

MID SUFFOLK DISTRICT COUNCIL

TO:	Cabinet	REPORT NUMBER: MCa/22/26
FROM:	David Burn- Cabinet Member for Planning	DATE OF MEETING: 7th November 2022
OFFICER:	Tom Barker Director Planning and Building Control	KEY DECISION REF NO. CAB361

COMMUNITY INFRASTRUCTURE LEVY (CIL) - CIL EXPENDITURE PROGRAMME NOVEMBER 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 and on the 6th October 2022 by Babergh. These documents were also accompanied by the CIL Key Dates calendar 2022/23 (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 – November 2022 which forms Appendix A to this report. This report contains the assessment of six CIL Bids (M21-09, M22-06, M22-12, M22-15, M22-05 and M22-09) 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 and Babergh approved the changes on the 21st July 2022 and on the 6th October 2022 respectively.

3. RECOMMENDATIONS

- 3.1 That the CIL Expenditure Programme (November 2022) and accompanying technical assessment of the CIL Bids – M21-09, M22-06, M22-12, M22-15, M22-05 and M22-09 (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 approved as follows: -

Decisions for Cabinet to make: Ringfenced Infrastructure Fund (Walsham-le-Willows, Badwell Ash, Thurston, Elmswell, Woolpit, Tostock and Rattlesden) and Strategic Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the Infrastructure	Cabinet Decision
M21-09 THURSTON Expansion of Thurston Community College	Amount of CIL Bid £1,781,462.00 Total costs of the project £2,018,011 Other funding sources are Section 106 £184,595 Basic Need funding £33,943 Suffolk County Council borrowing £18,011	Recommendation to Cabinet to approve CIL Bid M21-09 for £1,214,468.96 from the Ringfenced Fund (Walsham-le-Willows, Badwell Ash, Thurston, Elmswell, Woolpit, Tostock and Rattlesden) and £566,993.04 from Strategic Infrastructure 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
M22-06 EYE Play Facilities	Amount of CIL Bid £100,000.00 Total costs of the project	Recommendation to Cabinet to approve CIL Bid M22-06 for £100,000.00 from the

		<p>£150,000.00</p> <p>Other funding sources are</p> <p>MSDC Capital Grant £25,000.00</p> <p>Eye Town Council £5,000.00</p> <p>Community Development Fund MSDC £20,000.00 (unsecured)</p>	<p>Local Infrastructure Fund</p> <p>(CIL Funding is subject to other funding being secured)</p>
M22-12	Amount of CIL Bid	Recommendation to Cabinet to approve CIL Bid M22-12 for £67,914.00 from the Local Infrastructure Fund	
OLD NEWTON	£67,914.00		
Village Hall Extension	Total costs of the project £90,552.00		
	Other funding sources are		
	S106 funding £861.57		
	Capital Grants MSDC £21,776.43		
M22-15	Amount of CIL Bid	Recommendation to Cabinet to approve CIL Bid M22-15 for £18,375.63 from the Local Infrastructure Fund	
WETHERDEN	£18,375.63		
Play Area	Total costs of the project £33,375.63		
	Other funding sources are		
	Wetherden Parish Council £15,000.00		

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
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M22-05 EYE Moors Woodland Footpath	Amount of CIL Bid £5,000.00 Total costs of the project £13,000.00 Other funding sources are Suffolk County Council and Eye Town Council £2,000.00 CLA Charitable Trust £6,000.00	Recommendation for Cabinet to note the delegated decision for CIL Bid M22-05 for £5,000.00 from the Local Infrastructure Fund
M22-09 METFIELD Play Area	Amount of CIL Bid £8,788.97 Total costs of the project £11,718.63 Other funding sources are MSDC Locality fund £2,000 Metfield Parish Council £125.67 S106 funding £803.99	Recommendation for Cabinet to note the delegated decision for CIL Bid M22-09 for £8,788.97 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, 2, 3, 4, 5, 6, 7, 8 and 9 (September 2022) - (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 April 2016. The CIL Expenditure Framework was originally adopted in April 2018 and reviewed with amendments adopted in the March 2019, April 2020, 23rd and March 2021. They were further reviewed, and changes were adopted in July 2022 by Mid Suffolk and in October 2022 by Babergh. 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.

5. KEY INFORMATION

5.1 Given the determination of “available monies” for CIL Bids M21-09, M22-06, M22-12, M22-15, M22-05 and M22-09 which are the subject of this report - (paragraphs 6.8 - 6.9 inclusive) Members are advised:

- Bid round 10 opened between 1st - 31st October 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 6 CIL Bids. Further key information about these Bids is set out below (augmented by the Technical Assessments comprising Appendix B): -

➤ **M21-09 – Thurston Community College (increase of pupil places from 1500 to 1650)**

- Thurston Community College educates more children than any other school in Suffolk and has the largest catchment area nationally. The Sixth Form is in the top 10% of sixth form providers in England.
- The number of homes within this catchment area is set to increase significantly in the near future, placing greater pressure on the College facilities and the need to increase pupil places for education provision.
- The project relates to the 2nd phase of the expansion of the Thurston Community College. This second phase involves the expansion of the school buildings to meet the need for additional pupil places arising from housing developments in the school's catchment area. The current capacity of the main Thurston campus is 1500 places. This expansion project will take place in two stages, initially to increase to 1650 places (which is the subject of this CIL Bid), and then to 1800 places dependent on the rate of residential growth.
- This expansion will provide additional school places for 11 to 16-year-old pupils.
- The new accommodation consists of a single-storey stand-alone block to provide purpose-built teaching and science spaces. The proposal includes an additional Science room, six class bases, a Prep Room, and toilets.

- Phase 1 of the expansion project represents an oven ready scheme which requires CIL funding to be delivered so that the extension can be open by September 2023. Section 106 developer contributions and Basic Need funding will also be used towards the project cost.
- The implementation of Phase 2 ensures that Thurston Community College has sufficient pupil places to provide for the residential growth within the catchment area.
- Expanding the school will also create further employment opportunities at the school.
- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £1,781,462 (with the remainder of the project costs - £236,549 being derived from Basic Needs funding, s106 funds and Suffolk County Council borrowing). The CIL Bid constitutes essential infrastructure under the Councils current Infrastructure Delivery Plan and under the Education section within the current Infrastructure Funding Statement (Infrastructure List) for Mid Suffolk (project reference IDP062).
- **M22-06 - Eye Play Facilities Oak Crescent**
- After consultations with local residents, Eye Town Council are requesting CIL support to upgrade and develop the play area on Oak Crescent Playing Field. The current equipment is outdated while some has been deemed unsafe and has had to be closed. The new apparatus will increase the usage of the site by providing equipment that can be used for a larger range of age groups.
- The project will provide new play equipment including an in-ground trampoline, zip line, different types of swings for different age groups (Toddlers to 5+) and multi play climbing frame with slide. The project will also resurface the ground to ensure that the apparatus can be used all year long. The equipment will use new sustainable materials to ensure longevity and equipment will ensure easier maintenance. With this new apparatus and overall upgrading this will increase the footfall to the site.
- The upgraded play area will provide children with a safe and modern play area, where parents with children with a wide range of age groups can meet while their children engage in outdoor play. This will help in the development of the children's social and physical skills.
- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £100,000 represents 66% 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.

➤ **M22-12 - Extension to the Old Newton Village Hall**

- The Old Newton Village Hall and Playing Field Committee is proposing to extend the existing village hall provision to enable the improvement of the current village hall. This part of the phased works which will provide the village hall with new storage and bar space along with the upgrading of the current kitchen provision.
- With the extension to the existing building the Committee are hoping that this will attract additional bookings for functions (Weddings/Parties). The proposed works will also improve the experience of users of the hall including the under 5's playgroup which uses the hall regularly. The playgroup are currently the principal users of the building and provide a crucial service to the local growing community. The extension will improve the storage facilities that they have access to. The village hall is also used by sporting clubs (Badminton, walking football & bowls) which benefit the local senior community. The increased storage space will assist these clubs with storing equipment and keeping the main hall space clear.
- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £67,914 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.

➤ **M22-15 – Wetherden Play Area**

- The Wetherden Parish Council after consultation with local residents are proposing to upgrade their current play area. The Parish Council are requesting CIL support to develop and relocate the new play area on Wetherden Playing Field. The current equipment is outdated while some has been deemed unsafe due to trees that overhang the current play area. Residents and suppliers have advised that these trees pose a safety risk to children using the equipment and the apparatus itself via falling branches on the play area site.
- The project will provide new play equipment including a four tower multi-unit, seesaw, resurfacing the ground to enable the site to be used all year-round. The Parish Council will be providing new apparatus for younger children which will increase the diversity of the equipment and overall footfall to the play area. Using new sustainable materials will ensure longevity and equipment and will ensure easier maintenance.
- The new play area will provide children with a new safe play area, where parents with younger pre-school children can meet while their children engage

in outdoor play. This will help in the development of the children's social and physical skills.

- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £18,375.63 represents 55% 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.

- **M22-05 - Eye Moors Woodland Footpath**

- The Eye Moors Woodland Society are proposing to improve the user experience of the Eye Moors Woodland. This is being achieved with different projects occurring at the same time. CIL, if approved, would be assisting with the construction of a new user woodland footpath which runs through the forest. The path will be constructed using materials which will provide additional accessibility to people with disabilities, users who have difficulty walking and parents with pushchairs and toddlers. This will increase the overall users accessing the woodland and better the experience of people using the forest for physical activity. The improved path will connect different parts of the forest for example the new picnic area and the car park.

- Improvements to footpaths are part of the infrastructure plan included within the Eye Neighbourhood Plan and consulted upon as part of the preparation of that plan (that was approved at referendum in May 2021 by a substantial majority). Local people in Eye have donated £1,500 to the overall project and volunteers have contributed over 250 hours working on the project.

- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £5,000 represents 38% 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.

- **M22-09 - Improvements to St Johns Meadow Play facilities, Metfield**

- The Metfield Parish Council after consultation with local residents is proposing to upgrade and provide additional equipment to broaden the age ranges which the play area caters for. The Parish Council will achieve this by removing the current aging equipment and installing new improved apparatus which includes a new play train, spring equipment, wavy mirror panels and new ground surfacing to improve safety and ensure that the site can be used through-out the year. Using new sustainable materials to ensure longevity and equipment will ensure easier maintenance.

- Metfield Parish Council has produced the new play area after feedback from parents in the local area. During the covid lockdown the Parish Council receive many correspondences concerning when the current play area would be reopening. This evidences how popular the current play area is. With new apparatus and overall improvements to the site the Parish Council are hoping that this attracts more people to use new site.
- The new play area will provide children with a new safe play area, where parents with younger pre-school children can meet while their children engage in outdoor play. This will help in the development of the children's social and physical skills.
- The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as the CIL Bid of £8,788.97 represents 75% of the total project costs. It lies within the community infrastructure thresholds of not exceeding £75,000 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.

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 (September 2022) 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 and October 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 = £4,312,889.51
 - Total Ringfenced Infrastructure Fund as of 31st March 2022 = £9,701,966.98

- Local Infrastructure Fund available as of 31st March 2022 = £3,695,091.46

7.9 These are expressed as follows:

EXPENDITURE	TOTAL
STRATEGIC INFRASTRUCTURE FUND Total Expenditure allocated in Bid Round 1-9 (September 2022) (Strategic Infrastructure Fund only)	£ 1,798,614.03
Total Expenditure de-allocated in Bid Round 1-9 (September 2022) Unspent funds returned	£23,237.50
Percentage of fund allocated to projects	29%
RINGFENCED FUND Total Expenditure allocated in Bid Round 1-9 (September 2022) (Ringfenced Fund only)	£4,811,618.74
Total Expenditure de-allocated in Bid Round 1-9 (September 2022) Unspent funds returned	£100,000.00
Percentage of fund allocated to projects	33%
LOCAL INFRASTRUCTURE FUND Total Expenditure allocated in Bid Round 1-9 (September 2022) (Local Infrastructure Fund only)	£2,303,187.35
Total Expenditure de-allocated in Bid Round 1-9 (September 2022) Unspent funds returned	£100,088.57
Percentage of fund allocated to projects	39%
AVAILABLE FUNDS FOR BID ROUND 9 – November 2022	TOTAL

Total amount available for Expenditure in Bid round 9 (Strategic Infrastructure Fund)	£4,312,889.51
Total amount available for Expenditure in Bid round 9 (Ringfenced Fund)	£9,701,966.98
Total amount available for Expenditure in Bid round 9 (Local Infrastructure Fund)	£3,695,091.46

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 – November 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 Statement is required to address CIL and s106 developer contributions and a list of infrastructure projects (“Infrastructure List”) and with the first one</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 is no risk in relation to the way the information is presented.</p>

meeting the deadline of 31 December 2020 being published on the Councils web site of the 12 th December 2020. Failure to do so will also result in non-compliance with the CIL Regulations (as amended)			
Failure to monitor expenditure such that CIL expenditure is not effective.	Unlikely (2)	Bad (3)	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.
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.	Unlikely (2)	Bad (3)	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.
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	Unlikely (2)	Bad (3)	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.

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 Mid Suffolk in July 2022 and in October 2022 by Babergh.

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 Mid Suffolk in July 2022 and by Babergh in October 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 – November 2022	ATTACHED
B. Appendix B - Technical Assessment of CIL Bids M21-09, M22-06, M22-12, M22-15, M22-05 and M22-09 – November 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 with changes being adopted by both Councils in March 2019, April 2020 and March 2021. The results of the fourth review were considered and approved by Council at Mid Suffolk on the 21st July 2022 and by Babergh on the 20th September 2022. These amended background documents are as follows: -

- The CIL Expenditure Framework (amended 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 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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