

BABERGH DISTRICT COUNCIL

TO: Cabinet	REPORT NUMBER: BCa/23/45
FROM: Sallie Davies – Cabinet Member for Planning	DATE OF MEETING: 4 th March 2024
OFFICER: Tom Barker Director Planning and Building Control	KEY DECISION REF NO. CAB471

COMMUNITY INFRASTRUCTURE LEVY (CIL) – CIL EXPENDITURE PROGRAMME MARCH 2024

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 Babergh's CIL Expenditure Programme – March 2024 which forms Appendix A to this report. This report contains the following 3 CIL Bids including the judgements around the 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
- Sixth Review – Occurred in Winter 2023; likely to be considered by both Councils in March 2024

3. RECOMMENDATIONS

3.1 That the CIL Expenditure Programme (March 2024) 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/or note) as follows: -

Decisions for Cabinet to approve: - Ringfenced Infrastructure Funds (Long Melford)

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
B23-12 LONG MELFORD Cordell Place Play Area	Amount of CIL Bid £97,437.31 Total cost of the project £129,946.26 (excluding VAT) Total of other funding £12,942.08 - S106 funding £19,566.87 – Parish Council	Recommendation to Cabinet to approve CIL Bid B23-12 for £97,437.31 from the Ringfenced Infrastructure Fund

Decisions for Cabinet to approve: Local Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
B21-07 SUDBURY Belle Vue Toilets/Changing Places Facility and improvements to car park/walls	Amount of CIL Bid £240,570.00 Total cost of the project £533,329.31 (eligible costs excluding VAT) Total of other funding BDC Council Reserves £292,759.31	Recommendation to Cabinet to approve CIL Bid B21-07 for £240,570.00 from the Local Infrastructure Fund

Delegated decisions for Cabinet to note: - Ringfenced Infrastructure Fund

CIL Bid, Location and Infrastructure Proposed	Amount of CIL Bid and total cost of the infrastructure	Cabinet Decision
B23-08 BRANTHAM Merriam Close Play Area Upgrade	Amount of CIL Bid £3,833.47 Total cost of the project £5,111.29 Total of other funding:- Parish Council £1,277.82	Recommendation to Cabinet to note this approved CIL Bid B23-08 by delegated decision for £3,833.47 from the Ringfenced 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 11 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 (originally adopted in April 2018) has been 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 at least two CIL Expenditure Programmes for each District (per year) 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” (paragraphs 6.8 – 6.9 inclusive) Members are advised:

- Bid round 12 opened on the 1st October 2023 and closed on the 31st October 2023. All new Bids received to date 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 with the Technical Assessments, and both are presented to Cabinet to consider.
- This CIL Expenditure Programme document focuses on the following 3 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 Bid, Parish and type of proposed infrastructure	Key Information and whether CIL Bid falls within the CIL Expenditure framework and is contained within the current Infrastructure Funding Statement – Infrastructure List for Babergh. Recommendation to Cabinet to approve or for Cabinet to note.
B23-08 BRANTHAM Merriam Close Play Area Upgrade	Brantham Parish Council, after consultation with local residents are proposing to upgrade and provide additional equipment to the play area at Merriam Close, to widen the age range and abilities which this play area caters for. The Parish Council will achieve this by installing a new cradle swing at Merriam Close as well as new ground surfacing to improve safety and ensure that the site can be used. Using

<p>CIL Bid funding element = 75%</p> <p>Total project costs</p> <p>£5,111.29 (exclusive of VAT)</p>	<p>new sustainable materials to ensure longevity and equipment will ensure easier maintenance.</p> <p>Brantham Village stretches along the busy A137 and the Parish Council has identified a need to ensure that the play areas provided for the local families offer the best facilities available and has taken the feedback from local residents on board when deciding to upgrade the play areas. It is anticipated that with the provision of a cradle swing at Merriam Close play area, it will provide a more diverse and age-appropriate area for children of all abilities. This will also ensure that the area continues to be utilised not only by the local residents but also by those in the surrounding area.</p> <p>The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as it lies within the community threshold parameters and within the Infrastructure List for Babergh (within the Infrastructure Funding Statement).</p> <p>Recommendation is for Cabinet to note the delegated decision for CIL Bid B23-08 for £3,833.47</p>
<p>B23-12</p> <p>LONG MELFORD</p> <p>Cordell Place Play Area</p> <p>CIL Bid funding element = 75%</p> <p>Total project costs</p> <p>£129,946.26 (exclusive of VAT)</p>	<p>Long Melford Parish Council after consultation with local residents are proposing to upgrade and provide additional equipment to widen the age range and abilities which the Cordell Place play area caters for, including team play. Currently the Play Area is owned by Babergh District Council and Long Melford Parish Council and in the process of negotiations for a lease for the area. The Parish Council will achieve this by removing the existing equipment and creating an inclusive and accessible area (which will include sensory play equipment), create a safe enclosed area for the under 5s and include provision of equipment for team games (five-a-side goals). A path will be created to provide entry to the accessible and under 5s area enabling wheelchairs users and pushchairs to easily navigate the play area. Using new sustainable materials to ensure longevity and equipment will ensure easier maintenance.</p> <p>The amount of CIL funding is regarded as acceptable under the terms of the CIL Expenditure Framework as it lies within the community threshold parameters and within the Infrastructure List for Babergh (within the Infrastructure Funding Statement).</p>

	Recommendation is for Cabinet to approve CIL Bid B23-12 for £97,437.31 (subject to a lease of not less than 25 years being signed)
<p>B21-07</p> <p>SUDBURY</p> <p>Belle Vue Park Toilets/Changing Places Facility and improvements to car park/wall.</p> <p>CIL Bid funding element = £240,570.00</p> <p>Total project cost £706,514.31</p>	<p>The planning application which recently received the benefit of planning permission and which relates to this CIL Bid, is for the erection of a café and toilet block including outdoor seating area (following demolition of existing toilet block) at Belle Vue Park in Sudbury. This CIL Bid relates to a request for 100% of the funding of the toilets and changing places facility together with a proportioned amount for the ground works for the toilets, drainage and electrical provision for the toilets, works to a nearby wall and the re-cambering of the car park only). All of these elements of the project are classed as infrastructure and lie within the CIL Expenditure Framework and are eligible for funding. The toilets and changing places facility doors open onto Belle Vue Park, making them available for use by the local community and visitors to the park, accessible to all, not just those using the café. On this basis and as the proposal has been submitted by the Council as an infrastructure provider, the amount of funding is not limited. However, no District CIL is being used for any part of the works involved in the cafe as the CIL Expenditure Framework does not allow the use of District CIL for any business purpose.</p> <p>The park has an estimated footfall of around 3,000 to 4,000 visits per month (seasonal variances) and is a very well used facility in a prominent location within the town. Supporting this park in Sudbury with new toilet provision which includes a Changing Place facility will assist residents and visitors to the town during their stay.</p> <p>Recommendation is for Cabinet to approve CIL Bid B21-07 for £240,570.00</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 11 (inclusive) together with a section which outlines the progress of emerging CIL Bids which are being discussed at pre submission stage (Appendix A).

5. LINKS TO OUR PLAN FOR BABERGH

5.1 The effective spending of CIL monies will contribute to those priority areas listed below, that the Council identified in the Our Plan For Babergh which sets out a vision approach and strategic priorities for the Council for the period 2023-2031(Climate Change, Lack of Infrastructure, Transport and Communities and Well Being).

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 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) for both Councils. The last iteration of each Council's IFS were produced and published in December 2023.
- 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 April 2016 there have been fifteen 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 and October 2023. At the time that the Neighbourhood payments are made, the 20% set aside for the 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 30th September 2023 for Cabinet decisions/noting in March 2024**

INFRASTRUCTURE FUND	AVAILABLE BALANCE
Strategic Infrastructure Fund	£3,029,236.74
Ringfenced Infrastructure Fund	£6,551,133.28
Local Infrastructure Fund	£3,672,386.13

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

INFRASTRUCTURE FUND	TOTAL OF COLLECTED INCOME	TOTAL ALLOCATION	TOTAL ALLOCATED (UNDERSPEND OR DEADLINE EXPIRY)	PERCENTAGE OF FUNDS RECEIVED ALLOCATED TO PROJECTS
STRATEGIC INFRASTRUCTURE FUND	£3,522,570.47	£531,103.56	£37,769.83	14%
RINGFENCED INFRASTRUCTURE FUND	£7,205,500.17	£659,232.67	£4,865.78	9%
LOCAL INFRASTRUCTURE FUND	£5,740,988.33	£2,283,198.48	£214,596.28	36%

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 these reviews.
- 7.2 This report and the accompanying CIL Expenditure Programme for Babergh District Council – March 2024 – 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 are part of all successive reviews of the CIL Expenditure Framework; they are clear in respect of the determination of these Bids. They are Cabinet decisions (above £10,000) and there is provision for delegated CIL Bid decisions which Cabinet are asked to note (under £10,000).
- 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 Babergh are published on the website (see below).

<https://www.babergh.gov.uk/documents/54707/115216/BDC+Monitoring+Report+2016-2017.pdf/373f65bc-e268-eed6-9213-652534a211e0?t=1685015036600>

<https://www.babergh.gov.uk/documents/54707/115216/BDC+Monitoring+Report+2017-2018.pdf/41308abd-a605-ec42-f58e-bab31771e1fe?t=1685015037006>

<https://www.babergh.gov.uk/documents/54707/115216/BDC+Monitoring+Report+2018-2019.pdf/32cb5a27-963e-01f8-a502-1e2616eae68e?t=1685015037351>

- 7.5 Under the new CIL Regulations 2019, each Council has produced and approved 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 new CIL Regulations 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.
- 7.2 For Babergh the current Infrastructure Funding Statement (which includes the “Infrastructure List”) was published on the Councils Website in December 2023.(Background Papers refer).

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. There is a risk that Insufficient funds would be available for infrastructure.	3	3	Appointment of a Debt recovery officer in 2021 to ensure improved recovery of CIL and s106 debt.	Strategic Planning Operational Risk register 21
Planning reforms meaning changes to the	3	3	Ensure prepared for any forthcoming changes.	Strategic Planning Operational

<p>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.</p>				<p>Risk register 22</p>
<p>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.</p>	<p>2</p>	<p>3</p>	<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.</p>	<p>Strategic Planning Operational Risk register 33</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</p>	<p>1</p>	<p>2</p>	<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</p>	<p>Strategic Planning Operational Risk register 34</p>

<p>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>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>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>	2	3	<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</p>	2	3	<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</p>	<p>Strategic Planning Operational Risk register 36</p>

<p>Funding available to deliver the infrastructure required to mitigate the harm, thereby ensuring sustainable development.</p>			<p>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 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 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>
<p>If commencements of major housing developments were not correctly monitored or the incorrect</p>	<p>2</p>	<p>4</p>	<p>The Infrastructure Team will continue to monitor all commencements of development through the service of the required Commencement Notice by developers such that</p>	<p>Strategic Planning Operational Risk register 38</p>

apportionment of CIL monies were to occur such that monies could not be allocated towards major housing developments, inadequate infrastructure provision would result.			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)

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 and Interim Director Communities and Wellbeing) 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 Committee 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 and Scrutiny Committee 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 sixth review of the CIL Expenditure Framework which took place in Winter 2023, the Joint Member Panel Members have signalled their recommendation for both Councils to consider a seventh review during Bid round 14 (October 2024) so that any changes could be in place before Bid round 15 commences in May 2025. This matter will be considered when the changes to the CIL Expenditure Framework (following the sixth review) are considered by both Councils in March 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 Members-

- Parish Council
- Division County Councillor

9.2 Where appropriate as part of the CIL process and assessment of 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 CIL 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 (at least twice per year). There is no EIA Assessment required.

12. APPENDICES

Title	Location
(a) Appendix A – CIL Expenditure Programme for Babergh – March 2024	Attached
(b) Appendix B – Technical Assessment of CIL Bids – March 2024	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) together with the Key CIL Calendar dates for 2023/24 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

[66c1b676-37fe-2acf-516f-61db9b627937 \(babergh.gov.uk\)](https://www.babergh.gov.uk/66c1b676-37fe-2acf-516f-61db9b627937)

- Current CIL Expenditure Framework Communications Strategy.
[8e6cf5c7-7388-6aa9-8c0f-c575e097a5ef \(babergh.gov.uk\)](https://www.babergh.gov.uk/8e6cf5c7-7388-6aa9-8c0f-c575e097a5ef)
- Current Key CIL Calendar dates – 2023/24
[6940d595-3511-6b24-4147-59f376f1c94c \(babergh.gov.uk\)](https://www.babergh.gov.uk/6940d595-3511-6b24-4147-59f376f1c94c)
- Infrastructure Funding Statement for Babergh – December 2023
[appendix-b-bdc-ifs-22-23-infrastructure-list \(babergh.gov.uk\)](https://www.babergh.gov.uk/appendix-b-bdc-ifs-22-23-infrastructure-list)

14. REPORT AUTHOR

Authorship: Christine Thurlow

Tel Number 01449 724525

Professional Lead Key Sites and Infrastructure

Email christine.thurlow@baberghmidsuffolk.gov.uk