

CABINET – 26 NOVEMBER 2019**PROCEDURAL MATTERS****Members Questions****Question (1) Chris Botten (Caterham Hill):**

Could the Deputy Leader please indicate what steps are being taken to ensure that CIL monies which fall to boroughs, districts and parishes are properly re-directed towards the funding of the infrastructure for which the County is responsible? Will he consider pressing the new government to amend the legislation to enable the contributions for County services to be placed on a statutory footing?

Reply:

The Community Infrastructure Levy (CIL) is a charge on new development in an area where the levy has been adopted by the local authority.

The Government have directed that only the local planning authority for an area can collect CIL. County councils can only collect the levy charged by district councils on developments for which the county council gives consent, for example, waste and minerals sites where there is a liability for the levy.

Homes England, urban development corporations and enterprise zone authorities can also be collecting authorities for development, with the agreement of the relevant charging authority, where they grant planning permission.

The Government have amended the CIL Regulations several times since their inception, but have chosen not to alter the Regulations in relation to who can charge CIL, despite the concerns expressed by County Councils

The Government consider that local authorities in two tier areas should work closely together to determine the infrastructure spending priorities for their areas and how CIL receipts can fund a proportion of the costs of that infrastructure.

We will continue to lobby any government on the need for better clarity and direction on how CIL is spent and in the mean time we will continue to engage and work with our borough and districts to identify and help deliver the infrastructure needed to support local housing.

These decisions are made by members at a borough and district level, but as a reminder to all members below is a description of how CIL should be used.

What can the Community Infrastructure Levy be spent on?

The levy can be used to fund a wide range of infrastructure, including transport, flood defenses, schools, hospitals, and other health and social care facilities.

This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities.

This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan and the London Plan in London). Charging authorities may not use the levy to fund affordable housing.

Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed.

The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

A percentage should be spent within the community it is raised, the percentage and how this is done depends on the local area.

CIL and Neighbourhood Planning

Parish council ✓ Neighbourhood Plan ✓ = 25% uncapped, paid to Parish	Parish council ✓ Neighbourhood Plan X = 15% capped at £100 / dwelling, paid to Parish
Parish council X Neighbourhood Plan ✓ = 25% uncapped, local authority consults with community	Parish council X Neighbourhood Plan X = 15% capped at £100 / dwelling, local authority consults with community

Mr Colin Kemp
 Deputy Leader
 26 November 2019