

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

The attached report was considered by the Community Infrastructure Levy (CIL) Spending Board on 10 March 2021. The relevant Minute extract is below.

Community Infrastructure Levy (CIL) Spending Board (10 March 2021, Minute 9)

The Chairman advised that following the Late Observations sheet that was published that evening, she would allow the Board five minutes of extra reading time for consideration.

The Planning Policy Team Leader (Infrastructure) presented a report which updated Members on the CIL process and legislation, in particular the Government changing legislation to allow CIL charging authorities the discretion for a limited time to defer CIL payments and not to apply late payment interest to help businesses during the COVID19 pandemic. It was noted that there had been a review of governance arrangements which were detailed in the report. Members' attention was brought to the late observation sheet which amended paragraph 20 of the report and advised Members that following the publication of the report there were sufficient funds to cover all applied for bids before the Board.

An invitation for bids had been sent out to all statutory infrastructure providers and interested parties. The process for assessing applications was a two - stage process as set out in the council's constitution and all the bids had been judged on merit.

Application A - Sports Hall and Facilities

The application sought £158,000 to fund improvements to sport facilities at the Orchards Academy. The aim was to open the improved sports facilities to the local community and include an increased range of sports and physical activities available for the school and the community, and would involve the creation of a new entrance so the public could enter the facilities without having access to the school.

Officers advised approval as the proposal demonstrated a number of social and economic benefits to the community; as well as the project being identified in adopted plans and strategies and was supported by the local community, as well as demonstrating partnership working. There was also a strong link between new development and the scheme. It was noted that the CIL funding was being sought to fund phase 1 of the proposal. Member's attention was also brought to the late observations sheet.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Justin Culver (Asset Program Manager for the Trust)

For the bid: -

Against the bid: -

Parish Representative:-

Local Member: Cllr Dyball

Members asked questions of the speakers and officers with particular regard to funding. In response to various questions the Council's Senior Solicitor confirmed that if additional grants were received there were provisions in the legal agreement for clawback. The community use agreement was near completion and was detailed as per the standard provisions set out by Sports England.

Application B - Extension to Kemsing Surgery

The application sought £117,380 to fund an extension to the first floor of Kemsing Surgery, which was a satellite branch of the Otford Medical Practice. The purpose of the extension would create a further 3 clinical rooms, patient's toilets and extended waiting area. A new patient touchscreen and Jayex display screen/patient call screen would also be installed. It was predicted that the proposed development in the area would result in the need to increase the capacity of the surgery by 22%.

Members were informed that the application had been previously considered and now believed that the proposal had addressed concerns previously made by the Committee. Although the requested CIL funding was for 61% of the total project cost, it was recognised by Officers that this would provide vital services to the community. Approval was advised subject to the conditions as set out in the late observations as the proposal demonstrated strong social benefit to the community, public benefits and vital community benefits. There was also community support for the project and the project was identified in an adopted plan and strategy. Partnership working had also been evidenced and sufficient information had been provided to show that the scheme would be delivered as planning permission had been granted.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Dr Eakins (GP, Otford Medical Practice)

(with Alison Burchell from Kent and Medway CCG present for any questions)

For the bid: -

Against the bid: -

Parish Representative:-

Local Member: -

Members asked questions of the speaker, CCG representative and Officers with particular regard to the financial figures and clawback. In response to questions Members were advised that there would be clawback provisions within a legal agreement, which would be based on the General Medical Services Premises Cost Directions framework between the NHS and Private practices. The CIL Bid had been assessed on the basis that the Council's power over the site would be diminished after 10 years.

Application C - Otford Road Traffic Schemes

The application sought £49,507.50 to fund traffic calming measures in Otford by improving road safety for pedestrians, easing congestion, encouraging active travel and sustainable modes of travel. The proposal included 20 mile-per hour speed limits be introduced on or sections of roads and new signage and road markings. Refuge islands would be upgraded as well as new refuge islands, and new and improved pedestrian crossing points.

Officers advised approval, subject to the conditions as set out in the late observations as the proposed demonstrated a strong economic, social and environmental benefits to the community, strong evidence had been submitted to demonstrate a strong link between new development and the scheme. The project was also identified in an adopted strategy and plan and there was strong local support.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Cllr Roy

For the bid: -

Against the bid: -

Parish Representative: Cllr Edwards-Winser (Otford Parish Council)

Local Member: Cllr Edwards-Winser

Members took the opportunity to ask questions of the speakers.

Application D - Creation of playing fields and other sports facilities

The application sought £1,500,000 to fund a scheme, which aimed to provide new playing fields and other sports facilities for the three schools on the Wilderness School site. When the facilities were not in use by the school, it was proposed that they would be open to the local community. The proposal included modernising and improving the existing facilities and a range of outside facilities.

Officers advised approval, subject to the conditions as set out in the late observations as the proposal demonstrated strong social and environmental benefits to the community and the project was identified in an adopted

strategy and plan. There was evidence to show partnership working, clear public and strong community benefits, as well as community support for the project. There was also a strong link between new development and the scheme.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Ian Watts (KCC Area Education Officer)

For the bid: Philip Drew

Against the bid: -

Parish Representative:-

Local Member: Cllr Clayton

Members asked questions of the speakers. In response to questions, Members were advised that any income generated would maintain the sports provisions for replacement and repair and be reinvested into the site to maintain the quality of the site. The enhancements would make the facility more useable to external users and the wider sporting community. It was also discussed that there were still a few organisations that have been asked for funding towards this project and the speakers confirmed that if any further funding was received, this would reduce the CIL money required. The Senior Solicitor confirmed that this would be covered in the legal agreement and there could also be a community use agreement.

Application E - Weald Memorial Hall Maintenance and Renovations

The application sought £15,000 to provide maintenance and renovations to the village hall. Works included replacing original windows with energy efficient double glazing, replacement of front entrance double doors, enhanced insulation and interior updating and redecorating.

Officers advised approval subject to the conditions as set out in the late observations, as the proposal demonstrated strong economic, social and environmental benefits to the community, strong community support and benefits. It had also been demonstrated that there was sufficient certainty the scheme would be delivered.

The Board was addressed by the following speaker:

Company/person/body responsible for the bid: John Parker (Chairman - Weald Memorial Hall)

For the bid: -

Against the bid: -

Parish Representative:-

Local Member: -

Members took the opportunity to ask questions of the speaker in regard to other sources of funding and how the additional phases would be funded.

Application F - Knockholt Village Centre Refurbishment

The application sought £200,000 to refurbish the Knockholt Village Centre and redevelop the Eastern end of the existing building to incorporate an additional community hall. The works included kitchen refurbishment, re-roofing, disabled toilet facilities and improving heating and ventilation. The layout would also be amended to incorporate the provision of a preschool, historical and heritage archives and community based library.

The proposal had been advised for refusal, as the proposal had met the least of the criteria in comparison to the other bid applications received. The Board was informed that following the publication of the agenda, there had been confirmation of sufficient funds should Members be minded to approve the bid.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Barry Page (Treasurer)
Against the bid: -
Parish Representative: Nick Manton (KPC Representative)
Local Member: -

Members asked questions of the speakers. Other sources of funding had been sought but due to changing requirements had not been successful in achieving them so far. It was hoped that a loan from KCC's village hall fund would be approved. There were many local clubs that wanted to use the facilities including the pre-school, and on-going costs would be retrieved by renting out of the rooms for clubs usage. The structure of the building needed to be improved and the building was anticipated to then have a 25 - 50 years life span. Planning permission had be approved for the changes requested.

At 9.15 p.m. the Chairman adjourned the meeting for the convenience of all present. The meeting resumed at 9.26 p.m.

The Chairman moved that the recommendations as set out in paragraph 8 of appendix G and the late observations be agreed.

Members commenced debate of the applications before them.

With reference to Application B, Members discussed the need for medical services in the area and noted that it had been given as a priority need in the Council's funding statement. Some concern was raised that public money would be used to increase the value of privately owned asset. An amendment to refuse Application B was moved by Councillor Pender, duly seconded, and put to the vote. The motion was lost.

At 10.06 p.m. it was moved by the Chairman that, in accordance with rule 16.1 of Part 2 of the Constitution, Members extend the meeting beyond 10.30 p.m. for as long as was necessary to enable the Board to complete the business on the agenda. The motion was put to the vote and it was

Resolved: That the meeting be extended past 10.30 p.m. for as long as necessary to enable the Board to complete the business on the agenda.

Members discussed Application D and some concerns were raised in regards to how much the community would benefit from the use of the site and whether the application provided value for money and whether sufficient evidence had been provided. An amendment to refuse Application D was moved by Councillor Grint, duly seconded, and put to the vote. The motion was lost.

The Chairman amended the original motion with regards to Application F (for refusal), and recommended that the scheme be approved. Members expressed their support for the funding.

The substantive motion was put to the vote and it was

Resolved: That it be recommended to Cabinet that

A. i) The £158,000 applied for, as set out in the report, for sports hall and facilities at the Orchards Academy sports and Hall facilities at Swanley be approved on the following grounds:

- strong social and economic benefits to the community;
- the project was identified in an adopted strategy/plan;
- sufficient evidence had been submitted to demonstrate a strong link between new development and the scheme.
- strong community benefit.
- there was strong community support of the scheme.

subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as conditions of payment that:

- planning permission had been granted for the project
- a community use agreement had been entered into.

ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:

- failure to ensure the effective management of CIL funds;
- failure to ensure sufficient certainty that the scheme would be delivered; and

- failure to ensure a strong community benefit.

B. i) The £117,380 applied for, as set out in the report, for scheme “Kemsing Surgery Extension” be approved on the following grounds:

- strong social benefits to the community;
- there was evidence to show partnership working;
- sufficient information had been submitted to show that the scheme would be delivered as planning permission had been granted:
- the project was identified in an adopted strategy/plan;
- strong link between new development and the scheme;
- clear public benefits;
- vital community benefit;
- there was community support of the project.

subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as conditions of payment that:

- monies were clawed back proportionally should the premises not remain in use for the delivery of NHS Services for at least 10 years; and
- when a time line be submitted and approved by the Council and the applicant confirms in writing when the project was commencing.

ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:

- failure to ensure the effective management of CIL funds;
- failure to ensure sufficient certainty that the scheme would be delivered; and
- failure to ensure a strong community benefit.

C. i) The £49,507.50 applied for, as set out in the report, for scheme “Oxford Road traffic scheme” be approved on the following ground:

- strong economic, social and environmental benefits to the community
- the project was identified in an adopted strategy/plan
- strong evidence had been submitted to demonstrate a strong link between new development and the scheme
- strong local support.

subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as conditions of payment that:

- all the funding for the project had been secured.
- ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:
- failure to ensure the effective management of CIL funds;
 - failure to ensure sufficient certainty that the scheme would be delivered.
- D. i) The £1,500 000 applied for, as set out in the report, for scheme “Wilderness sports and community facility” be approved on the following ground:

- Strong social and environmental benefits to the community;
- There was evidence to show partnership working
- The project was identified in an adopted strategy/plan;
- Strong link between new development and the scheme
- Clear public benefit.
- Strong community benefit.
- There was community support of the project.

subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties) which shall require as conditions of payment that:

- planning permission had been granted for the project
 - a community use agreement had been entered into.
- ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:
- failure to ensure the effective management of CIL funds;
 - failure to ensure sufficient certainty that the scheme would be delivered; and
 - failure to ensure a strong community benefit.
- E. i) The £15,000 applied for, as set out in the report, for scheme “Weald Memorial Hall maintenance and renovations” be approved on the following ground:
- strong economic, social and environmental benefits to the community;
 - strong community support of the scheme;

- clear community benefit;
- there was sufficient certainty that the scheme would be delivered.

subject to a legal agreement being signed within 6 months of the decision date (or such further time as may be agreed between the parties).

ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:

- failure to ensure the effective management of CIL funds.

F. i) The £200,000 applied for, as set out in the report for scheme “Knockholt Village Centre Refurbishment” be approved on the following grounds:

- strong social benefits to the community;
- the project was in an adopted strategy/plan
- there was strong local support of the scheme
- strong community benefits
- there was sufficient certainty that the scheme would be delivered.

Subject to a legal agreement being signed within 6 months, which shall require that funding was secured.

ii) if the legal agreement was not signed then it would become refused for:

- failure to ensure the effective management of CIL funds
- failure to ensure sufficient certainty that the scheme would be delivered.