

Chichester District Council

THE CABINET

6 February 2018

Consideration of Consultation Responses and Modifications to Chichester District Council's Infrastructure Business Plan 2018-2023

1. Contacts

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2. Recommendation

That the Cabinet recommends to the Council that it:

- (1) Approves the proposed responses to the representations received and subsequent modifications to the Infrastructure Business Plan as set out in appendix 1.**
- (2) Approves the amended Infrastructure Business Plan including CIL Spending Plan attached as appendix 2.**

3. Background

- 3.1. The Infrastructure Business Plan (IBP) has been subject to consultation with the City, Town and Parish Councils, WSCC, Neighbouring Planning Authorities including the South Downs National Park Authority and key infrastructure delivery commissioners. The consultation ran for six weeks from 2 October to 13 November 2017.
- 3.2. The Infrastructure Joint Member Liaison Group met on 12 December 2017 and the Development Plan and Infrastructure Plan Panel met on 11 January 2018. Both groups considered the proposed responses to the representations received as a result of the consultation. Appendices 1 and 2 reflect their views.
- 3.3. Most of the consultation responses relate to:
 - Updates to the text of the IBP;
 - Projects to be deleted as they have been delivered or are no longer required;
 - Updated details for the projects; and
 - New projects to be added.

- 3.4 Since the implementation of the CIL on 1 February 2016, £2,305,308.63 has been collected to date. This includes £115,265.43 (5%) for monitoring, and £1,756,854.55 for District Council CIL spend. At the end of October 2017 the total amount handed over to Parishes was £350,350.64 and there is a further £82,838.00 to be paid across in April 2018.
- 3.5 The Council won two CIL-related appeals this year, which were heard by the Valuation Office Agency, and a third CIL appeal to the Planning Inspectorate is ongoing.
- 3.6 WSCC has completed two projects, IBP/536 – Expansion of existing primary school in the Billingshurst locality within Chichester District (around Loxwood and Wisborough Green), and IBP/661 school access improvements – North of the District which had previously been shortlisted for CIL funding. These projects were funded from S106 funds within the educational locality in Horsham District (because the demand for the places was due to growth within Horsham) and as such they have been removed from the CIL spending plan.
- 3.7 WSCC has confirmed that IBP/334 – a new Secondary School in the district is no longer needed, hence it has been removed from the IBP. Further information is expected from WSCC about which schools in the other localities will be expanded, so more accurate costings will be provided once this information becomes available. WSCC has been asked to show how historic S106 contributions, together with other sources of funding available to them will be used to offset their requests for CIL.
- 3.8 The West Sussex Coastal Commissioning Group (CCG) did not respond to the IBP consultation and has not yet justified the amount of money it is seeking from the CIL. Officers from the District Council and West Sussex County Council are will continue to seek to engage with the CCG to understand their needs and funding sources. At present the amount of CIL allocated to the Medical Centre West of Chichester Project 398 will remain at £1.3m for years 2020/21, although this may need to be re-evaluated when further information on funding is provided.
- 3.9 Sussex Police are still pressing for new police cars and automatic number plate recognition cameras (projects IBP/705; IBP/706; IBP/707) to be funded from CIL. Officers having written to them to explain why their project submissions have not been selected for CIL funding this year with an invitation to resubmit them for further consideration once the housing growth has materialised.
- 3.11 WSCC has put forward 2 new projects. The first, to be funded from CIL is for the re-configuration of the Westhampnett waste transfer station/household waste recycling site in order to increase capacity to meet future demands from planned housing delivery across the area. This project is estimated by WSCC to cost £5m, and they have requested that 50% of this be funded from CIL (£2.5m) for the medium term period 2024-2029. Given the proposed timescale, this does not affect the 5 year IBP CIL Spending Plan. The second is for the Parklands, Chichester daylighting of culvert with landscaping to create natural flood attenuation at a cost of £500,000. At present it is uncertain how this is to be funded.
- 3.12 Chichester District Council's Senior Engineer has asked for the local land drainage East Beach Sea Outfall Project 293 to be brought forward from 2020/2021 to 2018/19. The effect of this change to the IBP CIL Spending Plan, and adjustments

relating to the amount of CIL expected to be collected in relation to the most up to date housing trajectory (November 2017) are shown in table 11 on pages 26-27 of the IBP (see appendix 2).

4. Outcomes to be Achieved

- 4.1 The IBP is a living document, which will be kept under review and rolled forward annually. It includes all the key infrastructure projects within the Local Plan area (and hence excludes the parts of the district within the South Downs National Park – which has its own CIL), monitors their progress and identifies which infrastructure projects have been selected to be funded from the District Council's CIL in the five year period, together with the City, Town and Parish Councils' CIL spending plans. Through the production of the IBP, the Council can prioritise the infrastructure that will be delivered utilising CIL funds to meet the needs generated by development.

5. Proposal

- 5.1 The purpose of this report is to consider the representations received as a result of the consultation and suggested modifications to be made to the IBP as highlighted in this report at paragraph 3.3 and set out in Appendix 1, and to approve the IBP CIL spending plan set out at Appendix 2.

6. Alternatives Considered

- 6.1 The alternative is not to have an IBP, or not to have a formal process for selecting projects to be funded from the CIL. Many local authorities that have been collecting CIL allocate it to projects on their Regulation 123 list without having a formal process for doing so. The disadvantage of this approach is that it does not provide 'up front' certainty about which infrastructure projects will be funded and no guarantee that the infrastructure delivery commissioner will be able to provide the infrastructure in time to accompany the growth of the area. It also ignores the need to work in partnership with West Sussex County Council and parish councils.

7. Resource and Legal Implications

- 7.1 The CIL spending plan ensures that sufficient money has been collected for the following year, and for the subsequent four years makes very conservative estimates about how much money is likely to be available in order that the projects within it can realistically be delivered. Any interest earned will be retained for CIL projects.
- 7.2 The projects selected for CIL funding must be in accordance with the Council's published draft regulation 123 list (to prevent projects from being funded from both S106 and CIL sources). This is to accord with the CIL Regulations.

8. Consultation

- 8.1 The projects within this IBP were identified through informal consultation with West Sussex County Council, key infrastructure providers, and the City, Town and Parish Councils. In the case of the latter workshop sessions were held in April 2017. The IBP was also subject to six weeks consultation from 2 October to 13 November 2017 with WSCC, and the neighbouring planning authorities (including SDNPA), City, Town and Parish Councils and key infrastructure providers, to give them an

opportunity to update, influence and comment on the IBP before it is finalised. The consultation responses are summarised in Appendix 1 of this report.

9. Community Impact and Corporate Risks

9.1 Once approved, this IBP will provide transparency about which projects have been and will be funded from the CIL within the five year rolling plan period and which infrastructure projects will be funded from other sources. It will enable the Council to have more control over the timing of infrastructure to accompany new development. The risks are as follows:

- That the rate of housebuilding changes from that projected;
- That further changes are made to the CIL regulations which will remove types of development from paying the levy, creating a larger funding gap than identified in this IBP;
- That other sources of funding fail to materialise;
- That infrastructure delivery commissioner(s) funding priorities change;
- That identified sources for part-funding are withdrawn;
- That the parish councils do not spend their CIL within five years of receipt and thus the District Council as Charging Authority may ask for its return;
- That the total amount of infrastructure provided is insufficient to mitigate the impact of development.

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime and Disorder		X
Climate Change		X
Human Rights and Equality Impact		X
Safeguarding and Early Help		X
Other		X

11. Appendices

11.1 Appendix 1: Summary of Representations and Proposed Modifications to the IBP

11.2 Appendix 2: Chichester District Council's Infrastructure Business Plan 2017-2022 as modified. **[Note (1)** Due to its length the entire document may be viewed electronically on Chichester District Council's website on the committee papers page for this meeting but a monochrome hard copy has been placed in the Members Room at East Pallant House and (2) an extract of the document, the CIL spending plan, is circulated with this report]

12. Background Papers

12.1 None.