

## **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 1 September 2022. The relevant Minute extract is below.

### Community Infrastructure Levy (CIL) Spending Board (1 September 2022, Minute 4)

The Planning Policy Team Leader (Infrastructure) presented the report which updated Members on some key changes since the last CIL board meeting. 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. Once the closing date for bids had been reached no further information was accepted.

There were proposed legislative changes to the CIL which would seek to replace the current system of securing developer contributions of section 106 and CIL with a new levy which would be locally set, and focus more on infrastructure for supporting schools, and roads that new development creates the need for, among other proposals. This was currently all indicative and did not change the process for the CIL Spending Board currently.

Following the Governance review of CIL, Net Zero had been added as a priority to bring inline the Council's Net Zero 2030 approach.

#### Application A - Edenbridge Integrated Health and Wellbeing Centre

The application sought £600,000 to provide an integrated health care facility at Four Elms Road, Edenbridge. The Kent Community Health NHS Foundation Trust (KCHFT) was currently constructing an integrated care facility for the local population of Edenbridge, which would comprise of general practice and community health facilities. The proposal had previously been considered by the CIL Spending Board in December 2019, where £600,000 was agreed to be spent towards the project. The Applicant had stated that the current economic climate had resulted in re-negotiating the contract sums to reflect increases in prices of materials, labour and inflation and the additional sum would go towards the costs.

KCHFT had identified a number of additional funding sources and grants to support their application to the Board, had worked in partnership, and was supported by a number of local representatives and organisations.

Officers recommended approval to support the delivery of the project.

It had clearly demonstrated that the scheme provided clear public benefits and approving the bid would provide good value for CIL Money applied for, compared to the overall project. The proposals also demonstrated strong economic, social and environmental benefits to the Community; would help to achieve net zero targets, formed part of a planned strategy and presented strong public benefit. Evidence had been submitted to show that the scheme would be delivered. It was also recommended that a legal agreement be signed.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Afzal Khan (with another representative present for any technical questions).

For the bid: -

Against the bid: -

Parish Representative: Town Cllr Layland

Local Member: Cllr McGregor

Members asked questions of the speakers which focused on the costs associated with the build.

(Cllr McGregor left the meeting and did not take part in debate or voting thereon).

Application B - Refurbishment of Playground on King George's Field, Westerham

The application sought £15,000 to fund the refurbishment of King George's Field play area in Westerham which would replace the current playground equipment and resurface the play area, with the addition of accessible and inclusive equipment. There was an increasing need for recreation and play spaces and this would help provide for the need. Officers advised that the overall cost of the project was £70,000 and the funds sought were 21% of the overall cost of the project.

A number of additional funding sources had been secured by Westerham Town Council and there was evidence to show the support of local representatives and organisations. There were also a number of consultations carried out by the Applicants. Officers advised approval, as the proposal demonstrated a strong economic, social and environmental benefits to the community, strong local support as well as partnership working with other organisations, and a clear public benefit. The proposal was also identified within an adopted strategy, in addition to sufficient evidence being submitted to demonstrate a strong link between new development and the scheme.

The Board was addressed by the following speakers:

Company/person/body responsible for the bid: Helen Ogden

For the bid: -

Against the bid: -

Parish Representative:

Local Member: Cllr Maskell

Members asked questions of clarification in regards to future maintenance of the equipment and the type of equipment that would be installed.

Application C - Swanley New Rugby Pitch and Associated Facilities

The application sought £60,000 for the created of a new rugby pitch and associated facilities in Swanley. The proposal would create a new rugby pitch, ~~and~~ training area and associated facilities consisting of two changing rooms, an officials' changing room and toilets, located at The Olympic, a community venue, which would create more space for football pitches on the recreation ground.

Swanley Town Council had identified additional funding sources and grants to support their application, which was also supported in partnership with the Swanley Rugby Club and local representatives and organisations. Officers recommended approval for the scheme due to its strong social and environmental benefits to the community, strong community support, and partnership working. The project was also identified in an adopted strategy.

Members were advised that since publication of the report the planning application had been re-validated and was now going through the planning process.

The Board heard from the following speakers:

Company/person/body responsible for the bid: Ryan Hayman

For the bid: - John Ettridge

Against the bid: -

Parish Representative: -

Local Member: -

Members asked questions of the speakers. It was confirmed that the space would be available for all to use and would facilitate additional sports. Questions were also asked regarding maintenance and cleaning.

## Application D - Improvements to Weald Recreation Ground

The application sought £91,000 for improvements to Weald Recreation Ground. The project included the provision of a parking area to improve road safety, to provide mains electricity at the ground replacing an inefficient and outdated diesel generator and to tarmac the access track to the ground.

The overall project would cost £121,000 and 75% of the total project cost was being requested. Additional funding sources and grants to support their application had been identified and were being progressed. Partnership working was taking place with a number of clubs who used the site, and was also supported by a number of local residents and a local Member.

Officers were recommending approval as the scheme had strong social, economic and environmental benefits to the community, partnership working with other organisations, and strong local support for the scheme. The project was also identified within in an adopted strategy and would help to achieve the Council net zero ambitions, as well as there being a clear public benefit for the scheme.

The Board heard from the following speakers:

Company/person/body responsible for the bid: Rachel Hewett  
For the bid: -  
Against the bid: -  
Parish Representative: -  
Local Member: Cllr Thornton

Members asked questions of the speakers and officers. It was confirmed that alternative road surface materials were being investigated and there was no safe space for parking on the road. Conversations with KCC had taken place regarding a reduction in speed limits, but were limited in their amount and location and did not cover the area of Weald where the recreation ground was. It was confirmed by Officers that other funding sources had been applied for, but the Applicants were still waiting for the results of the bids. There was also a 'claw back' condition within the legal agreements.

Application E - Eynsford new village hall with associated car parking and improved football pitches.

The application sought for £260,000 to fund a replacement village hall in Eynsford. The proposal also included a new car park and improved football pitch. The facilities would offer an improved village hall fit for modern times with new outdoor space suitable for parties and weddings.

The improved football pitch would provide a more suitable and well-equipped pitch for players and for the community. It was estimated that the total cost of the project was £1,947,000 and the amount requested was 13% of the total project cost.

Eynsford Parish Council had identified additional funding sources and grants but not all the funding was secure. The applicant was working in partnership with Eynsford Village Hall Trustees and was supported by local representatives and organisations.

The application was recommended for approval as the proposal demonstrated strong social and environmental benefits to the community, strong community benefits, strong partnership working and strong local support for the scheme. The Scheme also had strong Net Zero benefits.

The Board heard from the following speakers:

Company/person/body responsible for the bid: Malcolm Richardson

For the bid: -

Against the bid: -

Parish Representative: Alan Cooke

Local Member: -

Members asked questions of the speakers which focused on fundraising and timescales.

Application F - Bradbourne Lakes Landscape Improvement

The application sought £251,900 for the restoration of Bradbourne Lakes including landscaping works, upgrading footpaths and dragging the lakes. The park had local and historical significance to the town and had five ornamental lakes with waterfalls, cascades and a circular walking route. The lakes were also important for biodiversity and wildlife. The Applicants had identified additional funding and grants to support the application, however these were not currently secure and were being investigated. The grant was also subject to planning permission. The overall CIL amount requested including the previously approved funding would be 29% of the scheme. Partnership working had been demonstrated and was supported by local representatives and organisations.

Officers advised approval, as the proposal demonstrated strong community, social, and environmental benefit, and partnership working. The project was also identified in an adopted strategy and good management had been demonstrated, as well as the community support for the scheme.

The Board heard from the following speakers:

Company/person/body responsible for the bid: Trevor Kennett

For the bid: -

Against the bid: -

Parish Representative: -

Local Member: -

Members asked questions of the speakers and officer. It was confirmed that a legal agreement was not required, however any transfer of CIL funding was not recommend until all other funding was secure and subject to planning permission (if required.)

#### Application G - Stag Theatre Solar Panels

The application sought £42,000 for the erection of solar panels on the south facing roof of the Stag Theatre. The scheme was expected to yield 55,703 kWh/year of which some would be used by the Stag, and some would be exported to the grid. It was expected that CO2 emissions avoided by the scheme could be up to 23,821kg per year. The overall project cost would be £56,929 and the money applied for would be 74.8% of the total project cost. Additional funding sources had been sought and applications were in process for the National Lottery Boards and the Theatres Trust. The outcome from the CIL application to Sevenoaks Town Council was still to be provided.

It was made clear in the application that there were no partnership working available to deliver the scheme. It was however supported by all the local Members of the ward. Officers advised approval, as the proposal had strong social and economic benefits to the community and helped to achieve the Council's Net Zero ambitions. The project was also identified in an adopted strategy as well as evidence submitted to show the scheme would be delivered. There was a clear public benefit and strong local support for the scheme.

The Board heard from the following speakers:

Company/person/body responsible for the bid: Melissa Barcroft (with a representative from the Stag to answer any technical questions)

For the bid: -

Against the bid: -

Parish Representative: -

Local Member: Cllr Clack

Members asked questions of the speakers which focused on the additional funding sources and location of the solar panels.

At 8:57pm the Chairman adjourned the meeting for the comfort of those present. The meeting resumed at 9.07pm.

The Chairman moved that the recommendations as set out in Appendix H be agreed.

Members commenced debate of the applications before them.

With reference to Application A, Members discussed the need for health care and how it was a piece of infrastructure that was required for the area. In regard to Application C, Members discussed the importance for health and wellbeing facilities which would be open to many.

An amendment to provide a scheme of maintenance as a condition was moved by Councillor Andrews, duly seconded, and put to the vote. The motion was lost.

Members continued debate on Application D, noting that it was a significant amount of money but it was acknowledged that should additional funding be secured there would be a legal agreement in place to reclaim duplicate sums paid. Considerations were given to Application F, noting that Bradbourne Lakes were listed within Sevenoaks Town's Local Plan as an important part of the Town. Member's thoughts were also given to the previous funding agreed for the project.

Debate moved onto Application G, noting the amount requested and whether additional conditions could be added for the applicants to explore other funding routes as well. Officers confirmed that there was a condition already in place for funding to be secured and that the applicant had already applied to both the National Lottery Awards for All and the Theatres Trust. Members discussed the Net Zero benefit.

The motion was put to vote and it was

Resolved: That it be recommended to Cabinet that

- A. i) The £600,000 applied for an integrated Health Care Facility in Edenbridge should be approved on the following grounds:
- Strong economic, social and environmental benefits to the community;
  - Will help to achieve net zero targets;
  - Partnership working with other organisations;
  - The scheme forms part of a planned strategy to address the need for Infrastructure;

- Evidence has been submitted to show that the scheme will be delivered;
- Strong local support for the scheme; and
- Clear public benefit

This would be 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:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

B. i) The £15,000 applied for, as set out in the report, for scheme “Refurbishment of the play ground on Kings George’s Field, Westerham” be approved on the following grounds:

- Strong economic and social benefits to the community;
- The scheme supports local infrastructure;
- Partnership working with other organisations;
- The scheme forms part of a planned strategy/plan;
- Funding from other sources has been maximised;
- Evidence has been submitted to show that the scheme will be delivered;
- Strong local support for the scheme; and
- Clear public benefit

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:

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and



- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

C. i) The £60,000 applied for, as set out in the report, for scheme “Swanley new rugby pitch and associated facilities” be approved on the following grounds:

- Strong social and environmental benefits to the community;
- The project is identified in an adopted strategy/plan;
- Strong local support;
- Sufficient evidence has been submitted to show that the scheme will be delivered; and
- Sufficient evidence has been submitted to demonstrate a strong link between new development and 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 is granted within 3 years of the decision date.

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

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

D. i) The £91,000 applied for, as set out in the report, for scheme “Improvements to Weald Recreation Grounds” be approved on the following grounds:

- Strong economic, social and environmental benefits to the community;
- The project helps to achieve the Council’s Net Zero ambitions;
- Partnership working with other organisations;
- The scheme is identified in an adopted strategy or plan;
- Evidence has been submitted to show that the scheme will be delivered;

- Strong local support for the scheme; and
- Clear public benefit

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:

- Confirmation that planning permission is not required for the works; and
  - Evidence to confirm that other sources of funding have been maximised and if necessary secured.
- ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:
- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
  - Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

E. i) The £260,000 applied for, as set out in the report, for scheme “Eynsford new village hall with associated car parking and improved football pitch” be approved on the following grounds:

- Strong partnership working;
- Strong community benefit;
- Strong social and environmental benefit to the community;
- Strong Net Zero benefits; and
- Strong partnership working.

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 has been secured
- ii) if the legal agreement was not signed in accordance with the above then funding applied for would be refused for:
- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and

- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.

F. i) The £251,900 applied for, as set out in the report, for scheme “Bradbourne Lakes Landscape Improvement” be approved on the following grounds:

- The project is identified in an adopted strategy/plan;
- Strong partnership working;
- Strong community benefit;
- Social and environmental benefit;
- Good management in place; and
- There is strong community support of the scheme.

ii) The funding is to be subject to:

- all other funding being secured; and
- the receipt of planning permission (if required) within 5 years of the original decision date.

G. i) The £42,600 applied for, as set out in the report, for scheme “Stag Theatre Solar Panels” be approved on the following grounds:

- Strong economic and social benefits to the community;
- The proposal helps to achieve the Council’s Net Zero ambitions;
- The scheme is identified in an adopted strategy or plan;
- Evidence has been submitted to show that the scheme will be delivered;
- Strong local support for the scheme; and
- Clear public benefit

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 has been secured

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

- Without a legal agreement the bid would fail to ensure the effective management of CIL funds; and
- Without a legal agreement to secure where the CIL money is spent the bid would fail to ensure sufficient certainty that the scheme will be delivered as applied for.