidders may have relied on officer’s using their own knowledge to inform bids however to ensure consistency and fairness in assessing bids officers have deliberately discounted any existing knowledge they had of the projects. It was made very clear to bidders that the onus was on them to provide the requested information and evidence to support their bid.

A) Clyst St Mary primary education facilities

Project Summary	Expansion from Clyst St Mary School from a 175 to a 210 place school through the provision of an additional classroom and internal remodelling of the existing building to improve the educational suitability and mitigate the impact of a small site.
Assessment Summary	The lack of evidence impacted dramatically upon the scoring of this project. There was nothing provided at all in terms of Risk Assessment and Equality issues. Everything else was purely statements without any back up information provided. No accompanying evidence with application form.
Score (out of 76)	40

B) Relocation of Tipton St John Primary School to Ottery St Mary

Project Summary	The proposal, subject to statutory consultation, is to relocate the primary school from Tipton to Ottery and expand the offer to meet local need. The lower site of Tipton School is within a flood plain and the EA has identified significant risks of flooding on this site and therefore the learners and staff. The risk, whilst managed, cannot be mitigated long term as the current structure is in poor condition due to timber construction and previous floods. The site cannot be redeveloped.
Assessment Summary	The bid shows this to be an existing issue and not one triggered by the additional development. It also seems incredibly early in the process with no actual site in mind. There was very little information provided and a lot of unknowns. There was no information on the link to the Local Plan or Equalities issues.
Score (out of 76)	35

C) Exmouth Community College, 8 classroom teaching block

Project Summary	Expansion of existing Exmouth Community College through development of a new teaching block to accommodate additional pupils generated by development identified within the Local Plan.
Assessment Summary	There was next to no information provided within this bid. No consequences from not carrying out the project were identified and no Risk Assessment or Delivery Schedule was provided. Without CIL no other funding streams were identified or explored. A complete lack of supporting evidence.
Score (out of 76)	41

D) Dinan Way, Exmouth

Project Summary	The completion of the link from the end of the current Dinan Way at Exmouth to the A376. This funding request is for land acquisition and further design ONLY. A full submission will be made for construction costs at a later date.
Assessment Summary	There was next to no information provided within this bid. No consequences from not carrying out the project were identified and no Risk Assessment or Delivery Schedule was provided. Without CIL no other funding streams were identified or explored. Again a complete lack of supporting evidence.
Score (out of 76)	29

E) Additional passing loop on the Waterloo rail line and associated infrastructure between Exmouth Junction and Honiton

Project Summary	In order to increase the frequency and therefore capacity of services on the Waterloo line between Exeter and Honiton / Axminster (to half hourly from hourly), a passing loop and other rail infrastructure are required between Exmouth Junction and Honiton including single track sections and Exmouth Junction itself. Funding is sought from CIL in 2019/20 and 2020/21 in order to develop the scheme to a point where external funding from delivery partners can be applied for. Further funding from CIL may be required in the future to partly fund construction of the scheme.
Assessment Summary	Partnership organisations have not committed to the delivery of the project and as yet CIL is the majority funder. No back up plan or alternative has been discussed. No Risk Assessment has been provided and a lots of assertions made without any evidence provided to back them up.
Score (out of 76)	38

F) New health and fitness facility in Axminster Town

Project Summary	Relocation of the gym and fitness studio facilities currently located at the Axe valley School. Provision of a new facility incorporating a 40-50 station gym and two health & fitness studios at a separate venue, either within the Cloakham
------------------------	---

	<p>Lawns Sports and leisure Facilities to the North of the Town, or within the town itself.</p> <p>Potential partners include Axminster Tools and Machinery who have worked with LED Leisure on a similar project in Seaton, or health providers.</p> <p>Financially self-sufficient, the new fitness facilities would provide capacity for 1200 members (current capacity is under 500) and additional pay as you go customers including GP referrals and specialist fitness classes for teenagers and older residents of the town.</p> <p>The existing sports hall and synthetic pitch facilities should be linked to the existing Flamingo Pool reception to maintain long term community use in evenings and weekends. The relocation of the gym and studios would reduce the pressure on the parking facilities at the school.</p>
Assessment Summary	Is there a waiting list? Is there alternative provision? There was no evidence as to the impact caused by additional development. There appears to be no definitive location for the project and the funding appears to fund a reception link. Axminster has significant development but the bid does not show any link.
Score (out of 76)	20

G) Provision of floodlights for the Sidmouth College / Sidmouth Leisure Centre Synthetic pitch

Project Summary	<p>Expansion of existing Exmouth Community College through The synthetic pitch on the Sidmouth College site was originally funded by a capital grant from Devon County Council. The lack of provision for floodlights has restricted the potential for community use by Hockey, Soccer, rugby and other sports clubs and organizations.</p> <p>Provision of Floodlights for the pitch would cost in the region of £100,000, but would increase income such that it would cover the costs of maintenance future replacement funds.</p> <p>The development of community use on the pitch for soccer, hockey and rugby training and matches has been identified as a priority in both the East Devon Playing Pitch Strategy (PPS) (June 2015) and in the East Devon Green Space plan (2017).</p> <p>The project is consistent with the Local Plan 26 for Sidmouth (14.3c) which notes the aim to conserve and enhance the overall quality and appeal of Sidmouth by improving sporting, cultural and community facilities.</p>
Assessment Summary	There is no evidence to provided that the overarching body with responsibility for governing Sidmouth CC is on board with the bid. The funding package, costs and timeframe are uncertain. No Risk Assessment has been provided, nor links to development.
Score (out of 76)	15

H) New gym and fitness studios in Sidmouth Town

Project Summary	<p>Relocation of the gym and fitness studio facilities from the Leisure Centre at Sidmouth College to the Sidmouth Swimming Pool site or the adjacent Port Royal development site. This would significantly improve community access, and alleviate the parking and safeguarding constraints experienced on the college site.</p> <p>Although financially self-sufficient, the new fitness facilities (35-45 station gym plus two studios) would provide capacity for 1000 members (current capacity is under 500) and additional pay as you go customers including GP referrals plus specialist fitness classes for teenagers and older residents of the town.</p> <p>The existing sports hall and synthetic pitch facilities would continue to be operated for the community during evenings and weekends, although the provision of floodlights on the pitch will be required to ensure long term viability.</p>
Assessment Summary	<p>Is there a waiting list? Is there alternative provision? There was no evidence as to the impact caused by additional development. The bid appears to double the existing provision for just 150 planned new homes! The bid also states that the existing provision is self-sufficient, no evidence as to why it is required. The bid does not explain this.</p>
Score (out of 76)	<p>21</p>

9. As less than 10 bids score more than 50 points, the top 25% of all bids received are presented to Members alongside this report, namely:
 - Exmouth Community College, 8 classroom teaching block.
 - Clyst St Mary primary education facilities.

Conclusions

10. A total of nine bids were submitted for CIL funding, but one of these did not meet the eligibility criteria, meaning that eight were assessed and scored by Officers.
11. None of the bids submitted for CIL funding achieved the 50 point threshold to be presented for consideration by Members, with the highest bid scoring just 41 points. The application forms and full bid assessment forms for the two highest scoring projects are appended for Members consideration. It is considered that the low scores of the submitted projects are a reflection of the lack of detailed information and evidence submitted with the bids rather than it being any reflection of the importance or value of the projects put forward. It is however important for consistency and fairness that the projects are scored simply on the basis of the information put forward by the bidder.
12. In assessing the bids Members attention is also drawn to the Infrastructure Delivery Plan (IDP) and the report on the agenda for the Strategic Planning Committee meeting on 6th November which highlights a shortfall of over £70 million on Priority 1 projects within the IDP and a total funding gap of nearly £271 million in total for all of the identified infrastructure. In light of the massive funding gap it is considered vital that we operate a robust and transparent process for accessing CIL funds and that projects are not funded without proper assurances being given that the projects meet our criteria and therefore are fully justified, funded, deliverable etc. Regrettably none of the bids received provide the necessary information to provide these reassurances despite being worthy projects.

13. All projects have the opportunity to bid in future years and therefore in the event that a bid is not supported this year deficiencies in the bid can be addressed in future years and the bid reconsidered. In the case of the two top scoring bids this year both of these seek funds for the 2018/19 financial year and so could be reconsidered next year and if successful funding could still be obtained to the bidders timescales.

Recommendations

14. It is considered that none of the projects have sufficiently met the criteria for funding in this round of bids despite many of the projects being worthy and important projects. Given the poor quality of submitted bids, and the relatively limited amount of CIL that has been received so far, the following recommendations are made:
 - i. **No money is allocated to CIL bids this year.**
 - ii. **In the event that Members agree recommendation i; CIL funding bidders are advised of the recommendations of the working party and that these will be reported to Strategic Planning Committee on 27th November.**
 - iii. **Consider learning points for next years' CIL bidding process, such as providing further advice to applicants to make it even clearer that they need to provide evidence and supporting information. This should make clear that no assumptions can be made as to EDDC level of knowledge on submitted projects and that all bids must be treated in the same way.**

Location	Item	Delivery timescale	Cost	Secured	Gap	Total CIL requirement	Funding Timescale						Notes		
							2018/19	2019/20	2020/21	2021/22	2022/23	Post			
Education															
Exmouth	Expansion of Exmouth Community College	2017-2021	£3,000,000	£100,000 (DCC)	£2,900,000	£1,000,000	£1,000,000							Should CIL be secured, members will be asked to support the balance of funding	
Clyst St Mary	Primary Education Facilities	2017-2022	£640,000	£126,151 (S106, DCC)	£513,849	£250,000	£250,000							Should CIL be secured, members will be asked to support the balance of funding	
Ottery St Mary	Primary provision (210)	2018-2019	£4,700,000	£2,700,000 (Diocese, Gvment, DCC, S106)	£2,000,000	£2,000,000		£1,000,000					£1,000,000	Should CIL be secured, members will be asked to support the balance of funding in lieu of future potential allocations	
Honiton	Additional Primary Education Facilities	2021-2023	£2,800,000	£1,952,112 (£1.2m Basic Need, S106)	£847,888	£500,000				£500,000					
Axminster	Expanded Primary Provision	2019-2027	£4,000,000	£432,054 (S106)	£3,567,946	£3,500,000				£1,000,000				£2, 567,946	
Cranbrook	Primary Provision	2026-2031	£10,772,000	£0	£10,772,000	£10,772,000					£5,000,000	£5,772,000		Delivery timescale is dependent on housing number triggers at Cranbrook – current estimates are that this will be met in 2021/22	
Transport															
Exmouth	Dinan Way Extension	2021-2024	£10,000,000	£0	£10,000,000	£2,500,000	£300,000							£2,200,000	Early funding required for land acquisition and costs of further design to allow for external funding bids to be made.
Cranbrook	Passing Loop (Waterloo Line)	2021-2031	£15,000,000	£4,000,000 (S106)	£11,000,000 (External bids supported by S106, LTP and CIL)	£5,500,000 (TBC)		£250,000	£250,000					£5,000,000	Funding towards scheme development - early design progression to increase chance of obtaining external funding.
Exmouth	Improvements to Avocet Line Stations	2017-2021	£1,000,000	£100,000 (S106)	£900,000 (S106, GWR, NR, LTP, CIL)	£250,000					£125,000			£125,000	



Planning, Transportation and Environment

East Devon District Council
The Council Offices
Knowle
Sidmouth
Devon
EX10 8HL

County Hall
Topsham Road
Exeter
EX2 4QD

Tel: 0845 155 1015
Email: planning@devon.gov.uk
Fax: 01392 381459

By email only to:
planningpolicy@eastdevon.gov.uk

22nd September 2017

Dear Sir/Madam

Application for Community Infrastructure Levy Funding (September 2017)

Thank you for informing Devon County Council of the CIL Funding Decision Protocol and the method for bidding for funding from the receipts.

Of the items identified on the Regulation 123 list, Devon County Council has a statutory responsibility to ensure that the appropriate and necessary education and transport infrastructure is delivered to enable and accommodate development as identified in the local plan. In order to ensure that this statutory function can be carried out, commitments from CIL are essential to contribute towards mitigating the impacts of planned development. Without an agreed strategic approach to the commitment of CIL, Devon County Council will be unable to carry out its statutory duty to deliver this infrastructure and development will not be able to be brought forward.

Devon County Council has delivered a significant amount of infrastructure to enable and support development within East Devon, particularly in the Exeter and East Devon Growth Point over the last 5-10 years. The successful and early delivery of the infrastructure has been dependant upon the receipt of contributions and the identification of match funding from other sources. A similar approach utilising CIL funding will be essential to deliver the required infrastructure moving forward. The County Council is supportive of early infrastructure delivery where this can be managed financially. However, current financial pressures are challenging and this will impact on the potential for the County Council to forward fund infrastructure in the future. This will be a particular challenge without a forward-looking strategic approach to specifically agreeing future allocations of CIL receipts.

It is understood that only a small proportion of the total forecast CIL receipts over the plan period will be available for funding in the first few years. In response to this, and given that many of the projects for which funding is required demand a strategic approach to plan for investment beyond a single year cycle, it is considered appropriate to set out the County Council's funding requirements for the first 5 years. This approach will allow for a strategic overview of the allocation of CIL funds and agreement for future funding. In turn this will

allow the County Council to continue to investigate other sources of funding where absolutely ever possible.

The attached schedule identifies the CIL items which Devon County Council considers to be priority projects for the next five years and which will require funding to be granted or committed within the five year timescale. The schedule identifies the timescale for delivery of the projects, the level of funding already secured towards the projects and the potential sources of further funding where likely. Importantly, the schedule identifies the timescale for funding requirements and identifies those projects for which a grant of funding is required within the next year (and for which a subsequent application form has been completed).

Application forms have been submitted for three projects in total which require funding this year; Exmouth Community College, Clyst St Mary Primary School and Dinan Way.

To assist with future planning, forms have been submitted for a further two projects, Ottery St Mary Primary provision and the Waterloo Line passing loop, which require funding in the next financial year, but which are considered essential to support development as identified in the local plan.

It is recognised that East Devon implemented CIL in September 2016 and that an instalments policy is in place. In this context, if there is a limit to CIL funding available in 2018/19 DCC will consider the potential for forward funding the critical improvements required at Exmouth Community College and Clyst St Mary Primary School. However, this will only be possible if CIL funding can be provided to fund these projects in future years. A legal agreement between the County and District Councils would be required to ensure that future CIL receipts will be provided for these projects. County Council bids to subsequent CIL funding allocations in future years would then reflect the CIL funding required to reimburse the County Council for these projects.

With regards to the two transport bids, funding is required for the progression of schemes to a point where external funding can be attracted; although the schemes are not expected to be delivered within the five year time scale, early funding is vital in order to prepare these schemes for potential external funding bids subsequently reducing the overall requirement for CIL funding in future years.

The application for funding is being made without a full understanding of how agreements for CIL funding over the longer term will be reached and when funds are likely to be made available.

There is currently a lack of clarity surrounding plans for CIL and S106 at Cranbrook. This funding application is made under the current arrangements with infrastructure at Cranbrook included within the Regulation 123 list and therefore funded through CIL.

The Regulation 123 list identifies 'Strategic Transport Infrastructure' as infrastructure to be funded in whole or in part by CIL. However, what is encompassed within the term 'Strategic Transport' is not defined. For information and future planning, Devon County Council considers the following projects from the Infrastructure Development Plan to be strategic transport items and therefore items to be funded through CIL:

- Weycroft Bridge improvement
- Dinan Way extension
- Additional Passing loop on Waterloo Line
- Widening improvements Long Lane

- Improvements to existing Avocet line Stations
- Clyst Valley Way. Sections outside area bounded by Waterloo Rail line and A30
- Clyst St Mary roundabout
- Harts Lane public transport corridor
- New access to Alexandria Road Estate

It is expected that all other transport infrastructure not included on the above list will be funded through S106.

I hope that this letter is useful in understanding our approach to planning for infrastructure funding over the next five years and our approach to the CIL funding applications. If you have any queries, please do not hesitate to get in touch.

Yours sincerely,

A handwritten signature in black ink that reads "C. J. Keech". The signature is written in a cursive, slightly slanted style.

Joe Keech

Chief Planner

East Devon District Council – Community Infrastructure Levy Eligibility Criteria and Application for Funding Form

If you have any queries relating to the protocol or application for funding form, please contact Keith Lane, Planning Policy Officer on 01395 571684 or klane@eastdevon.gov.uk

Please note that only projects which meet each of the four eligibility criteria (although note the caveat in questions 2 and 3) should go on to complete the application for funding form.

ELIGIBILITY CRITERIA

Criteria	Yes / No																										
<p>1. Does the project align with an infrastructure type or project included in the adopted Regulation 123 List?</p> <p>Please identify which category the projects falls under:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>Education</td><td style="width: 50px;"></td></tr> <tr><td>Exmouth Regeneration Area Projects</td><td></td></tr> <tr><td>Exe Estuary Mitigation</td><td></td></tr> <tr><td>Pebblebed Heaths Mitigation</td><td></td></tr> <tr><td>Clyst Valley Regional Park</td><td></td></tr> <tr><td>Health centres</td><td></td></tr> <tr><td>Emergency service facilities</td><td></td></tr> <tr><td>Library facilities excluding Cranbrook</td><td></td></tr> <tr><td>Community and Youth facilities</td><td></td></tr> <tr><td>Capital build costs for indoor sports provision at Cranbrook</td><td></td></tr> <tr><td>Improvements to sports and leisure provision</td><td></td></tr> <tr><td>Open space/ recreation provision excluding on-site provision</td><td></td></tr> <tr><td>Strategic Transport Infrastructure</td><td></td></tr> </tbody> </table>	Education		Exmouth Regeneration Area Projects		Exe Estuary Mitigation		Pebblebed Heaths Mitigation		Clyst Valley Regional Park		Health centres		Emergency service facilities		Library facilities excluding Cranbrook		Community and Youth facilities		Capital build costs for indoor sports provision at Cranbrook		Improvements to sports and leisure provision		Open space/ recreation provision excluding on-site provision		Strategic Transport Infrastructure		
Education																											
Exmouth Regeneration Area Projects																											
Exe Estuary Mitigation																											
Pebblebed Heaths Mitigation																											
Clyst Valley Regional Park																											
Health centres																											
Emergency service facilities																											
Library facilities excluding Cranbrook																											
Community and Youth facilities																											
Capital build costs for indoor sports provision at Cranbrook																											
Improvements to sports and leisure provision																											
Open space/ recreation provision excluding on-site provision																											
Strategic Transport Infrastructure																											
<p>2. Is the project specifically identified in the latest Infrastructure Delivery Plan (March 2015)? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i></p>																											
<p>3. Does the Infrastructure Delivery Plan identify the project as potentially being funded in whole or in part by Community Infrastructure Levy? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i></p>																											
<p>4. Will the project contribute towards the delivery of the adopted Local Plan or emerging Cranbrook Plan?</p>																											

If you have answered “yes” to each of the four questions above, then please complete the following form. Please ensure that your proposal contains robust evidence that supports your response to the questions.

APPLICATION FOR FUNDING FORM

Infrastructure delivery partner making the bid:

Project lead officer/person and contact details (postal address, email address and telephone number):

Project title and location/address

Project summary (no more than 150 words)

1. a) Which organisation will deliver the project?

b) Does your organisation have statutory responsibility for the project?

Yes please move onto question 1 d)

No

c) If no, have you sought and gained agreement from all the relevant statutory organisations?

Yes

No

Please note that agreement will be required from the relevant statutory organisation before any CIL funding is agreed.

d) Please give further details below of the names of each of the relevant statutory organisations and whether you have their approval. Please include evidence, such as a supporting letter/email from the organisation.

2. Is the existing infrastructure under pressure in terms of capacity and/or quality? If so, please explain.

3. What additional demands are likely from planned new development? (For example, sites with planning permission but not yet complete; sites that have made significant progress through planning but not yet approved; and Local Plan Strategic Allocations)

4. What are the consequences of not carrying out the project?

5. How will the project support housing and economic development in East Devon, as proposed in the adopted Local Plan 2013-2031? Please refer to specific housing/economic development sites that the infrastructure project will support.

6. Has planning permission been granted?

Yes planning application reference number:

Not required

No if no, please tell us why:

7. a) What is the total cost of the project? Please include a detailed breakdown of costs, and evidence to justify the cost

b) What is the amount requested from CIL?

c) How much is your organisation contributing to the project?

d) How much funding from other sources has been obtained?

e) Please state the names of other funders, amounts of funding and whether these amounts are confirmed

f) Is there a remaining funding shortfall? If so, how much?

g) If there is a remaining shortfall, how do you intend to meet any shortfall in funding?

8. a) Have you carried out a risk assessment of the project?

Yes

If yes, please submit this with your application form.

No

b) What are the risks of carrying out the project? (For example, delivery risks, financial risks, reputational risks). Please state whether the impact of each risk that you have identified is low, medium or high.

c) What actions will you take to reduce the likelihood and the impact of each risk?

9. Please identify any equalities issues that your infrastructure project will need to consider and detail how these will be addressed:

10. Please provide an outline of the timescale for delivering the project, including key milestones:

11. Who will be responsible for ongoing maintenance costs? Please specify what those costs will be:

Declaration

The information provided on this application form is correct, to the best of my knowledge. If East Devon District Council agrees to release funds for the specified project, these funds will be used exclusively for the purposes described. When requested, I agree to inform the Council with all necessary information required for the purposes of reporting on the progress or otherwise of the identified project. I recognise the Council's statutory rights as the designated CIL Charging Authority, and that it may reclaim unspent or misappropriated funds.

Signed

Name

Position in Organisation

Date

A typed signature is acceptable.

Thank for completing this form. Please save your completed form and then email it to planningpolicy@eastdevon.gov.uk by Friday 22 September 2017.

If you would prefer to post a copy, send the completed form to Planning Policy, East Devon District Council, Knowle, Sidmouth, EX10 8HL.

As mentioned throughout the application form, please include any relevant evidence with your application to support it – this could include:

- Evidence of need for your project.
- Quotes for project costs
- Details of offers/grants from any other funders/organisations
- Specifications and drawings
- Evidence of support for your projects from local people and organisations

**East Devon District Council Community Infrastructure Levy funding –
Assessment of submitted funding bids (2017)**

Project title and location/address

Clyst St Mary Primary education facilities

Eligibility Check – must answer “yes” to four question below to proceed (note caveat in criteria 2 and 3)

Criteria	Yes	No
1. Does the project align with an infrastructure type included in the adopted Regulation 123 List ?	Yes	
2. Is the project specifically identified in the latest Infrastructure Delivery Plan (March 2015)? <i>(although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i>	Yes (priority two)	
3. Does the Infrastructure Delivery Plan identify the project as potentially being funded in whole or in part by Community Infrastructure Levy? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i>	Yes	
4. Will the project contribute towards the delivery of the adopted Local Plan or emerging Cranbrook Plan ?	Yes	

Project Summary (no more than 150 words, insert from application for funding form)

Expansion from Clyst St Mary School from a 175 to a 210 place school through the provision of an additional classroom and internal remodelling of the existing building to improve the educational suitability and mitigate the impact of a small site.

Scoring template

Question topic	EDDC comment – short paragraph outlining how the bid answered the question. Use the scoring criteria, and highlight any supporting evidence	Score (0 – 12)
1. Project delivery	DCC have statutory responsibility for schools.	8
2. Existing infrastructure issues	Limited information, would have been good to see some more detail. When will it need to expand? What about other schools in the area? How many children at the school are from outside of the catchment area? No alternatives explored. How does support accommodation ensure a broad curriculum? No supporting evidence.	2
3. Additional demands from planned new development	Limited information, would have been good to see some more detail. No Education Infrastructure Plan attached. What about homes outside the village? Could they be in	6

	catchment area? What are alternatives? Would 210 places be enough? If so for how long? Currently have 195 on the roll and only asking to expand up to 210. Further information on existing roll and neighbouring provision needed.	
4. Consequences of not carrying out the project	Won't be able to provide for the additional pupils within walking distance. One additional alternative mentioned but not explored fully. Evidence not provided to back up the statement given.	6
5. How will the project support East Devon Local Plan housing and economic development; including specific sites	No reference to specific housing sites this would support. Very little information.	2
6. Planning permission obtained or required	Planning permission has been granted.	4
7. Cost and other funding sources	Cost estimated to be £550,000. No evidence attached but it is signposted. Asking for £250,000 from CIL, and DCC will be asked to pay the balance but this hasn't been agreed yet. No other funding confirmed. No Govt funding proposed. What are the costs and contingency? No breakdown. Cost will be £550,000 but proposed gained funding is £126,151 over that – what is this for?	6
8. Risk assessment	No risk assessment or details submitted with application form as requested. No proper discussion of potential risks. What could alternatives be?	0
9. Equalities issues	Considered to be no equalities issues. However, what about travel to school? Provision of special needs access? No evidence from the EINA given.	0
10. Project timescale	No information / evidence on key milestones other than start and end date. Does not state if it ties in with delivery of housing.	2
11. Ongoing maintenance	Would be the schools responsibility. Costs are not explained or broken down.	4
TOTAL SCORE		40 / 76
<p>COMMENTS: The lack of evidence impacted dramatically upon the scoring of this project. There was nothing provided at all in terms of Risk Assessment and Equality issues. Everything else was purely statements without any back up information provided. No accompanying evidence with application form.</p>		

East Devon District Council – Community Infrastructure Levy Eligibility Criteria and Application for Funding Form

If you have any queries relating to the protocol or application for funding form, please contact Keith Lane, Planning Policy Officer on 01395 571684 or klane@eastdevon.gov.uk

Please note that only projects which meet each of the four eligibility criteria (although note the caveat in questions 2 and 3) should go on to complete the application for funding form.

ELIGIBILITY CRITERIA

Criteria	Yes / No																										
<p>1. Does the project align with an infrastructure type or project included in the adopted Regulation 123 List?</p> <p>Please identify which category the projects falls under:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>Education</td><td style="width: 50px;"></td></tr> <tr><td>Exmouth Regeneration Area Projects</td><td></td></tr> <tr><td>Exe Estuary Mitigation</td><td></td></tr> <tr><td>Pebblebed Heaths Mitigation</td><td></td></tr> <tr><td>Clyst Valley Regional Park</td><td></td></tr> <tr><td>Health centres</td><td></td></tr> <tr><td>Emergency service facilities</td><td></td></tr> <tr><td>Library facilities excluding Cranbrook</td><td></td></tr> <tr><td>Community and Youth facilities</td><td></td></tr> <tr><td>Capital build costs for indoor sports provision at Cranbrook</td><td></td></tr> <tr><td>Improvements to sports and leisure provision</td><td></td></tr> <tr><td>Open space/ recreation provision excluding on-site provision</td><td></td></tr> <tr><td>Strategic Transport Infrastructure</td><td></td></tr> </tbody> </table>	Education		Exmouth Regeneration Area Projects		Exe Estuary Mitigation		Pebblebed Heaths Mitigation		Clyst Valley Regional Park		Health centres		Emergency service facilities		Library facilities excluding Cranbrook		Community and Youth facilities		Capital build costs for indoor sports provision at Cranbrook		Improvements to sports and leisure provision		Open space/ recreation provision excluding on-site provision		Strategic Transport Infrastructure		
Education																											
Exmouth Regeneration Area Projects																											
Exe Estuary Mitigation																											
Pebblebed Heaths Mitigation																											
Clyst Valley Regional Park																											
Health centres																											
Emergency service facilities																											
Library facilities excluding Cranbrook																											
Community and Youth facilities																											
Capital build costs for indoor sports provision at Cranbrook																											
Improvements to sports and leisure provision																											
Open space/ recreation provision excluding on-site provision																											
Strategic Transport Infrastructure																											
<p>2. Is the project specifically identified in the latest Infrastructure Delivery Plan (March 2015)? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i></p>																											
<p>3. Does the Infrastructure Delivery Plan identify the project as potentially being funded in whole or in part by Community Infrastructure Levy? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i></p>																											
<p>4. Will the project contribute towards the delivery of the adopted Local Plan or emerging Cranbrook Plan?</p>																											

If you have answered “yes” to each of the four questions above, then please complete the following form. Please ensure that your proposal contains robust evidence that supports your response to the questions.

APPLICATION FOR FUNDING FORM

Infrastructure delivery partner making the bid:

Project lead officer/person and contact details (postal address, email address and telephone number):

Project title and location/address

Project summary (no more than 150 words)

1. a) Which organisation will deliver the project?

b) Does your organisation have statutory responsibility for the project?

Yes **please move onto question 1 d)**

No

c) If no, have you sought and gained agreement from all the relevant statutory organisations?

Yes

No

Please note that agreement will be required from the relevant statutory organisation before any CIL funding is agreed.

d) Please give further details below of the names of each of the relevant statutory organisations and whether you have their approval. Please include evidence, such as a supporting letter/email from the organisation.

2. Is the existing infrastructure under pressure in terms of capacity and/or quality? If so, please explain.

3. What additional demands are likely from planned new development? (For example, sites with planning permission but not yet complete; sites that have made significant progress through planning but not yet approved; and Local Plan Strategic Allocations)

4. What are the consequences of not carrying out the project?

5. How will the project support housing and economic development in East Devon, as proposed in the adopted Local Plan 2013-2031? Please refer to specific housing/economic development sites that the infrastructure project will support.

6. Has planning permission been granted?

Yes **planning application reference number:**

Not required

No **if no, please tell us why:**

7. a) What is the total cost of the project? Please include a detailed breakdown of costs, and evidence to justify the cost

b) What is the amount requested from CIL?

c) How much is your organisation contributing to the project?

d) How much funding from other sources has been obtained?

e) Please state the names of other funders, amounts of funding and whether these amounts are confirmed

f) Is there a remaining funding shortfall? If so, how much?

g) If there is a remaining shortfall, how do you intend to meet any shortfall in funding?

8. a) Have you carried out a risk assessment of the project?

Yes

If yes, please submit this with your application form.

No

b) What are the risks of carrying out the project? (For example, delivery risks, financial risks, reputational risks). Please state whether the impact of each risk that you have identified is low, medium or high.

c) What actions will you take to reduce the likelihood and the impact of each risk?

9. Please identify any equalities issues that your infrastructure project will need to consider and detail how these will be addressed:

10. Please provide an outline of the timescale for delivering the project, including key milestones:

11. Who will be responsible for ongoing maintenance costs? Please specify what those costs will be:

Declaration

The information provided on this application form is correct, to the best of my knowledge. If East Devon District Council agrees to release funds for the specified project, these funds will be used exclusively for the purposes described. When requested, I agree to inform the Council with all necessary information required for the purposes of reporting on the progress or otherwise of the identified project. I recognise the Council's statutory rights as the designated CIL Charging Authority, and that it may reclaim unspent or misappropriated funds.

Signed

Name

Position in Organisation

Date

A typed signature is acceptable.

Thank for completing this form. Please save your completed form and then email it to planningpolicy@eastdevon.gov.uk by Friday 22 September 2017.

If you would prefer to post a copy, send the completed form to Planning Policy, East Devon District Council, Knowle, Sidmouth, EX10 8HL.

As mentioned throughout the application form, please include any relevant evidence with your application to support it – this could include:

- Evidence of need for your project.
- Quotes for project costs
- Details of offers/grants from any other funders/organisations
- Specifications and drawings
- Evidence of support for your projects from local people and organisations

**East Devon District Council Community Infrastructure Levy funding –
Assessment of submitted funding bids (2017)**

Project title and location/address

Exmouth Community College, 8 classroom teaching block

Eligibility Check – must answer “yes” to four question below to proceed (note caveat in criteria 2 and 3)

Criteria	Yes	No
1. Does the project align with an infrastructure type included in the adopted Regulation 123 List ?	Yes	
2. Is the project specifically identified in the latest Infrastructure Delivery Plan (March 2015)? <i>(although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i>	Yes (priority two)	
3. Does the Infrastructure Delivery Plan identify the project as potentially being funded in whole or in part by Community Infrastructure Levy? <i>(nb. although a “yes” is desirable, for the first year only, projects will still be considered if not identified in this IDP as a review is currently being finalised)</i>	Yes	
4. Will the project contribute towards the delivery of the adopted Local Plan or emerging Cranbrook Plan ?	Yes	

Project Summary (no more than 150 words, insert from application for funding form)

Expansion of existing Exmouth Community College through development of a new teaching block to accommodate additional pupils generated by development identified within the Local Plan.

Scoring template

Question topic	EDDC comment – short paragraph outlining how the bid answered the question. Use the scoring criteria, and highlight any supporting evidence	Score (0 – 12)
1. Project delivery	DCC have statutory responsibility for schools.	8
2. Existing infrastructure issues	Limited information, would have been good to see some more detail. When will it need to expand? What about other schools in the area? However, there are some useful numbers. No alternatives explored.	1
3. Additional demands from planned new development	Limited information, would have been good to see some more detail. However, there are some useful numbers and a methodology which does not necessarily tally up with response to previous question.	9

4. Consequences of not carrying out the project	Won't be able to provide for the additional pupils. No alternatives explored.	6
5. How will the project support East Devon Local Plan housing and economic development; including specific sites	No reference to specific housing sites this would support. Very little information.	2
6. Planning permission obtained or required	Planning permission has been granted.	4
7. Cost and other funding sources	Cost estimated to be £3m. No evidence attached but it is signposted. £1.9m would be asked for from DCC but hasn't been agreed as yet, an extra £100,000 already secured from DCC. Majority of other funding unconfirmed. No Govt funding proposed. What are the costs and contingency? No breakdown.	4
8. Risk assessment	Risk assessment completed. No risk assessment submitted with application form as requested. Minimal discussion of potential risks but not all. What could alternatives be?	1
9. Equalities issues	Considered to be no equalities issues. However, what about travel to school? Provision of special needs access? No evidence from the EINA given.	0
10. Project timescale	No information / evidence on key milestones other than start and end point. Does not state if it ties in with delivery of housing.	2
11. Ongoing maintenance	Would be the schools responsibility. Costs are not explained or broken down.	4
TOTAL SCORE		41 / 76
<p>COMMENTS: There was next to no information provided within this bid. No consequences from not carrying out the project were identified and no Risk Assessment or Delivery Schedule was provided. Without CIL no alternative funding streams were identified or explored to match fund DCC funds. A complete lack of supporting evidence.</p>		

Report to: **Strategic Planning Committee**
Date of Meeting: 27 November 2017
Public Document: Yes
Exemption: None
Review date for release To be updated annually or sooner if appropriate



Agenda item: **10**

Subject: **Brownfield Land Register**

Purpose of report: This report provides summary details of the Brownfield Land Register produced by the Planning Policy section for 2017

Recommendation: **That Committee takes note of the report.**

Reason for recommendation: To ensure that the Council has a Brownfield Land Register for East Devon published by 31.12.2017 as required by legislation.

Officer: Jacqui Best, Planning Policy Officer

Financial implications: No additional financial implications

Legal implications: The Town and Country Planning (Brownfield Land Register) Regulations 2017 require local authorities to prepare and maintain registers of brownfield land that is suitable for residential development. The Town and Country Planning (Permission in Principle) Order 2017 provides that sites entered on Part 2 of the new brownfield registers will be granted permission in principle. The requirements came in to force in mid-April 2017. Local authorities are expected to have compiled their registers by 31 December 2017. Putting a site on Part 1 of a register does not mean it will automatically be granted permission in principle. Local planning authorities will be able to enter sites on Part 2 of the register which will trigger a grant of permission in principle for those sites suitable for housing-led development only after they have followed the consultation and publicity requirements, and other procedures set out in the regulations and they remain of the opinion that permission in principle should be granted. Those sites which have permission in principle for housing-led development will be clearly identified by being in Part 2 of the register.

Equalities impact: Low Impact
There are no identified impacts on equalities

Risk: Low Risk
There are no risks identified

Links to background information: The Provisional 2017 Brownfield Land Register can be viewed at: <https://eastdevon.gov.uk/planning/planning-policy/housing-issues/brownfield-land/>

Link to Council Plan: The register referred to in this report relates to “Priority one - Encourage communities to be outstanding” set out in the Council Plan 2016 – 2020, which includes the action “to return empty homes to beneficial use”, and “Priority 3 – Delivering and promoting our outstanding environment” which includes a focus on the outcome of the “protection and enhancement of the natural and built environment.”

1 Background Information

- 1.1 The National Planning Policy Framework (NPPF) requires Local Planning Authorities to support sustainable development and outlines a core land use planning principle to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value” (NPPF p.6).
- 1.2 Previously developed land is defined by the NPPF as land “which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”. Exclusions such as agricultural or forestry buildings are detailed further by the definition.
- 1.3 A requirement for Local Authorities to produce Brownfield land registers and consider issuing “Permission in Principle” was introduced in April 2017, the Government advise, to “improve the quality and consistency of data on Brownfield land suitable for housing and provide much needed upfront certainty in the planning process to encourage investment” (DCLG).
- 1.4 The Housing and Planning Act 2016 sets out the broad requirements relating to Brownfield land registers and permission in principle, while the Town and Country Planning Act (Brownfield Land Register) Regulations 2017 requires Local Authorities to prepare, maintain and publish a register of previously developed land by 31 December 2017.
- 1.5 Government guidance advises that for land to be included on the Brownfield register it must meet the criteria of being:

- At least 0.25 hectares in size (but the Local Authority can decide on a smaller area where the other criteria are met) or is capable of supporting at least 5 dwellings;
- Suitable for residential development, within national and local policy, and without any adverse impact on the natural environment, habitats or built heritage;
- Available for residential development; and
- Residential development must be achievable (likely to take place within 15 years).

1.6 The register must be kept in 2 parts.

Part 1 includes sites suitable for housing; all sites meeting the criteria must be entered. This is a repository for local information on sites, irrespective of planning status, but only sites with a realistic prospect of coming forward should be included. However the inclusion of sites on the register does not give them any formal status or permission in principle.

Part 2 includes sites, if any, granted permission in principle. This is a new status that Councils can give to land and buildings that establishes in principle that a site would be suitable for new dwellings. In doing so permission in principle can give clarity and confidence to developers that they should be able to proceed more quickly to a start on site. Permission in principle is a new vehicle for granting permission, but it does place responsibility (and by implication has cost impacts) on the Council for doing extra work, potentially including detailed site assessment work. It is for each Council to decide whether they wish to grant any permissions in principle and at this point in time it is not recommended that this Council does so.

1.7 Consultation on the proposal to enter a site in the register is discretionary at Part 1 and mandatory at Part 2. Procedures for publication and consultation of a proposal to enter a site in Part 2 are set out in the 2017 regulations, and are similar to existing procedures for planning applications.

1.8 A review of registered sites is required at least once within a year, to include windfall sites.

1.9 The Secretary of State has the power to require local planning authorities to provide information from their brownfield land registers in a particular format and the DCLG has developed a national data standard. This has been adopted for the publication of EDDC's register. Standardisation of the data maintains consistency between local authorities and allows national aggregation by users of the data on brownfield land that is suitable for housing, as well as progress on getting planning permissions in place. The register will be published on the Council's website to include site details and plans.

2 East Devon Brownfield Land Register

2.1 In November 2016, a pilot Brownfield Land register was completed with details of 36 sites suitable for housing development. This included allocations from the local plan and sites

that had planning permission at the end of September 2016 and met the National Framework's definition of Brownfield land.

- 2.2 This register has been revised and updated to include available sites up to 7 November 2017, including allocations from the local plan that are still available and current planning permissions meeting the criteria.
- 2.3 Sites are identified as policy compliant and within Built up Area Boundaries. Sites without permission are a minimum of 0.25 acres, integrating with the SHLAA (Strategic Housing Land Availability Assessments) and HELAA (Housing and Economic Land Availability Assessments) criteria. Smaller sites are included where permission has been granted for 5 or more dwellings and this includes permissions which are full, outline, reserved matters, extant or lapsed. Sites with permission are included on the register until the building work is complete.
- 2.4 Information on sites has been gathered or reviewed through an interrogation of EDDC planning databases and a Geographical Information System. Details of building completions have been obtained through these databases and council tax information. Sites have been assessed for constraints or adverse impacts on the built, natural and historic environment through making use of the Council's Geographic Information System.
- 2.5 The register currently contains details of 34 sites, 9 of which have been added during the last year. The 34 sites make up a total of 29.31 hectares of land. 28 sites have planning permission on 17.81 hectares of land, with the estimated capacity to build 737 dwellings. The table below sets out some examples of larger sites on the register, showing location, the permission type, when permission was granted and estimated dwelling capacity.

Examples of Sites	Permission Type	Date/s	Estimated Dwellings
Land at Ottery Moor Lane, Honiton	Outline	2016	150
Former Cutler Hammer Site, Ottery St Mary	Full	2012-2015	92
Land at Pankhurst close, Exmouth	Full	2013	50
Land at Gerway Nurseries, Ottery St Mary	Reserved Matters	2016	45
Exbank and Danby House, Exmouth	Full	2017	36
Davey Court, Exmouth	Full	2017	30

- 2.6 A call for sites, by the GESP team, through the Housing and Economic Land Availability Assessment was made recently with a submissions closing date of September 2017. These sites are currently being assessed for suitability and details will be available in 2018. At this time the Brownfield Land Register can be reviewed for any new sites meeting the criteria.
- 2.7 Other procedures for identifying sites may be developed in future by integrating processes such as the Housing and Economic Land Availability Assessments within EDDC, and by including a link on the website for sites to be put forward by individuals or organisations for consideration for inclusion on Part 1 of the register.

3 Proposed EDDC Approach towards Permission in Principle and the Inclusion of Sites in Part 2

- 3.1 Permission in principle is intended to be used to incentivise and improve delivery rates for building on Brownfield sites. This is done by providing more certainty to developers where the principle of development has already been established, before their cost outlay on a Technical Details Consent. The Part 1 register should also assist in justifying the 5 year land supply and help to discourage appeals to be made on Greenfield sites.
- 3.2 In East Devon the majority of land is rural in nature, and there may be less opportunities to develop brownfield land than in a more urban based authority. For this authority the value of the output of using Permission in Principle as an additional route to permission must be considered in relation to the extensive input of maintaining a Part 2 of the register and other associated work. Furthermore with generally high land values and pressure for residential development the market can typically be expected to identify, and where it is reasonably possible, bring sites forward for residential development. For these overall reasons it is not currently seen as appropriate for this Council to grant permissions in principle on brownfield sites.
- 3.3 The DCLG has indicated an expectation of 90% of sites on Part 1 of the register to have planning permission by 2020 and this includes the existing routes to permission or Local Development Order (permission for specific classes of development within a defined area) as well as this new route through Permission in Principle and Technical Details Consent.
- 3.4 82.36% of sites on Part 1 of the East Devon Brownfield Land Register currently have planning permission (28 of the total of 34). It would be hoped that the 90% target will be met by EDDC through the traditional routes to permission. Although the target is likely to be met, some permissions, such as that for the former Racal factory in Seaton (for 90 dwellings), are more than 3 years old and although deliverable, not all of the estimated 737 dwellings may be delivered in the immediate future.