

## **Community Infrastructure Levy (CIL) in practice**

Following a meeting with Sulina Tallack from East Devon District Council on 8<sup>th</sup> January 2019, the pragmatics of applying CIL have been expanded upon.

### **Background**

The background to CIL is documented separately in a paper by that name which is also being issued at this time. CIL payments have been in existence for about 2 years. Previously, receipts were still handed out by EDDC (voluntarily) to parishes as part of developer 106 agreements. EBBPC had receipts handed out in 2012, 2014, 2015 and 2017 under these older arrangements and the parish council will need to address spending some of these old receipts urgently. This is dealt with under the Section: Older106 Receipts below.

Rather confusingly, 106 developer agreements still exist alongside CIL today, but as a parish council, we only need to concern ourselves with CIL receipts in the latest arrangements.

### **Current CIL position**

Due to the development in Pynes Close, £11,000 (tbc) is due to EBBPC over 2 years in staged payments, of which the first £1,000 is probably due in April 2019. In theory, if the funds are not spent within 5 years of receipt, they may be retrieved by EDDC.

### **How should we spend the funds?**

The funds are intended for community infrastructure projects. As the funds are essentially 'capital' receipts, the projects should entail new or improvement infrastructure work which will benefit the community. The funds cannot be used for everyday 'revenue' purposes. Maintenance work is also ruled out unless it is also linked and ring fenced over a suitable period to the capital infrastructure works carried out under the scheme.

Suitable projects should be prioritised and agreed by the local community in consultation and be fully inclusive of all parishioners. The easiest way of achieving this is by following projects already identified in the Neighbourhood Plan (NP) where the community engagement and consultation has already taken place. If it is desired to follow a project(s) outside the NP then full consultation would be required as appropriate. Ideally an Infrastructure Delivery Plan (IDP) would be created with prioritised projects and estimated (rough) costs. This would complement the existing NP.

In discussions with Sulina, it seems that the rules surrounding exactly where we spend the funds have been relaxed somewhat. This means, for example, that although Pines Close is in East Budleigh village, the money could be spent anywhere in the parish on appropriate projects. This may, for example, include Yettington village hall. It should be emphasised, however, that anything not in the NP would need agreement with prioritisation by the parish community.

It was thought unlikely that we would have projects linked directly to EDDC infrastructure plans as these tend to be high value and in the major towns.

### **Accountability**

It is important that EBBPC is fully accountable for every aspect of funding received. The Council should keep accurate record of all receipts, decisions regarding expenditure (including any community engagement), written approval from Sulina that projects meet the criteria, the IDP,

records of works / contract letting, orders, invoices and payments, records of works progress and project completion reporting.

### Sub-Contracting / Partnership

It is possible that funds may be made available to other groups or in association with other asset holders, for projects that meet agreed community benefit criteria. Thus, for example, EBBPC could work with EB village hall trustees in relation to hall / play equipment improvements or with CDE in relation to recreation field projects or with Drakes School trustees or with the Community Shop or with Church trustees or with other Community Groups throughout the Parish. The communication channels and authorisations are slightly different, but can readily be co-ordinated with Sulina. The NP documents many such areas where support to community groups would be beneficial.

### Larger Projects

It is possible to use funds alongside other grants (e.g. matched funding) for larger community agreed projects. This would probably entail aggregating a number of smaller payments over time, but one would need to be mindful of the 5-year criteria for expenditure in this instance.

### Examples

The sort of projects that may be typical include: building improvements, play / recreation equipment, parkland improvement, highways / access related (traffic safety / control, lighting, paths, signage), H&S improvements, amenity (seating, fencing, toilets, parking), environmental (ecological, solar, wind), communications (broadband, mobile, TV, masts, dishes, repeaters, boosters, cabling), emergency planning (grit boxes, flood prevention / defences), educational facilities.

These are just immediate 2-minute thoughts, so there will be many additional opportunities.

### Older 106 receipts

EBBPC has total capital receipts of £8,932 passed to it from EDDC over the years 2012 - 2017 and the oldest of these funds needs to be spent urgently otherwise it will be lost back to EDDC. The rules governing this older expenditure are somewhat different in that funds have to be spent in the relevant category. This is most easily explained by chart:

Date	Play	Sport	Open Space	District
18/4/2012	1640.50			E. Bud
30/7/2015			2348.76	E. Bud
25/10/2017	1640.50	1726.61		E. Bud
15/8/2014			1575.37	Bicton
<b>Totals</b>	<b>3281.00</b>	<b>1726.61</b>	<b>3924.13</b>	

So, urgent attention is drawn to 2012 play funds, for which we have a 'yellow card' warning.

The funds must be spent in appropriate category, so EBBPC should look to identify up to £3,281 spend in the play category as a priority in consultation with all members of the community - particularly children. This could simply be upgrading a piece of existing equipment? Expenditure location is restricted, but the Play park and School would qualify. Again, the work must be capital new or improvement works rather than maintenance, but bringing something up to scratch to meet modern H&S standards would probably qualify.

D. Wensley 8<sup>th</sup> January 2019