

MID SUFFOLK DISTRICT COUNCIL

TO: Mid Suffolk Cabinet	REPORT NUMBER: MCa/23/13
FROM: Councillor Andrew Stringer, Cabinet Member for Heritage Planning and Infrastructure	DATE OF MEETING: 5 th September 2023
OFFICER: Tom Barker Director Planning and Building Control Interim Director Communities and Wellbeing	KEY DECISION REF NO. CAB435

COMMUNITY INFRASTRUCTURE LEVY (CIL) – CIL EXPENDITURE PROGRAMME SEPTEMBER 2023

1. PURPOSE OF REPORT

- 1.1 The CIL Expenditure Framework and the CIL Expenditure Framework Communications Strategy were adopted by Mid Suffolk and Babergh on 20th March 2023 and 22nd March 2023 respectively. These documents were also accompanied by the CIL Key Dates calendar 2023/24 (see Background Papers).
- 1.2 The processes and governance around CIL expenditure is set out in these documents and the type of infrastructure that CIL monies can be spent on is set out in each Councils Infrastructure Funding Statement – Infrastructure List. (Background Documents refer).
- 1.3 CIL expenditure operates using a process of twice-yearly bid rounds which occur on the 1st - 31st May and 1st - 31st October each year. Once all the Bids have been validated, all valid Bids are then screened for the availability of s106 funds and other funding streams. Following this all valid Bids are prioritised using criteria set out in the CIL Expenditure Framework and recommendations on Valid Bids are included within a CIL Expenditure Programme for each District. The CIL Expenditure Programme for that District will be considered by that Councils Cabinet with decisions on all valid Bids either for Cabinet to make or for Cabinet to note (if the Bid has been determined using delegated powers).
- 1.4 This report seeks to obtain approval by Cabinet for Mid Suffolk' s CIL Expenditure Programme – September 2023 which forms Appendix A to this report. This report contains ten CIL Bids including the judgement around the criteria for assessment of those Bids (Appendix B).

2. OPTIONS CONSIDERED

- 2.1 There is a diverse spectrum of approaches to CIL expenditure across the country from Unitary Authorities who have absorbed CIL into their individual Capital Programmes to others who ringfence all funds to be spent locally. A range of different approaches was identified in Appendix A of the Framework for CIL

Expenditure report provided to Cabinet's on the 5th and 8th of February 2018 and discussed in full during the workshops with the Joint Member advisory panel. Members adopted the original Framework documents set out in paragraph 1.1 above by Council decision in April 2018. These were subsequently reviewed and adopted by both Councils on:-

- First Review - March 2019
- Second Review – April 2020
- Third Review – March 2021
- Fourth Review – 21st July 2022 (Mid Suffolk) and 6th October 2022 (Babergh)
- Fifth Review - March 2023.

3. RECOMMENDATIONS		
3.1 That the CIL Expenditure Programme (September 2023) and accompanying Technical assessments of the following CIL Bids (forming Appendices, A and B) be approved (including decisions on these CIL Bids for Cabinet to make and to note - delegated decisions only) as follows:-		
Decisions for Cabinet to approve: - Ringfenced Infrastructure Funds (Needham Market, Walsham Le Willows and Somersham)		
CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
M23-08 NEEDHAM MARKET Crowley Park Young Childrens Play Equipment Upgrade	Amount of CIL Bid £65,560.50 Total cost of the project £87,414 (excluding VAT) Total of other funding Needham Market Town Council £21,853.50	Recommendation to Cabinet to approve CIL Bid M23-08 for £65,560.50 from the Ringfenced Infrastructure Fund
M23-19 NEEDHAM MARKET New Scout Hut	Amount of CIL Bid £75,000 Total cost of the project £329,490 Total of other funding Section 106 - £235,000 Needham Market Town Council and Scout Group	Recommendation to Cabinet to approve CIL Bid M23-19 for £75,000 from the Ringfenced Infrastructure Fund

		Contribution £19,490	
M23-16 WALSHAM LE WILLOWS Walking and Cycling- Palmer Street Footpath	Amount of CIL Bid £41,439 Total costs of the project (including VAT – recoverable by SCC and design costs) £49,726.80		Recommendation to Cabinet to approve CIL Bid M23-16 for £41,439 from the Ringfenced Infrastructure Fund
M23-02 SOMERSHAM Somersham Play Area	Amount of CIL Bid £62,776.17 Total costs of the project £83,701.56 Other funding sources are from: Somersham Parish Council Neighbourhood CIL District Councillor Locality Monies MSDC Grant		Recommendation to Cabinet to approve CIL Bid M23-02 for £62,776.17 from the Ringfenced Infrastructure Fund

Decisions for Cabinet to make: - Ringfenced Infrastructure Fund and Local Infrastructure Fund (Finningham)

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
M22-21 FINNINGHAM Finningham Green Footpath	Amount of CIL Bid £52,000 Total costs of the project £66,400 including VAT and design costs. Other funding sources are:	Recommendation to Cabinet to approve this CIL Bid for £52,000 with £2761.32 from the Ringfenced Infrastructure fund and £49,238.68 from the Local Infrastructure

	Finningham Parish Council £2,000 County/District Councillor £2,000	Fund.
--	---	--------------

Decisions for Cabinet to make: - Local Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
M23-10 WYVESTONE Wyverstone Village Hall Kitchen Refurbishment and improvement	Amount of CIL Bid £65,970.90 Total costs of the project £87,961.20 Other funding sources are: Parish Council Contribution: £10,000 Wyverston Town Trust Contribution £1,000 Wyverston Village Hall Own Funds £10,990.30	Recommendation to Cabinet to approve CIL Bid M23-10 for £65,970.90 from the Local Infrastructure Fund
M23-07 GREAT ASHFIELD Great Ashfield Community Hall Kitchen Refurbishment and Improvement	Amount of CIL Bid £24,556.65 Total cost of the project £32,742.20 Other funding sources are: Great Ashfield Parish Council reserves	Recommendation to Cabinet to approve CIL Bid M23-07 for £24,556.65 from the Local Infrastructure Fund
M22-11 NORTON Norton Community Centre Development and Extension	Amount of CIL Bid £100,000 Total costs of the project	Recommendation to Cabinet to approve CIL Bid M22-11 for £100,000 from the Local

	£395,765.90 Other sources of funding PWLB Precept-paid loan - £295,765.90	Infrastructure Fund
M23-18 CREETING ST MARY Walking and Cycling - Sally Woods Lane	Amount of CIL Bid £10,170 Total costs of the project £12,010 (Difference is recoverable by VAT)	Recommendation to Cabinet to approve CIL Bid M for £10,170 from the Local Infrastructure Fund

Decisions for Cabinet to note: - Local Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
M23-17 EYE Walking and Cycling scheme Broome Hill	Amount of CIL Bid £2,700 Total costs of the project including VAT recoverable by SCC) £3,240	Recommendation for Cabinet to note the delegated decision for CIL Bid M23-17 for £2,700 from the Local Infrastructure Fund

3.2 Cabinet are also asked to note and endorse this CIL Expenditure Programme which includes the position in respect of approved CIL Bids from Rounds 1 to 10 inclusive (Appendix A Section B) together with details of emerging infrastructure/CIL Bids (Appendix A Section C).

REASON FOR DECISION

Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11th April 2016. The CIL Expenditure Framework was originally adopted in April 2018 and reviewed with amendments adopted by both Councils in March 2019, April 2020, March 2021, July 2022 (Mid Suffolk), October 2022 (Babergh) and in March 2023. The CIL Expenditure Framework requires the production of a CIL Expenditure Programme for each District and contains decisions for Cabinet to make or note on CIL Bids for CIL expenditure. These decisions relating to the expenditure of CIL monies form one of the ways in which necessary infrastructure supporting growth is delivered.

4. KEY INFORMATION

4.1 Given the determination of “available monies” for the ten CIL Bids which are the subject of this report - (paragraphs 6.8 – 6.9 inclusive) Members are advised:

- Bid round 11 opened on between 1st - 31st May 2023. All new Bids received have been acknowledged. Under the CIL Expenditure Framework all Bids are examined and validated, and where valid they are then screened, consulted upon, and assessed against prioritisation criteria (under the agreed procedures). The decisions are then presented to Cabinet to make and/or note (where delegated decisions have been made). These are included in the CIL Expenditure Programme and the Technical Assessments, and both are presented to Cabinet to consider.
- This CIL Expenditure Programme document focuses on the following ten CIL Bids. Further key information about these Bids is set out below (augmented by the assessments and conclusions contained in the Technical Assessments which justify the recommendations to Cabinet (Appendix B):-

CIL Parish and type of proposed infrastructure	Bid, and of Key Information and whether CIL Bid falls within the CIL Expenditure Framework and is contained within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk. Recommendation to Cabinet to approve or for Cabinet to note.
<p>M23-08 NEEDHAM MARKET</p> <p>Crowley Park Young Childrens Play Equipment Upgrade</p>	<p>The play equipment that was previously located on Crowley had been in place for 20+ years, it had reached the end of its lifespan and was almost unserviceable. In 2022, this play equipment was removed to make way for a new multi-use games area, with the intention of creating a new play facility for young children (8 years and under), to be located in a different area of the park.</p> <p>When completed, the new play area will be fully inclusive and will provide a range of different play and problem-solving activities for younger children. This new facility will address a currently lack in play facilities within the town for younger children and by providing a safe environment and new opportunities for children to play and socialise together, it will help to enhance children’s mental and physical health and wellbeing</p> <p>Falls within the CIL Expenditure Framework and developed under the Community Facilities within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £65,560.50</p>
<p>M23-19 NEEDHAM MARKET</p> <p>New Scout Hut</p>	<p>1st Needham Market Scout Group and Needham Market Town Council are proposing a joint project to replace and expand the existing Scout Hut provision to ensure that the thriving group which serves the local community can continue to provide an organisation that offers a wide variety of activities and skills to enable young people to develop and thrive.</p> <p>The current building is a wooden prefab structure that has been in place since WW2 and is no longer fit for purpose. It cannot be expanded nor adapted to support the needs of those which physical disabilities who wish to join the Scouts organisation either as a Scout or a volunteer. With the replacement of this building with a new modern, larger, and safer facility that includes adaptations for individuals with disabilities will ensure that the community continues to benefit. It will also be built to modern structural and energy efficient</p>

	<p>standards.</p> <p>Falls within the CIL Expenditure Framework and developed under the Community Facilities within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £75,000</p>
<p>M23-16 WALSHAM LE WILLOWS</p> <p>Walking and Cycling- Palmer Street Footpath</p>	<p>The Walsham Le Willows Palmer Street Footpath is a project with Suffolk County Council Public Rights of Way Team in partnership with Mid Suffolk District Council and supported by Walsham Le Willows Parish Council. The aim of the project is to provide a safe and segregated walking area for pedestrians along Palmer Street where there are gaps in the pavement/walking provision.</p> <p>Although there are pathways/pavements it is not continuous and there is no established safe walking provision for pedestrian to travel the length of Palmer Street. Currently, pedestrians are forced to walk along the roadside grass verge through the village which is not safe.</p> <p>It is a popular walking route used by residents, which contains a blind bend and no safe provision for pushchairs or wheelchairs to “pull over” if vehicles (including buses) come round the bend. The verge is used by residents to walk either through the village or to gain access to the centre of the village throughout the day and is heavily used by pedestrians and dogwalkers.</p> <p>Falls within the CIL Expenditure Framework and developed under the Walking and Cycling section within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £41,439</p>
<p>M23-02 SOMERSHAM</p> <p>Somersham Play Area</p>	<p>Somersham & District Community Association is proposing to provide an improved play area in Somersham with a more diverse equipment range that meet the needs of a wider age group and abilities within the local community and surrounding areas. The proposal is for the addition of new pieces of additional play equipment.</p> <p>Falls within the CIL Expenditure Framework and developed under the Community Facilities within the current Infrastructure</p>

	<p>Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £62,776.17</p>
<p>M22-21 FINNINGHAM</p> <p>Finningham Green Footpath</p>	<p>The Finningham Green Footpath is a joint project between Suffolk County Council Highways and Finningham Parish Council to create a new footpath between the crossroads at Westhorpe Road, Station Road, Wickham Road and Walsham Road (B1113), up to the entrance of the Village Green.</p> <p>Currently, there is no established footpath along this section of the B1113 and a temporary footpath has been created by pedestrians walking along the roadside grass verge between the crossroads and the Green.</p> <p>The verge is used by residents to access the Village Green, the play equipment which is located on the green, and the Church. The route is used by school children in the mornings and afternoons, dog walkers and residents walking from one side of the village to the other. This proposal will greatly improve safety for pedestrians</p> <p>Falls within the CIL Expenditure Framework and developed under the Walking and Cycling section within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £52,000</p>
<p>M23-10 WYVESTONE</p> <p>Wyverstone Village Hall Kitchen Refurbishment and Improvement</p>	<p>Wyverstone Village Hall Committee is proposing a project concerning the village hall building to enlarge and upgrade the kitchen area for the installation of a commercial quality kitchen. Wyverstone Village Hall is a registered charity, and the project will improve access with the extension having an external door and with some minor internal alterations to the hall to allow an improvement to the flow of the building. The extension will approximately double the floorspace of the kitchen. The project will significantly improve the Village Hall kitchen allowing an increase in the number and size of events that can be held there</p> <p>Falls within the CIL Expenditure Framework and developed under the Community Facilities within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p>

	<p>Recommendation is for Cabinet to approve CIL Bid for £65,970.90</p>
<p>M23-07 GREAT ASHFIELD</p> <p>Great Ashfield Community Hall Kitchen Refurbishment and Improvement</p>	<p>This CIL Bid seeks to redevelop the current Kitchen provision at the Community Hall in Great Ashfield. The Committee will be refurbishing the Kitchen at the Community Centre to increase the potential maximum usage and footfall of the site. These works will also improve the energy efficiency of the kitchen area. The proposed works have support from the local and wider community around Great Ashfield</p> <p>Falls within the CIL Expenditure Framework and developed under the Community Facilities within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £24,556.65</p>
<p>M22-11 NORTON</p> <p>Norton Community Centre Development and Extension</p>	<p>This project will create additional function rooms and establish greater versatility and flexibility of the function/hiring spaces both in and outdoor at Norton Community Centre. This will satisfy the increasing demand for the usage of the site. The development of the site will deliver bigger and better storage capacity to assist users of the site. In addition, the project will ensure that the field next to the Community Centre can be used to its full potential as the project will also improve and expand the current changing rooms and toilet facilities. Project has Widespread community support.</p> <p>Falls within the CIL Expenditure Framework and developed under the Community Facilities within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £100,000</p>
<p>M23-18</p> <p>CREETING ST. MARY</p> <p>Walking and Cycling - Sally Woods Lane</p>	<p>The project seeks to undertake improvements to Sally Woods Lane (a section of the National Cycle Route 51) and is a joint project between Suffolk County Council Public Rights of Way & Access (who will take the lead) and Mid Suffolk District Council. The improvements to Creeting St Mary BR32 (Bridleway 32) will allow greater versatility of users within the community.</p> <p>At present, a 200m stretch of the Bridleway is only suitable for pedestrians, dogwalkers and those on mountain bikes</p>

	<p>because of the numerous ruts/potholes and is, therefore, not safe for all users.</p> <p>Without the upgrade to the surface along the Sally Woods Lane stretch, the bridleway will never be suitable for cyclists (other than mountain bikers) to travel along it safely. The proposed upgrade (re-surface using the same type of existing materials of graded road plainings on a sub-base of crushed concrete) will ensure greater access for users along this stretch and ensure longevity of the bridleway.</p> <p>Falls within the CIL Expenditure Framework and developed under the Walking and Cycling section within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to approve CIL Bid for £10,170</p>
<p>M23-17 EYE</p> <p>Walking and Cycling scheme</p> <p>Broome Hill</p>	<p>This project is being proposed by Suffolk County Council, Rights of Way (lead) in partnership with Mid Suffolk District Council and seeks to provided changes to the public footpath access across Broome Hill near Eye to allow cyclists to use this section safely.</p> <p>There are established footpaths along Broome Hill (Broome Foot Paths 6&9) and Eye Foot Paths (19 & 34) however it is currently not suitable for cyclists. To make it suitable to enable cyclists to use this section it requires improvement to the surface and either a change in designation (legal status change to a bridleway) or via permissive cycling (changes to local signage).</p> <p>Undertaking this change and improvement to the footpaths will allow a safe off-road cycle route between Eye and Broome, encouraging more sustainable, active travel between the two places.</p> <p>Falls within the CIL Expenditure Framework and developed under the Walking and Cycling section within the current Infrastructure Funding Statement – Infrastructure List for Mid Suffolk.</p> <p>Recommendation is for Cabinet to note this approved CIL Bid for £2,700</p>

- 4.2 This CIL Expenditure Programme also provides an up-to-date progress position on all those CIL Bids which have previously been approved in Bid rounds 1 to 10 (inclusive) together with a section which outlines the progress of emerging CIL Bids which are being discussed at pre submission stage (Appendix A to section C).

5. LINKS TO CORPORATE PLAN

- 5.1 The effective spending of CIL monies will contribute to all the three priority areas that Councillors identified in the Joint Corporate Plan. Economy and Environment Housing and Strong and Healthy Communities.

6. FINANCIAL IMPLICATIONS

- 6.1 The adopted CIL Expenditure Framework is critical to the funding of infrastructure to support inclusive growth and sustainable development.
- 6.2 The CIL Regulations stipulate that CIL monies which are collected must be spent on Infrastructure. Before 1st September 2019, each Council was required to publish a list of infrastructure that they will put the CIL monies towards. These lists were known as the "Regulation 123 Lists". However, on the 1st of September 2019, new CIL Regulations were enacted, with the CIL 123 Lists being abolished, and in order to provide clarity given this changing situation, each Council adopted a CIL Position Statement containing a list of infrastructure that it would spend its CIL monies on. The authority for this was provided by a Council decision in March 2019 when the First Review of the CIL Expenditure Framework was undertaken, and a revised scheme was agreed (by both Councils). The CIL Position Statements were identical for both Councils.
- 6.3 However, these replacement documents (known as the CIL Position Statement) were replaced by separate Infrastructure Funding Statements (Infrastructure List) (IFS) for both Councils. The last iteration of each Council's IFS were produced and published in November 2022.
- 6.4 CIL is collected and allocated in accordance with the CIL Regulations 2010 (as amended). Each Council retains up to 5% of the total CIL income for administration of CIL. From the remainder, 15% is allocated to Parish or Town Councils (subject to a cap) but where there is a made Neighbourhood Plan in place this figure rises to 25% (without a cap). For those parishes where there is no Parish or Town Council in place the Council retains the monies and spends the CIL Neighbourhood funds through consultation with the Parish.
- 6.5 Since the implementation of CIL for both Councils on the 11th of April 2016 there have been fourteen payments to Town/Parish Councils; these have taken place in October 2016, April and October 2017, April and October 2018, April and October 2019, April and October 2020, April and October 2021, April and October 2022 and April 2023. At the time that the Neighbourhood payments are made, the 20% set aside for Strategic Infrastructure fund is also undertaken. The Strategic Infrastructure Fund money is stored separately to the Local Infrastructure Fund at this point. In addition, money is also stored in a Ringfenced Infrastructure Fund (explained in Paragraph 6.7 below). As this accounting requires Finance to verify the figures, daily accounting in this way would be too cumbersome and resource hungry to carry out. There is no adverse impact on the Bid Round process or cycle

to this method of accounting. Indeed, these dates work well with the Bid round process. (Paragraph 1.3 refers).

- 6.6 The remaining 80% of the CIL monies comprises the Local Infrastructure Fund with the exception of the monies held in the Ringfenced Infrastructure Fund (explained in paragraph 6.7 below).
- 6.7 Within the CIL Expenditure Framework, infrastructure provision for major housing developments is prioritised and ringfenced for spend against these housing projects. In this way housing growth occurring within the districts is supported by infrastructure provision. When commencement of these major housing schemes occurs, monies are collected according to the CIL payment plan in place. If the scale of development is large the CIL payment plan could be up to 5 equal payments collected over a two-year timescale. Smaller developments are required to pay the money in less instalments and over a shorter timescale. The monies (accrued from developments of 10 dwellings and above) are held in a Ringfenced Infrastructure Fund account separate from the Strategic and Local Infrastructure funds to ensure the monies are safeguarded towards infrastructure supporting these developments. These monies are known as the “available funds” and are held in the following accounts, and it is these monies that can fund CIL bids.
- 6.8 **Available CIL Funds as at the 31st March 2023 for Cabinet decisions/noting in September 2023**

INFRASTRUCTURE FUND	AVAILABLE BALANCE
Strategic Infrastructure Fund	£6,422,287.67
Ringfenced Infrastructure Fund	£14,589,303.92
Local Infrastructure Fund	£5,519,397.85

6.9 **Total Funds allocated to Infrastructure projects since 2018.**

INFRASTRUCTURE FUND	TOTAL ALLOCATION	TOTAL DE-ALLOCATED (UNDERSPEND OR DEADLINE EXPIRY)	PERCENTAGE OF FUNDS ALLOCATED TO PROJECTS
STRATEGIC INFRASTRUCTURE FUND	£2,365,607.07	£207,396.07	25%
RINGFENCED INFRASTRUCTURE FUND	£6,144,389.45	£266,785.01	29%

LOCAL INFRASTRUCTURE FUND	£2,541,090.64	£124,965.89	30%
--	---------------	-------------	-----

7. LEGAL IMPLICATIONS

- 7.1 Both the original and amended CIL Expenditure Frameworks are legally sound and robust. A legal representative from the Councils Shared Legal Service has been directly involved in the majority of the reviews and has reviewed the documentation and changes in the reviews.
- 7.2 This report and the accompanying CIL Expenditure Programme for Mid Suffolk District Council – September 2023 – Appendix A (including the Technical Assessments comprising Appendix B) have also been endorsed as being sound and legally compliant by the Councils Shared Legal Service.
- 7.3 Governance arrangements agreed in April 2018 and which have remained largely unchanged as part of all successive reviews of the CIL Expenditure Framework and are clear in respect of the determination of these Bids. They are Cabinet decisions and there is provision for delegated CIL Bid decisions which Cabinet are asked to note.
- 7.4 Regulation 62 of the CIL Regulations 2010 (as amended) required CIL charging authorities to publish monitoring statistics for collection allocations and expenditure of CIL monies by the 31st of December for each year. The 2017, 2018 and 2019 Monitoring Report for both Councils are published on the website (see below).

[https://www.midsuffolk.gov.uk/assets/CIL-and-S106-Documents/Mid Suffolk - District-Council-CIL-Monitoring-Report-2016-17.pdf](https://www.midsuffolk.gov.uk/assets/CIL-and-S106-Documents/Mid_Suffolk_-_District-Council-CIL-Monitoring-Report-2016-17.pdf)

<https://www.midsuffolk.gov.uk/assets/CIL-and-S106-Documents/FINAL-MSDC-Reg-62-Report.pdf>

<https://www.midsuffolk.gov.uk/planning/community-infrastructure-levy-and-section-106/community-infrastructure-levy-cil/cil-reporting/>

- 7.5 Under the new CIL Regulations 2019, each Council has produced an annual Infrastructure Funding Statement (dealing with both income and expenditure for both CIL, s106 developer contributions and Neighbourhood CIL). There is also a requirement for each Council to produce an “Infrastructure List” – a list of infrastructure projects that each Council is /or will be funding going forward. Under the CIL Regulations 2019 this must be produced annually by both Councils to meet a deadline of 31st December each year. This also has to be submitted to the Government as a yearly return.
- 7.6 For Mid Suffolk, the current Infrastructure Funding Statement (which includes the “Infrastructure List”) was published on the Councils website in November 2022. (See Background Papers).

8. RISK MANAGEMENT

8.1 Key risks are set out below (taken from the Strategic Planning Operational Risk Register as follows):

Key Risk Description	Likelihood 1-4	Impact 1-4	Key Mitigation Measures	Risk Register and Reference*
Development may be unsustainable if we do not secure investment in infrastructure. Here is a risk that Infrastructure is not delivered where it is needed.	3	2	Infrastructure needs are detailed through a published Infrastructure Delivery Plan (IDP), which is updated periodically.	Strategic Planning Operational Risk register 18
Level of Community Infrastructure Levy (CIL) being charged is low. There is a risk that insufficient funds would be available for critical and essential infrastructure.	3	3	Publish revised CIL Charging Schedules for consultation.	Strategic Planning Operational Risk register 19
Unable to progress CIL Charging Schedules to Examination and Adoption. There is a risk that insufficient funds would be available for critical and essential infrastructure.	2	3	Be clear on the purpose and content of the CIL Charging Schedules prior to consultation.	Strategic Planning Operational Risk register 20
Non-payment of CIL or non-collection of s106 payments.	3	3	Appointment of a Debt recovery officer in 2021 to ensure improved recovery of CIL and s106	Strategic Planning Operational Risk

There is a risk that Insufficient funds would be available for infrastructure.			debt.	register 21
Planning reforms meaning changes to the development plan system and infrastructure delivery resulting in different approaches needing to be followed. There are risks that Changes to the plan-making process and the replacement of CIL with an Infrastructure Levy.	3	3	Ensure prepared for any forthcoming changes.	Strategic Planning Operational Risk register 22
Absence of clarity on where expenditure is to be made as a result of plans and strategies being incomplete or out-of-date. There is a risk that Failure to allocate expenditure such that if we do not secure investment in infrastructure (schools, health, public transport improvements etc.), then development is stifled and/or unsustainable.	2	3	Adopted Community Infrastructure Levy (CIL), secures investment on infrastructure via the planning process (which includes S106). Creating the Joint Corporate Plan, the emerging Joint Local Plan with associated Infrastructure strategy and Infrastructure Delivery Plan and Infrastructure Funding Statement will ensure that infrastructure across both Councils is addressed.	Strategic Planning Operational Risk register 33
Failure to produce a yearly Regulation 62	1	2	The Infrastructure Team produces the required report which is checked	Strategic Planning Operational

<p>report would result in non-compliance with the CIL Regulations 2010 (as amended) and may mean that Members and the public are not aware of CIL income and expenditure activities. Under the CIL Regulations 2019 an annual Funding Statement is required to address CIL and s106 developer contributions and a list of infrastructure projects ("Infrastructure List"). Failure to do so will also result in non-compliance with the CIL Regulations (as amended).</p>			<p>and verified by Financial services/open to review by External Audit. Reminders are set to ensure the report is published by the statutory date. The format of the Monitoring report which in future will be known as the annual Infrastructure Funding Statement (IFS) is laid out in the CIL Regulations, so there is no risk in relation to the way the information is presented</p>	<p>Risk register 34</p>
<p>Failure to monitor due to an absence of staff undertaking this task. There is a risk that failure to monitor expenditure may result in CIL expenditure not being effective.</p>	<p>2</p>	<p>3</p>	<p>The software which supports CIL collection will be used to support CIL expenditure. In addition, it is envisaged that a twice yearly (at least) CIL Expenditure Programme will be produced which will include details of all allocated and proposed CIL expenditure and this together with the software will be used for effective monitoring.</p>	<p>Strategic Planning Operational Risk register 35</p>

<p>If too high a value is allocated into the Strategic Infrastructure Fund, there is a risk that there would be insufficient Local Infrastructure Funding available to deliver the infrastructure required to mitigate the harm, thereby ensuring sustainable development.</p>	<p>2</p>	<p>3</p>	<p>The Infrastructure Team will continue to monitor all allocations of CIL Funds and the CIL Expenditure Framework review will include this risk as a key element of the review to ensure the level set remains appropriate.</p>	<p>Strategic Planning Operational Risk register 36</p>
<p>If 25% Neighbourhood CIL is automatically allocated to any Parish/Town Councils where there is no Neighbourhood Plan in place, there is a risk that there would be insufficient CIL Funding to allocate to the Strategic Infrastructure Fund and also the risk that there would be insufficient Local Infrastructure Funding available to deliver the infrastructure required to mitigate the harm, thereby ensuring sustainable</p>	<p>2</p>	<p>3</p>	<p>The Infrastructure Team will continue to monitor all allocations of Neighbourhood CIL and other CIL Funds and the CIL Expenditure Framework review will include this risk as a key element of the review to ensure allocations of CIL remain appropriate and projects to make development sustainable are able to be delivered.</p>	<p>Strategic Planning Operational Risk register 37</p>

development.				
If commencements of major housing developments were not correctly monitored or the incorrect apportionment of CIL monies were to occur such that monies could not be allocated towards major housing developments, inadequate infrastructure provision would result.	2	4	The Infrastructure Team will continue to monitor all commencements of development through the service of the required Commencement Notice by developers such that correct apportionment of CIL Funds can be undertaken. The CIL Expenditure Framework review will include this risk as a key element of the review to ensure allocations of CIL remain appropriate and projects to make development sustainable are able to be delivered.	Strategic Planning Operational Risk register 38

Assurances (for collection of CIL monies)

8.2 In September 2016 Internal Audit issued a report in relation to CIL governance processes. The Audit Opinion was High Standard and no recommendations for improvement to systems and processes were made. Table 5 provides a definition of this opinion:

Table 5

	Operation of controls	Recommended action
High standard	Systems described offer all necessary controls. Audit tests showed controls examined operating very effectively and where appropriate, in line with best practice.	Further improvement may not be cost effective.
Effective	Systems described offer most necessary controls. Audit tests showed controls examined operating effectively, with some improvements required.	Implementation of recommendations will further improve systems in line with best practice.
Ineffective	Systems described do not offer necessary controls. Audit tests showed key controls examined were operating ineffectively, with a number of improvements required.	Remedial action is required immediately to implement the recommendations made.
Poor	Systems described are largely uncontrolled, with complete absence of important controls. Most controls examined operate ineffectively with a large number of non-compliances and key improvements required.	A total review is urgently required.

8.3 On the 18th December 2017 Joint Overview and Scrutiny received a fact sheet on collection and current thinking on CIL expenditure and questions were answered in

relation to it. Members of that Committee were advised of the route map towards getting a framework for CIL expenditure formally considered. The resulting joint CIL Expenditure Framework, the CIL Expenditure Communications Strategy and the Timeline for the Expenditure of CIL and its Review were adopted by both Councils on the 24th April 2018 (Babergh) and 26th April 2018 (Mid Suffolk).

8.4 In May 2018 the results of an investigation by Internal Audit on behalf of the Assistant Director Planning and Communities (post title changed subsequently to Director Planning and Building Control) were produced following complaints regarding the CIL process in place for Babergh and Mid Suffolk. The investigation concluded: -

“The information provided to the public in relation to the CIL process is superior to that found for some other Councils and the team go over and above the requirements when supporting applicants where resources allow them to do so. It is Internal Audit’s opinion that the Infrastructure team, even though working under challenging conditions with increasing numbers of applications, are providing a good service to customers and pro-actively looking for ways to improve where possible.”

“The audit opinion is therefore high standard” – (paragraph 8.3 Table 5 defines)

8.5 In September 2018 Internal Audit conducted a review of CIL processes and released a written report. It contains a Substantial Assurance audit opinion (with two good practice points needing to be addressed relating to further clarification of “best value” (one of the criteria for assessing CIL Bids) and storage of all electronic communication. Both these matters have been addressed. The first point by including further explanation about Best Value in Appendix A; the second point through resource adjustments.

8.6 Within the first review process, information was captured from a wide array of sources and all feedback was shared with the Joint Member Panel including the recommendations of Overview and Scrutiny who met to discuss and review the operation of the CIL Expenditure Framework on the 19th November 2018. Their recommendations were considered as part of the first review of the CIL Expenditure Framework process by the Joint Member Panel.

8.7 On the 19th September 2019, a report was prepared for consideration by Joint Overview and Scrutiny on CIL expenditure with five witnesses including Infrastructure Providers, Cockfield Parish Council and a member of the Joint Member Panel; the latter of which worked to inform the second review of the CIL Expenditure Framework. Joint Overview asked questions of the witnesses and concluded the following: -

- Joint Overview and Scrutiny Committee endorses the work of the CIL team (and the CIL Member Working Group) and notes that a fit and proper process is in place in respect of the bidding and allocation of CIL funds

8.8 In line with the fifth review, both Councils agreed for the Joint Member Panel to inform a sixth review during Bid round 12 (October 2022) so that any changes could be in place before Bid round 13 commences in May 2024.

9. CONSULTATIONS

9.1 The CIL Expenditure Communications Strategy contains a requirement for both Councils to consult the following bodies or organisations (for a period of 14 days) where Bids for their Wards or Parish have been submitted as follows:

- District Member(s)-
- Parish Council
- Division County Councillor

9.2 Where appropriate as part of the CIL process and assessment of the Bids, Officers have also taken advice from other Officers within the Council; including the Communities team.

9.3 Regular Parish events and Member briefings will continue to be held to familiarise all with the Expenditure Framework and how we can continue to work together to provide infrastructure for the benefit of our communities.

10. EQUALITY ANALYSIS

10.1 See attached Screening report.

11. ENVIRONMENTAL IMPLICATIONS

11.1 It is important that appropriate infrastructure mitigates harm which could be caused by new development without its provision. CIL is one way in which infrastructure is provided and the CIL Expenditure Framework requires two bid rounds per year supported by the provision of a CIL Expenditure Programme for each Bid round. There is no EIA Assessment required.

12. APPENDICES

Title	Location
(a) Appendix A – CIL Expenditure Programme for Mid Suffolk – September 2023	Attached
(b) Appendix B – Technical Assessment of ... CIL Bids– September 2023	Attached
(c) Appendix C – Screening report for Equality Analysis (EQIA)	Attached

13. BACKGROUND DOCUMENTS

13.1 The CIL Expenditure Framework, the CIL Expenditure Framework Communications Strategy and the Infrastructure Funding Statement (including the Infrastructure List) for Mid Suffolk District Council together with the Key CIL Calendar dates for 2022/23 constitute background papers for this report. The original documents were adopted by both Councils in April 2018. They were reviewed, amended and

adopted by both Councils in March 2019, April 2020, March 2021, July 2022 (Mid Suffolk) and September (Babergh) 2022 and March 2023.

13.2 The following documents represent background documents to this report:-

- Current CIL Expenditure Framework

[Appendix-A-The-CIL-Expenditure-Framework-Babergh-and-Mid-Suffolk-Final-amended-March-2023-.pdf](#)

- Current CIL Expenditure Framework Communications Strategy

[Appendix-B-CIL-Expenditure-Framework-Communication-Strategy-Final-March-2023.pdf \(midsuffolk.gov.uk\)](#)

- Key CIL Calendar dates 2023/24

[Appendix-C-CIL-Expenditure-Calender-Key-dates-2023-24.pdf \(midsuffolk.gov.uk\)](#)

- Infrastructure Funding Statement for Mid Suffolk (November 2022)

[Appendix-B-MSDC-IFS-21-22-Infrastructure-List.pdf \(midsuffolk.gov.uk\)](#)

14. **REPORT AUTHOR**

Authorship: Christine Thurlow

Tel Number 01449 724525

Professional Lead Key Sites and Infrastructure

Email christine.thurlow@baberghmidsuffolk.gov.uk