

Item 4a - Allocation of Community Infrastructure Levy (CIL) Contributions to Local and Strategic Infrastructure Projects

The attached report was considered by the CIL Spending Board on 8 May 2018. The relevant Minute extract and recommendation is below.

CIL Spending Board (8 May 2018, Minute 3)

The Chairman explained the procedure that would be followed. It was agreed that all debate would be reserved until all the applications had been heard.

The Planning Officer (Policy) presented a report which advised Members that the first round of bids had been open for 12 weeks from 1 September 2017 to 1 December 2017. Community Infrastructure Levy (CIL) contributions had been collected on qualifying developments and the council had a mandatory responsibility to pass a portion of CIL contributions to Town and Parish Councils where development had occurred within a 6-month period. Cabinet had agreed that all Parish and Town Councils in the District would receive 25% of CIL contributions collected and would be calculated against the top CIL charging rate, resulting in discretionary 'top up' payments made by the District Council. The council could recover up to 5% of CIL receipts for administration costs. Members were advised that there was a typographical error in the report and the total value of CIL receipts passed to Town and Parish Councils as of the 31 March 2018 was £1.1million.

The process for assessing applications was a two-stage process as set out in the council's Constitution and all bids were judged on merit.

Application A - Upper Darent Flood Alleviation Scheme

Members were advised that the proposal was for a flood alleviation scheme for the Upper Darent River which sought £29,000.00. The scheme was located along the A25 corridor between Westerham and Sundridge and looked to make a number of improvements and works to reduce the risk of flooding to existing properties along the A25 corridor. It would also mitigate the risk of flooding on the highway. The proposal demonstrated strong economic, social and environmental benefits to the community; partnership working with other organisations' and the majority of project costs secured through match-funding.

The Board was addressed by the following speakers:

| | |
|---|--------------|
| Company/person/body responsible for the bid | Peter Waring |
| For the bid | - |
| Against the bid | - |
| Parish Representative | - |
| Local Member | Cllr. Esler |

Members asked questions of the speakers and Officers. Members were advised that £145,000.00 had been allocated from DEFRA following an early funding process and there had been no control over what could be applied for. More than 20 businesses and homes would benefit from the flood alleviation measures and that the main routes into Westerham would also remain accessible. Members were advised by the Officer that planning permission was not listed as a key consideration as not all the works planned to be undertaken would require planning permission. The agreed scoring matrix was used and, in the Officer's view, other areas outweighed the lack of planning permission in place. As a statutory Government body, the Environment Agency had its own permissive powers to carry out works to watercourses under its own jurisdiction without planning permission.

Application B - Four Elms Playground (Hever Parish Council)

The application sought £3,000.00 to fund the removal of the existing, underused playground equipment and replace it with new accessible play equipment which would be suitable for 0 - 15 year olds. The scheme would also include renovation of the ground surface for the playground, while also providing additional seating, bins and landscaping. It had been confirmed that planning permission was not required as the works could be carried out under permitted development. The proposal demonstrated strong economic, social and environmental benefits to the community and the majority of project costs secured through different match-funding sources.

| | |
|---|---------------|
| Company/person/body responsible for the bid | John Hodson |
| For the bid | - |
| Against the bid | - |
| Parish Representative | - |
| Local Member | Cllr. Dickins |

Members asked questions of the speakers. Members were advised that if additional funding was required this would be met from the Parish Council's revenue account which had not been reflected in the pro forma. The playground would be open for all to use and was situated behind the primary school. Members were advised that £18,000 had been secured and this would provide basic play equipment. However, the additional £3,000 funding would secure additional equipment for those with special educational needs.

Application C - Darent Valley Path Enhancements

The proposed scheme requested £255,230.00 and looked to improve the standard of the Darent Valley Path by creating an integrated sustainable

transport corridor through the Darent Valley which would provide a viable alternative to car journeys for both visitors and residents. It would make further provision for cyclists to use the path or an alternative parallel route, as well as enhancing routes to local train stations to encourage sustainable travel. Improvements to way-findings and signage were also proposed. The proposal demonstrated strong economic, social and environmental benefits to the community; partnership working with other organisations; majority of project cost secured through different match-funding sources and local support from the community.

| | |
|---|-------------|
| Company/person/body responsible for the bid | Rick Bayne |
| For the bid | - |
| Against the bid | - |
| Parish Representative | - |
| Local Member | Cllr. Esler |

Members asked questions of the speakers and officers. Members were advised that the Darent Valley Path Enhancements were a project within its own right that fitted into the wider Darent Valley Landscape Partnership Scheme. The funding applied for would be concentrated on the priority areas. It was not possible to quantify how much the economy would be improved but a latent demand study had been carried out and the potential of improvements were substantial. Some legal changes would be required to make the entire route suitable for cyclists but it was the intention that this would be possible. Accessible access would be put in with some negotiation with the landowners to ensure farm animals were secure and it was hoped audio trails could be introduced.

Application D - Swanley Station Improvements (Sevenoaks District Council)

The proposed scheme sought funding for £750,000.00 for the refurbishment of the station building, improvement to the forecourt, the provision of 20 sheltered and secure cycle spaces, provision of a bus and taxi drop off/pick up point, improved signage and implementation of a one-way system. Additionally, it was proposed to improve pedestrian and cycling routes from the Town Centre including assessing the feasibility of an additional footbridge across the railway lines to reduce travel times to and from the station. The proposal demonstrated strong economic, social and environmental benefits to the community; partnership working with other organisations and majority of project cost secured through match-funding.

Members asked questions of the Officer. Members queried who the Member was who was in support of application as well as who supported the scheme from Swanley Town Council and were advised that it was unknown who had supported it. Members were advised that there had been no secured funding from Network Rail and that if successful, the bid was for the refurbishment of the station. The Legal Advisor informed Members that the decision of whether to approve the money applied for was down to the Board to decide based on the information provided to them.

Application E - Bat and Ball Station - Transport and Access Improvements

The proposed scheme requested £258,274 for the refurbishment of the station building to provide a community venue/asset for the community use; improved access to platform 1 of the station; the provision of cycle racks adjacent to both platforms 1 and 2 and enabling access from Otford Road, via the proposed community centre. The proposal demonstrated an identified need for the scheme; strong economic, social and environmental benefits to the community; and the majority of project cost secured through match-funding.

| | |
|---|------------------|
| Company/person/body responsible for the bid | Linda Larter |
| For the bid | Ronnie Lovegrove |
| Against the bid | - |
| Parish Representative | Richard Parry |
| Local Member | - |

A document showing the letters of support received was [tabled](#).

Members asked questions of the speakers and were informed that the Heritage Lottery Fund was still to be confirmed, however South East Rail were funding £130,000 and the Town Council maintained Landlord responsibility by a 25-year peppercorn lease.

Application F - Rebuild of Sevenoaks Day Centre Nursery

The application sought funding of £100,000 for the replacement of the current modular building on the field of the existing Community Centre at Bat & Ball, North Sevenoaks for the creation of a more modern facility for the Sevenoaks Day Nursery to occupy. Members' attention was brought to the supplementary agenda which advised that following the original submitted pro forma, the works in kind which had been offered by Sevenoaks Town Council for £173,000 had been reduced due the Town Council's development plans being scaled back. The proposal demonstrated an identified need for the scheme; strong economic, social and environmental benefits to the community, partnership working with other organisations and the majority of project cost secured through match-funding.

| | |
|---|-----------------|
| Company/person/body responsible for the bid | Hugh Kirby |
| For the bid | Janet Davis |
| Against the bid | - |
| Parish Representative | Linda Larter |
| Local Member | Cllr. Dr. Canet |

There were no questions of the officers of speakers.

Application G - Westerham Public Toilets

The application sought funding for £21,662.00 for the removal of the existing toilets with the associated equipment and fixings to replace with a prefabricated module into the existing shell with the inclusion of a unisex disabled toilet and baby changing facilities within the module. The facilities were passed onto Westerham Town Council by Sevenoaks District Council. No alternative facilities in the town centre were available for residents and tourists to use. No planning permission was required and the site would be managed by Westerham Town Council. The proposal demonstrated strong economic, social and environmental benefits to the community and the majority of project costs had been secured through match-funding.

The Board was addressed by the following speakers:

| | |
|---|-------------|
| Company/person/body responsible for the bid | Alan Wesley |
| For the bid | - |
| Against the bid | - |
| Parish Representative | - |
| Local Member | Cllr. Esler |

Members asked questions of the Speakers and it was confirmed that there would be a full drop down changing table facility that would be suitable for disabled users. Town Council reserves would be used if the project could not be funded.

At 21:05 p.m. the Chairman adjourned the meeting for the convenience of Members and Officers. The meeting resumed at 21:15 p.m.

At 21:15 p.m. it was moved by the Chairman and duly seconded that, in accordance with rule 16.1 Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. to enable the Committee to complete the business on the agenda.

The Chairman opened the meeting for debate.

Members debated Application A and discussed the recent flooding in Westerham and were supportive of the investment.

Members debated Application B and discussed how the funding that would help achieve the additional items for those with special educational needs.

Members debated Application C and deliberated the application. It was noted that the funding requested was for path enhancements only and that match-funding had been secured from other organisations. Concerns were expressed at how much funding was being requested and it was discussed whether it would be possible to grant half or less of the requested funding. Members discussed that the path enhancements were part of the wider project and the benefits to the businesses and communities.

Members debated Application D. Concerns were raised that there was a lack of evidence in the pro-forma to show local member support and support from the Town Council. Members expressed concern that the scheme was only for the refurbishment of the station with disabled access being covered by a feasibility study with no formal plans to include it. Some Members thought that although there was no formal evidence in the pro-forma of member support, other areas covered in the submission had provided enough scoring on the matrix for it to be brought forward to the Board. Members discussed the options open to them in regards to the recommendations. Concerns were raised that if the bid was rejected the additional match-funding could be lost. Members discussed the possibility of conditions for the funding and whether Member support, Town Council support and details of Disable Access could be included.

Members debated Application E and discussed the benefits to the community by use of the new rooms being created.

Members debated Application F. Support was expressed for the different groups that the Nursery benefited and the importance of the role of the Nursery in the District.

Members debated Application G and expressed support for the benefits of the project to the communities and disabled users.

The Legal Advisor clarified to Members that partial funds could not be retained subject to proof of works being submitted. However, a legal agreement could be entered into for the organisations who had submitted bids with a time limit for the money to be used, and recovered if not. It was suggested that a five-year period would be a reasonable amount of time. It was confirmed that Parish and Town Councils were already subject to legal agreements.

The Chairman moved recommendations A - G. Recommendations B, E and F were carried as set out in the report. Recommendation A was carried, subject to a legal agreement being entered into for monies to be recovered if not used within the agreed time limit. In light of comments, the Chairman withdrew his motion on recommendation C and the Chairman withdrew his motion with the consent of seconder and the meeting on recommendations D and G.

Councillor Brown moved and it was duly seconded that recommendation C, as set out in the report subject to the amended amount of £101,365.00 be approved.

The motion was put to the vote and it was carried.

Councillor Ball moved and it was duly seconded that recommendation D, as set out in the report with the additional grounds "subject to disabled access detailed as part of the scheme, listed support of at least one local member,

views of the Town Council obtained and ongoing arrangements with Network Rail” be approved.

The motion was put to the vote and it was carried.

The Chairman moved and it was duly seconded that it be recommended to Cabinet that in order to reflect the changes requested by Westerham Town Council, (G) the £18,685.00 funding applied for, for scheme “Westerham Public Toilets Refurbishment” be approved on the following grounds:

- i. Strong economic, social and environmental benefits to the community;
- ii. Majority of project cost secured through match-funding.

The motion was put to vote and it was carried.

Resolved: That it be recommended to Cabinet that

A) the £29,000.00 funding applied for, as set out in the report, for scheme “Upper Darent Flood Alleviation Project” be approved on the following grounds:

- i. strong economic, social and environmental benefits to the; community
- ii. partnership working with other organisations;
- iii. majority of project cost secured through different match-funding sources.
- iv. a legal agreement be entered into for monies to be recovered if not used within the agreed time limit.

B) the £3,000.00 funding applied for, as set out in the report, for scheme “Four Elms Playground” be approved on the following grounds:

- i. strong economic, social and environmental benefits to the community;
- ii. partnership working with other organisations;
- iii. majority of project cost secured through different match-funding sources.

C) the £101,365.00, for the scheme “Darent Valley Path Enhancements” be approved on the following grounds:

- i. strong economic, social and environmental benefits to the community;

- ii. partnership working with other organisations;
 - iii. majority of project cost secured through different match-funding sources.
- D) the £750,000.00 applied for, as set out in the report for scheme “Swanley Station Improvements” be approved on the following grounds
 - i. strong economic, social and environmental benefits to the community;
 - ii. partnership working with other organisations;
 - iii. majority of project cost secured through match-funding.
 - iv. subject to disabled access detailed as part of the scheme, listed support of at least one local member, views of the Town Council obtained and ongoing arrangements with network rail.
- E) the £258,274.00 funding applied for, as set out in the report, for scheme “Bat & Ball Station - Transport and Access Improvements” be approved on the following grounds:
 - i. identified need for the scheme;
 - ii. strong economic, social and environmental benefits to the community;
 - iii. majority of project cost secured through match-funding.
- F) the £100,000.00 funding applied for, as set out in the report, for scheme “Rebuild of Sevenoaks Day Centre Nursery” be approved on the following grounds:
 - i. identified need for the scheme
 - ii. strong economic, social and environmental benefits to the community
 - iii. partnership working with other organisations
 - iv. majority of project cost secured through match-funding
 - v. a legal agreement be entered into for monies to be recovered if not used within the agreed time limit.
- G) the £18,685.00 funding applied for, for scheme “Westerham Public Toilets Refurbishment” be approved on the following grounds:

- i. strong economic, social and environmental benefits to the community;
- ii. majority of project cost secured through match-funding.