

MID SUFFOLK DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: MCa/22/18
FROM: David Burn- Cabinet Member for Planning	DATE OF MEETING: 5th September 2022
OFFICER: Tom Barker Director Planning and Building Control	KEY DECISION REF NO. CAB360

COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE PROGRAMME SEPTEMBER 2022

1. PURPOSE OF REPORT

- 1.1 The CIL Expenditure Framework and the CIL Expenditure Framework Communications Strategy were adopted by Mid Suffolk on the 21st July 2022. These documents were also accompanied by the CIL Key Dates calendar 2022/23 (see background Papers). All these documents are due to be considered by Babergh at its next Council meeting on the 20st September 2022.
- 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 2022 which forms Appendix A to this report. This report contains the assessment of three CIL Bids (M22-13, M22-02, and M22-14) including the judgement around the prioritisation criteria for 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 documents set out in paragraph 1.1 above by Council decision in April 2018 which were subsequently reviewed and adopted on the 19th March 2019 (Babergh) and 18th March 2019 (Mid Suffolk) and further reviewed for the third time and adopted by both Councils on the 20th April 2020 and 23rd March 2021 (Babergh) and 25th March 2021 (Mid Suffolk) respectively. The fourth review took place in June 2022 and Mid Suffolk approved the changes on the 21st July 2022. All the changes/documents will be considered by Babergh on the 20th September 2022.

3. RECOMMENDATIONS

- 3.1 That the CIL Expenditure Programme (March 2022) and accompanying technical assessment of the CIL Bid – M22-13, M22-02, and M22-14 (forming Appendices, A and B) and which include decisions on these CIL Bid for Cabinet to make and approve and to note (delegated decision only) are as follows: -

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
M22-13 RINGSHALL Play Area	Amount of CIL Bid £20,566.35 Total costs of the project £54,856.08 Other funding sources are Ringshall Parish Council Neighbourhood CIL Reserves £16,000.00 Donation £1,000.00 Fundraising £350.00 MSDC Community Grant £16,939.73	Recommendation to Cabinet to approve CIL Bid M22-13 for £20,566.35 from the Local Infrastructure Fund

Decisions for Cabinet to make: Strategic Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the Infrastructure	Cabinet Decision
M22-14 THURSTON Rail Feasibility Study	Amount of CIL Bid £100,000.00 Total costs of the project £100,000.00	Recommendation to Cabinet to approve CIL Bid M22-14 for £100,000.00 from the Strategic Infrastructure Fund (with the awarded unspent funds (£100,000) under the previously approved CIL Bid M20-07 for Thurston Rail station feasibility study being returned to the Ringfenced Infrastructure Fund (Thurston) after the 11 th September 2022 when the 2 year CIL Bid offer letter expires).

Decisions for Cabinet to note: Ringfenced Infrastructure Fund (Botesdale)

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the Infrastructure	Cabinet Decision
M22-02 BOTESDALE Recreation Ground Entrance Infrastructure and picnic tables	Amount of CIL Bid £9,757.50 Total costs of the project £13,010.00 Other funding sources are Botesdale Parish Council £3,252.50	Recommendation for Cabinet to note the delegated decision for CIL Bid M22-02 for £9,757.50 from the Ringfenced Infrastructure Fund (Botesdale)

- 3.2 Cabinet is also asked to note and endorse this CIL Expenditure Programme which includes the position in respect of approved CIL Bids from Rounds 1, 2, 3, 4, 5, 6, 7, 8 and 9 - (Appendix A Section B) together with details of emerging infrastructure /CIL Bids (Appendix A Section C).

4. REASON FOR DECISION

Community Infrastructure Levy (CIL) monies have been collected since the implementation of CIL on the 11th of April 2016. The CIL Expenditure Framework was originally adopted in April 2018 and reviewed with amendments adopted on the 18th of March 2019, 20th April 2020, 23rd and 25th March 2021 and 21st July 2022 (Mid Suffolk fourth review only). All the changes/documents from the fourth review will be considered by Babergh on the 20th September 2022. The CIL Expenditure Framework requires the production of a CIL Expenditure Programme for each District which 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.

5. KEY INFORMATION

5.1 Given the determination of “available monies” for CIL Bids M22-02, M22-13 and M22-14 which are the subject of this report - (paragraphs 6.8 - 6.9 inclusive) Members are advised:

- Bid round 9 opened between 1st - 31st May 2022. 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 CIL Bids. Further key information about these Bids is set out below (augmented by the Technical Assessments comprising Appendix B): -
 - **M22-02 BOTESDALE Recreation Ground Entrance Infrastructure and picnic tables**
- This project aims to regenerate the Botesdale Recreation Ground so that it provides facilities for the whole of the community so that everyone can benefit from this open space for Health and Wellbeing. The community have been consulted and this project has full support from the District Member and Health Centre.
- This CIL bid will provide funding for the entrance infrastructure and picnic tables for the site.
- The whole project will provide Health and Fitness Area’s, Accessible routes, Eco route and Disability parking.
- This project will provide an area for all age groups to enjoy and benefit from. The new facilities will help to help to support the health and wellbeing of ages within the community.

- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £9,757.50 represents 75% of the total project costs. It lies within the community infrastructure thresholds of not exceeding £100,000 and 75% of the total costs. This project has been delivered under the Community Infrastructure section within the Infrastructure Funding Statement (Infrastructure List) for Mid Suffolk.

➤ **M22-13 RINGSHALL Play Area**

- This proposal represents an “oven ready” scheme with evidence of wide community support that would provide additional leisure and community facilities for the community and encourages active outdoor play for the children. The project will be funded through collaborative spend, with the CIL fund portion being 37.5% of the costs funded from the Local Infrastructure Fund, together with funding contributions from the Ringshall Parish Council Neighbourhood CIL Reserves, donation, fundraising event and MSDC community grant.
- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £20,566.35 represents 37.5% of the total project costs. It lies within the community infrastructure thresholds of not exceeding £100,000 and 75% of the total costs. This project has been delivered under the Community Infrastructure section within the Infrastructure Funding Statement (Infrastructure List) for Mid Suffolk.

➤ **M22-07 THURSTON Rail Station Level Crossing, Closure and Diversion Feasibility Study**

- This project is to complete a feasibility study to establish what mitigation is best suited, in the light of the cumulative growth; both recently constructed and committed for the area of Thurston. The project to provide a safer and more convenient access to Platform 1. It is a key infrastructure project to accommodate the housing development both recently carried out and committed for Thurston and is included in the Infrastructure Delivery Plan as essential infrastructure. The scope of the feasibility study has been expanded to consider cycling opportunities as well as considering the impact upon parking as set above.
- This bid is for a continuation of funds for the completion of a Network Rail Governance for Railway Investment Project (GRIP) Stage 3 Feasibility study, for a rail related infrastructure project. This feasibility study for Thurston is underway by Network Rail and significant progress has been made but outstanding work still requires completion around highway matters and the parking and cycling elements. The allocation of funds from the Thurston Ringfenced Infrastructure Fund for this feasibility study was originally made by MSDC Cabinet in September 2020. The 2 year offer letter was sent out on the 11th of September 2020 with the offer being accepted by Network Rail. These awarded funds for the completion of the feasibility study expire on the 11th of September 2022 and this new CIL Bid has been submitted to allow the completion of the feasibility study so that it can

continue to be paid for and a rail project can continue to be developed once the results are known.

- The current and committed growth identified for Thurston and the surrounding area would in combination increase potential usage. Safety risks are important considerations. Network Rail are obligated by the Regulator (the Office of Road and Rail) to mitigate the safety risk and a project group exists (including Network Rail representatives, Highway representatives, Parish Council and District and County Members together with Suffolk County Council and BMSDC Council officers) to steer this project forward in line with the CIL Expenditure Framework requirements. In May 2020, Network Rail presented the latest Narrative Risk Assessment (December 2019) to the local stakeholders including SCC, SH, BMSDC and Thurston Parish Council. This assessment took account of recent increased usage of the station level crossing and noted that the safety risk of the crossing will increase with the anticipated population growth from new housing developments in Thurston in the next few years. The Feasibility Study started in September 2020 and substantive progress has been made but it is not yet complete, and the next meeting of the working group will take place in August 2022.
- This is important infrastructure, and the feasibility study is a necessary part of the process to realise the required infrastructure. Carrying out a feasibility study is necessary to comply with the rail companies established and procedural way of working. For rail infrastructure, the CIL Expenditure Framework developed by the cross-party, cross-Council, Member working group has specifically included feasibility studies (as CIL eligible) for rail projects as it would be impossible to deliver a rail infrastructure project without such a feasibility study. There was an earlier feasibility study carried out by Network Rail at Thurston rail station crossing (2015). However, this predates the current one by several years. This earlier feasibility study was initiated by the rail companies themselves and District CIL was not used to pay for it. The current feasibility study is following an agreed scope for the project which our Infrastructure officers, the Highway Authority, Network Rail, Thurston Parish, Ward Members and the County Councillor have all agreed to. and we await the completion of the study in due course.
- The key benefits of the project would be:
 - Improved safety for all pedestrians.
 - Improved interchange facilities and access to rail services for all users.
 - Removal of the crossing would also remove a constraint on running more (or longer) passenger or freight services along this section of railway.
- On this basis this CIL Bid for the continuation of funds for this Rail Feasibility Study should be supported. However following the changes to the CIL Expenditure Framework (fourth review) it is recommended in this instance that the earlier funds of £100,000 which were agreed and which remain unspent should be returned to the Ringfenced Infrastructure Fund (from where they came) when the previous 2 year CIL Bid offer letter expires) and the costs of the completion of this Feasibility Study should be taken from the Strategic Infrastructure Fund (as the definition of Strategic Infrastructure in the CIL Expenditure Framework includes rail).

- 5.2 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, 2, 3, 4, 5, 6, 7, 8 and 9 together with a section which outlines the progress of emerging CIL Bids which are being discussed at pre submission stage (Appendix A section C).

6. LINKS TO JOINT CORPORATE PLAN

- 6.1 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.

7. FINANCIAL IMPLICATIONS

- 7.1 The adopted CIL Expenditure Framework is critical to the funding of infrastructure to support inclusive growth and sustainable development.
- 7.2 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.
- 7.3 However, these replacement documents (known as the CIL Position Statement) were replaced by separate Infrastructure Funding Statements (Infrastructure List) for both Councils They were both approved by each Councils Cabinet in November 2021.
- 7.4 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.
- 7.5 Since the implementation of CIL for both Councils on the 11th of April 2016 there have been ten 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 and May 2022. 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 Fund (explained in Paragraph 7.7 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).

7.6 The remaining 80% of the CIL monies comprises the Local Infrastructure Fund with the exception of the monies held in the Ringfenced Fund (explained in paragraph 7.7 below).

7.7 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. The remaining unallocated monies are known as the “available funds” and it is these funds that can fund the majority of CIL bids.

7.8 These available funds are: -

- Strategic Infrastructure Fund (including interest) as of 31st March 2022 = £4,616,829.25
- Total Ringfenced Infrastructure Fund as of 31st March 2022 = £9,585,173.72
- Local Infrastructure Fund available as of 31st March 2022 = £3,607,928.22

7.9 These are expressed as follows:

EXPENDITURE	TOTAL
Total Expenditure allocated in Bid Round 1-8 (Strategic Infrastructure Fund only)	£ 1,698,614.03
Percentage of fund allocated to projects	27%
Total Expenditure allocated in Bid Round 1-8 (Ringfenced Fund only – including the delegated decision for Botesdale included in this report)	£4,811,618.74
Percentage of fund allocated to projects	33%
Total Expenditure allocated in Bid Round 1-8 (Local Infrastructure Fund only)	£2,282,621.00

Percentage of fund allocated to projects	39%
AVAILABLE FUNDS FOR BID ROUND 9 – September 2022	TOTAL
Total amount available for Expenditure in Bid round 9 (Strategic Infrastructure Fund)	£4,616,829.25
Total amount available for Expenditure in Bid round 9 (Ringfenced Fund)	£9,585,173.72
Total amount available for Expenditure in Bid round 9 (Local Infrastructure Fund)	£3,607,928.22

8. LEGAL IMPLICATIONS

- 8.1 The detailed framework for CIL expenditure is legally sound and robust and was designed including a legal representative from the Councils Shared Legal Service (who also attended each of the Joint Member workshop sessions) and agreed the adopted CIL Expenditure Framework documents (prior to consideration by Cabinet and Council of both Districts).
- 8.2 This report and the accompanying CIL Expenditure Programme for Mid Suffolk District Council – September 2022 – 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.
- 8.3 Governance arrangements agreed in April 2018, and which have remained largely unchanged as part of the second CIL Expenditure Framework Review of 2020 are clear in respect of the determination of these Bids. They are Cabinet decisions and paragraph 3.1 of the CIL Expenditure Framework allows Bids to come forward independent of others if there are exceptional reasons.
- 8.4 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 websites (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/>

- 8.5 Under the CIL Regulations 2019, each Council has produced and approved an annual Infrastructure Funding Statement (dealing with 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 with the first one meeting a deadline of 31st December 2020.

8.6 For Mid Suffolk, the current annual Infrastructure Funding Statement was approved by Cabinet on the 1st November 2021. This document (which includes the “Infrastructure List”) was published on the Councils Website on the 1st November 2021. (See Background Papers).

9. RISK MANAGEMENT

9.1 The following have been identified as the key risks pertaining to this report.

9.2 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
<p>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.</p> <p>Current Risk Score: 6</p>	Unlikely (2)	Bad (3)	<p>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. New Anglia LEP Economic Strategy, draft created together with the Councils Open for Business Strategy.</p>
<p>Failure to produce a yearly Regulation 62 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</p>	Highly Unlikely (1)	Noticeable /Minor (2)	<p>The Infrastructure Team produces the required report which is checked 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</p>

<p>Statement is required to address CIL and s106 developer contributions and a list of infrastructure projects (“Infrastructure List”) and with the first one meeting the deadline of 31 December 2020 being published on the Councils web site of the 12th December 2020. Failure to do so will also result in non-compliance with the CIL Regulations (as amended)</p>			<p>is no risk in relation to the way the information is presented.</p>
<p>Failure to monitor expenditure such that CIL expenditure is not effective.</p>	<p>Unlikely (2)</p>	<p>Bad (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>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>Unlikely (2)</p>	<p>Bad (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>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</p>	<p>Unlikely (2)</p>	<p>Bad (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>

Infrastructure Funding available to deliver the infrastructure required to mitigate the harm, thereby ensuring sustainable 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.	Unlikely (2)	Disaster (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.

Assurances (for collection of CIL monies)

9.3 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.

9.4 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. Members were advised that this would be a key decision for both Councils and would need to go to Cabinet and then full Council. 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).

9.5 In May 2018, the results of an investigation by Internal Audit on behalf of the Assistant Director Planning and Communities 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 also pro-actively looking for ways to improve where possible.”

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

9.6 In September 2018 Internal Audit conducted a review of CIL Expenditure 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.

9.7 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 informed the second review of the CIL Expenditure Framework. The changes agreed under this second review process were adopted by both Councils on the 20th April 2020. A third review took place, and the changes were adopted by both Councils in March 2021. A fourth review took place, and the changes were adopted by both Councils in July 2022.

Assurances (for collection and expenditure of CIL Monies)

9.8 It is expected that Internal Audit will continue to regularly audit CIL collection allocation and expenditure processes and actual expenditure once any schemes are developed and implemented.

9.9 As Members will recall there is a timeline for implementation of CIL and its review which contains key dates for the remainder of the CIL expenditure year cycle (Background papers refer.)

9.10 The first review of the CIL Expenditure Framework took place in 2018 following consideration by Joint Overview and Scrutiny in November 2018. The Joint Member Panel also informed the review, and the conclusions were presented to both Councils and adopted in March 2019. This decision by both Councils planned for a further review of the CIL Expenditure Framework to occur at the same time as the Bid round no 4 so that any revised scheme would be in place before Bid round 5. This second review of the CIL Expenditure Framework was adopted by both Councils in April 2020. In making this decision Members agreed that a further third review would take place at the same time as Bid round 6 (October 2020) so that it is in place before Bid round 7 starts in May 2021. This review took place over the autumn/winter of 2020 and amendments were considered and adopted by both Councils in March 2021. In making this decision Members agreed that a further (fourth) review would occur; this took place in June 2022 and the changes were agreed by both Councils in July 2022.

10. CONSULTATIONS

10.1 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 valid Bids for their Wards or Parish have been submitted as follows: -

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

10.2 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.

10.3 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.

11. EQUALITY ANALYSIS

11.1 Please see attached Screening report.

12. ENVIRONMENTAL IMPLICATIONS

12.1 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.

13. APPENDICES

Title	Location
A. Appendix A - CIL Expenditure Programme for Mid Suffolk – September 2022	ATTACHED

B. Appendix B - Technical Assessment of CIL Bids M22-13, M22-02, and M22-14 – September 2022	ATTACHED
C. Appendix C - Screening report for Equality Analysis	ATTACHED

14. BACKGROUND DOCUMENTS

14.1 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 and adopted by both Councils in March 2019 (Babergh – 18th and Mid Suffolk - 19th March) and further amended and adopted by both Councils in April 2020 and in March 2021. The results of the fourth review were considered by Council at Mid Suffolk on the 21st July 2022. All the changes/documents from the fourth review will be considered by Babergh on the 20th September 2022. These amended background documents (21st July 2022) are as follows: -

- The CIL Expenditure Framework (amended by Mid Suffolk in July 2022) :
<https://baberghmidsuffolk.moderngov.co.uk/documents/s27875/Appendix%20A%20The%20CIL%20Expenditure%20Framework%20Babergh%20and%20Mid%20Suffolk%20Final%20amended%20July%202022.pdf>
- The CIL Expenditure Framework Communications Strategy (amended by Mid Suffolk in July 2022) :
<https://baberghmidsuffolk.moderngov.co.uk/documents/s27876/Appendix%20B%20CIL%20Expenditure%20Framework%20Communication%20Strategy%20Final%20July%202022.pdf>
- Key CIL Calendar dates 2022/23
<https://baberghmidsuffolk.moderngov.co.uk/documents/s27877/Appendix%20C%20CIL%20Expenditure%20Calendar%20Key%20dates%20in%20bold.pdf>
- Infrastructure Funding Statement for Mid Suffolk (November 2021)
<https://www.midsuffolk.gov.uk/assets/CIL-and-S106-Documents/IFS-20-21-Appendix-B-Infrastructure-List-Mid-Suffolk.pdf>

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