

For publication

Community Infrastructure Levy (CIL) – CIL Expenditure 2023 ([Delegation Reference – click here to view Part 3 Constitution](#))

Meeting:	Cabinet
Date:	16 th April 2024
Cabinet portfolio:	Economic Growth
Directorate:	Economic Growth
For publication	

1.0 Purpose of the report

- 1.1 To set out the progress on managing the Chesterfield Community Infrastructure Levy (CIL)
- 1.2 To seek Cabinet approval for funding awards for the strategic element of CIL expenditure from the bids received in 2023.

2.0 Recommendations

- 2.1 That Cabinet notes the progress on receipts from the CIL.
- 2.2 That Cabinet approves the awards for strategic CIL funding for 2023, in line with the recommendations in Appendix 2 of this report.

3.0 Reason for recommendations

- 3.1 To ensure that CIL expenditure takes place in accordance with the Community Infrastructure Levy (CIL) Regulations and the CIL Expenditure Strategy to ensure that CIL investment supports

planned growth and sustainable development and Chesterfield's continued vitality.

4.0 Report details

4.1 Background

4.2 CIL is a mechanism to allow local planning authorities to raise funds from new development, in order to contribute to the cost of infrastructure projects that are, or will be, needed to support new development.

4.3 CIL took effect in Chesterfield Borough on 1st April 2016. The current charging year, 2023/24 is the eighth financial year in which CIL has been charged and in which CIL payments were collected.

4.4 The 2022 round of CIL expenditure was approved by Cabinet in January 2023. Bids for the 2023 expenditure round were invited in May last year.

CIL Receipts

4.5 CIL income is dependent on the delivery programmes for individual CIL-liable developments. Full details of CIL income and expenditure for 2022/23 (charging year 7) are set out in the [Infrastructure Funding Statement](#) published in December 2023.

4.6 In summary, up to end of financial year 2022/23 and taking into account spending commitments made in the 2022 funding round and previous funding rounds up to that date, a balance of £1,535,922 remained available for strategic expenditure.

4.7 Further CIL payments have been received during 2023/24 (charging year 8) as CIL-liable development continues to progress, with the final amount to be confirmed and reported in the next Infrastructure Funding Statement, to be published in December 2024.

CIL Expenditure

4.8 The CIL Regulations set out the overall breakdown for how monies collected from the CIL are to be distributed. This is illustrated in the table below.

Purpose of Funding	% Allocated
Strategic/core CIL infrastructure	80% - Remaining CIL receipts collected for the financial year
Neighbourhood portion	15% of CIL collected (capped at £100 per dwelling)
Administration – (Costs of administrating receipt and expenditure of CIL)	5% of all receipts

4.9 This report addresses funding for Strategic/Core Infrastructure

Strategic/Core infrastructure

4.10 The purpose of CIL is to help to provide the infrastructure needed to support new development. CIL receipts (excluding the neighbourhood and administrative elements) are held in a central pot to be used for funding the delivery of strategic infrastructure across the Borough.

4.11 The infrastructure list (reproduced at Appendix 1) sets out the types of infrastructure which CIL can be spent on. The Infrastructure List is published annually in the Infrastructure Funding Statement (IFS). The IFS sets out details of CIL receipts and expenditure. This provides clarity and transparency to local communities and developers on how infrastructure expenditure is aligned with planned development. The Statement also offers an opportunity to re-assess CIL expenditure priorities in the light of any change in evidence or circumstances since the Infrastructure List was first published. In the absence of evidence to suggest the need for an immediate review of priorities as set out in Regulation 123 List, the original CIL expenditure priorities remain valid and were republished in the most recent IFS published in December 2023.

- 4.12 Alongside the IFS, the Infrastructure Delivery Plan (IDP) identifies the essential strategic and local infrastructure which will be required at different times over the duration of the local plan period to deliver the Plan strategy. It sets out what infrastructure will be needed and when, who will deliver it, and how it will be funded. The IDP was updated in support of the Local Plan and be reviewed as part of the local plan review.
- 4.13 The IDP has identified major infrastructure items that will be critical to unlocking key sites. In relation to the Staveley and Rother Valley Corridor Strategic Site for example, school capacity has been identified as an obstacle to the development of a new community in this strategic location and a new school is likely to be needed as part of the wider regeneration proposals. Strategic transport infrastructure, particularly in the form of the regeneration route, is also required in order to improve accessibility. Work is continuing with the County Council (as education authority and highways authority) and other key partners to identify the options for funding and delivery of critical infrastructure.

Apportioning Strategic/Core CIL Income

- 4.14 The CIL [Expenditure Strategy](#) sets out the process which will be followed to identify specific items of infrastructure upon which CIL revenue will be spent in order to support growth and development across the Borough. The Strategy establishes the key foundations for prioritising CIL expenditure and balancing competing infrastructure requirements, anchored by the Local Plan strategy in order to deliver critical infrastructure necessary to unlock strategic sites, and support positive development in Regeneration Priority Areas.

CIL Expenditure – The 2023 Funding Round

- 4.15 Bids for funding for the 2023 CIL expenditure round were invited in May 2023 from stakeholders who were identified as being in a position to submit projects which would qualify for strategic expenditure.

4.16 9 bids were received. These were:

- Chesterfield Borough Council (Leisure) - Renewal of play space at Cottage Close, Poolsbrook; CIL bid £105,600
- Chesterfield Borough Council (Leisure) - Renewal of play space at Thirlmere Road, Dunston; CIL bid £13,200
- Chesterfield Borough Council (Leisure) - Renewal of play space at Devonshire Avenue North, New Whittington; CIL bid £13,200
- Chesterfield Canal Trust Ltd. - Contribution to construction of the scheme bridges: Package 1a – Trans-Pennine Trail Bridge a 35m span steel bridleway bridge over the restored canal on the TPT. CIL bid £144,720
- Chesterfield Canal Trust Ltd. Contribution to construction of the scheme bridges; Package 1b – Bellhouse Bridge a concrete vehicle & pedestrian/cycle bridge at the end of Bellhouse Lane. CIL bid: £113,970
- Chesterfield Canal Trust Ltd. Package 2: Construction of the towpaths 2a – Norbriggs Cutting to Hague Lane 1.1km of towpath along the mainline of the canal, connecting from the previously funded length to the borough boundary. CIL bid: £87,420
- Chesterfield Canal Trust Ltd. Package 2: Construction of the towpaths 2b – Norbriggs Cutting 0.9km of towpath along the Norbriggs Cutting, connecting from the previously funded length to Mastin Moor, along part of the proposed local cycle network. CIL bid: £68,120
- Chesterfield Canal Trust Ltd. Package 3: Landscaping & interpretation CIL bid: £50,000
- Derbyshire County Council (Countryside) – Shared walking & cycling infrastructure between Markham Vale Employment Zone and Poolsbrook Country Park; CIL bid: £250,000

4.17 These bids for CIL funding have been assessed in accordance with the procedure set out in the CIL Expenditure Strategy. A summary of the assessment and officer recommendations is provided at Appendix 2.

4.18 The CIL Expenditure Strategy acknowledges the need to balance short term and long term priorities. It also recognises the inevitable pressure to seek to utilise CIL funding for purposes which are not central to provision of infrastructure to support growth and development. However it is critical that CIL retains the ability to support the long term development strategy for the Borough and ultimately the ongoing credibility of the CIL charging scheme, to which developers contribute in the expectation that available funds will support growth and mitigate the impacts of development. To assist in the assessment process and to ensure the protection of CIL to meet longer term ambitions, the table indicates the proportion of available CIL income which would be utilised under the bids received.

Total CIL income received 2022/23 (Y7)	£ 1,407,523	
Available strategic CIL income (80%) (at Y7 year end)	£1,535,922	
Total value of bids received for strategic CIL funding in 2023 round	£846,230	55% of available strategic CIL income
Total value of officer recommended funding awards for strategic CIL funding (See Appendix 2)	£276,720	18% of available strategic CIL income

Future years' expenditure

4.19 In addition to potential future funding bids indicated in Appendix 2, discussions have taken place with Leisure, Culture and Community Wellbeing with the aim of more closely aligning CIL funding with the Parks, Open Spaces and Play Strategy Delivery Plan. This has clarified those projects in the programme which would help to support planned growth and therefore be eligible for future CIL funding. This should help to provide certainty to the roll out of the Delivery Plan.

4.20 Approval by cabinet of funding awards for the 2023 round of CIL expenditure would enable the process to commence for the 2024 round and funding awards to be confirmed.

4.21 In future years, the intended annual funding cycle is set out below:

JANUARY	Invitations to bid for funding
MARCH - APRIL	Assessment of bids received; Recommendations to Cabinet
MAY-JUNE	Decisions on strategic CIL funding awards by CIL Approval Body
JUNE	Announcement of funding awards
SEPTEMBER - NOVEMBER	Monitoring and reporting of income and expenditure; preparation of Infrastructure Funding Statement, including CIL income and progress on CIL expenditure, and review of long term CIL strategy
DECEMBER	Publication of Infrastructure Funding Statement

Review of Chesterfield CIL charging scheme

4.22 The Government's Planning White Paper indicated the intention to review the basis of CIL nationally. The government is currently reconsidering the approach to planning reform and the outcome of this review is still awaited, including the government's preferred approach to the system of developer contributions. Whilst it remains the intention to review and update the Chesterfield CIL charging scheme, it remains the view that it would not be a sensible use of resources to commence a review of the Chesterfield scheme at the current time in view of the possibility of wholesale changes to the system of developer contributions nationally.

4.22 Next steps:

- (i) Allocate strategic CIL funding for 2023, in line with the recommendations in this report
- (ii) Continue to engage with Staveley Town Council and Brimington Parish Council and for the neighbourhood element (15%) of CIL expenditure in the parished areas of the Borough, in line with CIL Regulations.
- (iii) Continue monitoring of CIL and S.106 agreements in preparation for publication of next annual Infrastructure Funding Statement.
- (iv) Following confirmation of the new national arrangements for developer contributions, set out proposals for a review of the Chesterfield CIL charging scheme, for future consideration by Cabinet.

5.0 Alternative options

5.1 An alternative to supporting the recommended options would be to approve different levels of expenditure. Appendix 2 sets out the reasons behind the recommendations. The recommended funding awards seek to maintain a balance between meeting short term infrastructure requirements and maintaining sufficient CIL resources to meet longer term priorities.

6.0 Implications for consideration – Financial and value for money

6.1 The financial ramifications of introducing a CIL were originally reported to Cabinet when the CIL charging scheme was established, and in subsequent reports. Importantly, CIL regulations permit charging authorities to finance initial set-up and ongoing administration costs from up to 5 per cent of CIL receipts. Therefore, over time, it should be possible to recover the costs of preparing the CIL evidence base and Charging Schedule (including examination costs) and other on-going administration or staffing costs.

6.2 CIL will provide funds to protect, enhance and promote the Borough's infrastructure assets.

7.0 Implications for consideration – Legal

7.1 Proposals for CIL expenditure are in accordance with the requirement of the Community Infrastructure Regulations 2010 (as amended) (Regulation 59) to apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.

8.0 Implications for consideration – Human resources

8.1 The proposals have no direct implications for human resources.

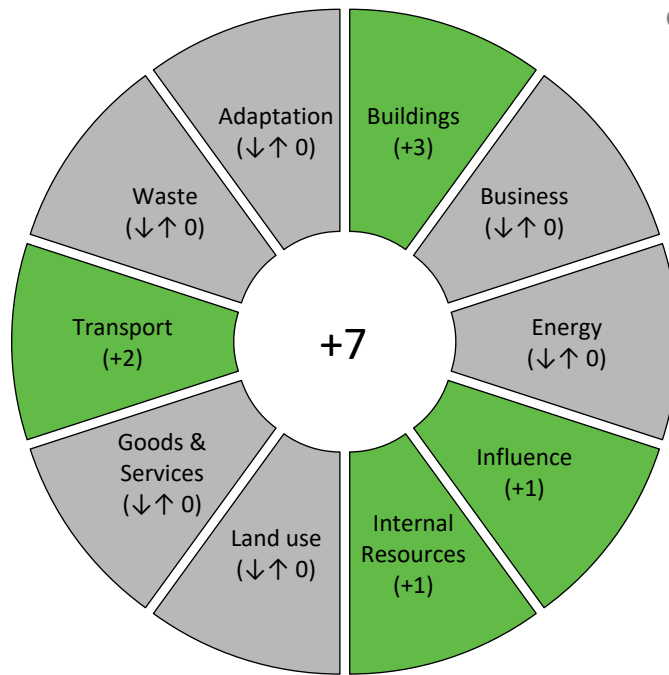
9.0 Implications for consideration – Council plan

9.1 The recommendations for CIL expenditure will support planned growth and sustainable development and Chesterfield's continued vitality, helping to support the local economy and community wellbeing.

10.0 Implications for consideration – Climate change

10.1 The report and recommendations have undergone a climate change impact assessment. The assessment results reflect the key benefits of provision and improvement of new play space capacity, and improvement of green infrastructure associated with the Chesterfield Canal.

10.2 The results of the assessment are summarised below:



Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (5 years and 9 months away).

11.0 Implications for consideration – Equality and diversity

11.1 This report and recommendations follow the CIL Expenditure Strategy and decision making framework which has been subject to an Equality impact assessment. Therefore an EIA is not required.

12.0 Implications for consideration – Risk management

12.1 The potential risks of awarding alternative levels of CIL funding are shown below:

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
CIL funding withheld on all submitted bids	L	M	Recommendations are within scope of CIL Regulations and would support planned growth	L	L
CIL funding awarded for all submitted bids	M	M	Recommendations identify those bids which are insufficiently linked to planned growth; Funding all submitted bids would risk	L	L

			undermining ability of CIL fund to support longer term infrastructure priorities.		
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Decision information

Key decision number	<i>All key decisions must be in the Forward Plan at least 28 days in advance. There are constitutional consequences if an item is not in the Forward Plan when it should have been. Contact Democratic Services if in doubt.</i>
Wards affected	ALL

Document information

Report author	
Rick Long – Infrastructure Planning Officer, Economic Growth	
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
None	
Appendices to the report	
Appendix 1	Community Infrastructure Levy: Infrastructure List 2023
Appendix 2	Appendix 2: Summary of CIL bids received - 2023

Appendix 1:

Community Infrastructure Levy: Infrastructure List 2023

(From Infrastructure Funding Statement - for Financial Year 2022/23)

INFRASTRUCTURE LIST
Infrastructure Type or Project
Strategic Green Infrastructure
<ul style="list-style-type: none">• Public Open Space and/or play provision and/or improvements*• Sports and Playing Pitches*• Restoration of Chesterfield Canal• Access improvement to Green Wedges and Strategic Gaps• Biodiversity and habitat enhancement including tree planting*
Transport Infrastructure
<ul style="list-style-type: none">• Improvements to A61 Chesterfield Inner Relief Road Junctions*• Chesterfield Staveley Regeneration Route• Hollis Lane Link Road• Implementation of Chesterfield Strategic Cycling Network*• Measures to improve walking, cycling and public transport provision within*:<ul style="list-style-type: none">i. The A61 Corridorii. The A619 Chatsworth Roadiii. The A619 corridor through Brimington and Staveleyiv. Access to Chesterfield Railway Stationv. The proposed Strategic Cycle Network
Other Infrastructure
<ul style="list-style-type: none">• Strategic Flood Defences and alleviation measures*
Education Provision
<ul style="list-style-type: none">• Provision of additional pupil capacity in existing schools and contributions to a new school or schools to address shortfalls in capacity arising from new housing growth

*Excluding Site Specific measures arising as a result of specific development proposals, subject to statutory tests set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), which stipulates the following: *A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –*

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

**Appendix 2: Summary of CIL bids received - 2023;
Assessments and recommendations**

Applicant	Project Summary	Value of bid (£)	Summary assessment and Recommendation
CBC Leisure	<p>Renewal of 3 key play spaces at Cottage Close, Poolsbrook – renewal of the toddler and junior play space;</p> <p>Thirlmere Road, Dunston – renewal of the junior play space; and</p> <p>Devonshire Avenue North, New Whittington – renewal of the junior play space</p>	<p>Cottage Close CIL contribution: £105,600; (total project cost £120,000);</p> <p>Devonshire Avenue CIL contribution: £13,200; (total project cost £51,000);</p> <p>Thirlmere Road CIL contribution: £13,200; (total project cost £51,000);</p> <p>Total CIL contribution £132,000; (total project cost £222,000);</p>	<p>Cabinet (14th March 2023) resolved to approve in principle an indicative allocation of CIL funding towards projects included in year 1 of the Parks, Open Spaces and Play Strategy Delivery Plan. Cabinet also gave delegated approval to the Director of Economic Growth, in consultation with the Cabinet Member for Economic Growth, to approve the advance of additional of CIL funding, subject to confirmation that the identified projects meet the CIL assessment criteria. The Cottage Close, Devonshire Avenue North, and Thirlmere Road projects are included in this programme and meet the CIL funding criteria.</p>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Chesterfield Canal Trust Ltd.</p>	<p>Contribution to construction of the scheme bridges: 1a – Trans-Pennine Trail Bridge a 35m span steel bridleway bridge over the restored canal on the TPT.</p>	<p>CIL contribution: £144,720</p>	<p>Restoration of Chesterfield Canal is a long-established infrastructure priority in local plan and IDP. CIL funding for this element would form part of wider funding package to enable continuity of project delivery.</p> <p>A new bridge will provide access from the Arkwright Trail to TPT northbound and east-west canal towpath, for pedestrians, cyclists, and equestrians. Funding is requested to fill the funding gap created by increased levels of inflation on construction sector, providing match funding to the Towns Fund. (CCT has identified this project as highest priority bid in the current programme)</p> <p>Recommendation: Approve funding for project 1a</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Chesterfield Canal Trust Ltd.</p>	<p>Contribution to construction of the scheme bridges 1b – Bellhouse Bridge a concrete vehicle & pedestrian/cycle bridge at the end of Bellhouse Lane.</p>	<p>CIL contribution: £113,970</p>	<p>A new bridge will provide access between Bellhouse Lane and the canal towpath for pedestrians and cyclists, as well as private vehicular access to adjacent farmland and the Trans-Pennine Trail.</p> <p>However, there is a need to manage release of CIL funding to ensure that longer term priorities can be met. Applicant has prioritised each element of the funding bid. Delaying release of funding for lower priority project would support prudent management of available CIL reserves.</p> <p>Recommendation: Withhold funding for project 1b in 2023 round and invite an application in 2024 round.</p>
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<p style="text-align: center;">Chesterfield Canal Trust Ltd.</p>	<p>●Package 2: Construction of the towpaths 2a – Norbriggs Cutting to Hague Lane 1.1km of towpath along the mainline of the canal, connecting from the previously funded length to the borough boundary.</p>	<p>CIL contribution: £87,420</p>	<p>1.1km of towpath along the mainline of the canal, connecting from the previously funded length to the Borough Council boundary.</p> <p>However, there is a need to manage release of CIL funding to ensure that longer term priorities can be met. Applicant has prioritised each element of the funding bid. Delaying release of funding for lower priority project would support prudent management of available CIL reserves.</p> <p>Recommendation: Withhold funding for project 2a in 2023 round and invite an application in 2024 round.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Chesterfield Canal Trust Ltd.</p>	<p>Package 2: Construction of the towpaths 2b – Norbriggs Cutting 0.9km of towpath along the Norbriggs Cutting, connecting from the previously funded length to Mastin Moor, along part of the proposed local cycle network.</p>	<p>CIL contribution: £68,120</p>	<p>0.9km of towpath along the disused Norbriggs Cutting, connecting the previously funded length to Mastin Moor. This section is also part of the proposed Local Cycle Network.</p> <p>However, there is a need to manage release of CIL funding to ensure that longer term priorities can be met. Applicant has prioritised each element of the funding bid. Delaying release of funding for lower priority project would support prudent management of available CIL reserves.</p> <p>Recommendation: Withhold funding for project 2b in 2023 round and invite an application in 2024 round.</p>
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<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Chesterfield Canal Trust Ltd</p>	<p>● Package 3: Landscaping & interpretation</p>	<p>CIL contribution: £50,000</p>	<p>Project aims to reduce visual & environmental impact and improve interpretation and engagement.</p> <p>However, there is a need to manage release of CIL funding to ensure that longer term priorities can be met. Applicant has prioritised each element of the funding bid. Delaying release of funding for lower priority project would support prudent management of available CIL reserves.</p> <p>Recommendation: Withhold funding for project package 3 in 2023 round and invite an application in 2024 round.</p>
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Derbyshire County Council (Countryside)	<p>New shared walking and cycling infrastructure between the Markham Vale Employment Zone and Poolsbrook Country Park</p>	<p>CIL contribution: £250,000</p> <p>Additional funding identified</p> <p>Total cost: £290,000</p>	<p>Whilst the proposal would provide a valuable expansion of the cycling network, the scale of funding requested is unaffordable against available funding and competing priorities and would risk undermining the long term development strategy to the extent that the ability of the CIL fund to support strategic priorities would be compromised.</p> <p>Recommendation: Withhold funding in 2023 round</p>
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