

Chichester District Council

Cabinet

7 September 2021

Approval of the draft Infrastructure Business Plan 2022-27 for consultation (with the City, Town and Parish Councils and key Infrastructure Delivery Commissioners)

1. Contacts

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2. Recommendation

- 2.1. That Cabinet considers the recommendation from the Development Plan and Infrastructure Panel that Project IBP/877 is deselected for CIL funding and removed from the IBP Spending Plan as set out in para. 4.9 below and determines its position regarding CIL funding in respect of this project.**
- 2.2. That subject to its decision in respect of recommendation 2.1 above, Cabinet approves the Draft Infrastructure Business Plan 2022-27 for consultation (with the City, Town and Parish Councils, neighbouring local authorities including the South Downs National Park Authority and key infrastructure Delivery Commissioners) for a period of six weeks from 4 October to 15 November 2021.**

3. Background

- 3.1 The draft Infrastructure Business Plan (IBP) 2022-27 (Appendix 1) prioritises the strategic infrastructure projects which support the Chichester Local Plan. The projects within the five year CIL spending plan have been considered by the joint CDC/WSCC (Infrastructure and Growth) officers group, the Chichester District Growth Board and the Development Plan and Infrastructure Panel (DPIP).
- 3.2 The IBP projects were identified by CDC, WSCC, key infrastructure delivery commissioners and city, town and parish councils. The IBP sets out the methodology for selecting which infrastructure projects have been prioritised for funding from the Community Infrastructure Levy (CIL), and which infrastructure projects need to be funded from other sources.
- 3.3 Section 106 projects have been identified as 'committed', this is because they are directly related to a site specific proposal. These don't need to be prioritised as there is more certainty that they will be provided alongside the development.

- 3.4 Since the implementation of the CIL on 1 February 2016 to the financial year ending 31 March 2021 the gross amount of CIL collected was £10,844,924, out of this £124,390 was refunded, £135,940 was earned in interest, giving a final grand total of £10,856,474. Out of this £238,204 (2%), was spent on monitoring; £1,815,228 had been or was in the course of being handed to the Parish and Town Councils, £71,348 was spent on CIL projects, £60,000 is committed for CIL spend which is being drawdown in respect of IBP/355 RTPI screens, leaving £8,671,694 available to spend on projects.
- 3.5 Regarding school expansion projects within the IBP, whereby Chichester District Council only agreed to fund 40% of the cost of provision from CIL, WSCC officers have advised that the DfE state in the November 2019 paper 'Securing Developer Contributions for Education' that Basic Need Funding "should not be considered available for those school places other than forward funding to be reimbursed by developer contributions later". The paper also states "Central government basic need grant, the DfE free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education". As a result of this, the CIL requests for projects IBP/330, IBP/331 and IBP/332 have each been revised from £1,200,000.00 as shown in previous years to £3,000,000.00. This leads to insufficient CIL funds from year 2024 to fund all the CIL project requests.

4. Amended projects for the 5 year CIL Spending Plan

- 4.1 West Sussex County Council officers have requested that IBP/656 Sustainable Transport Corridor - City Centre to Portfield and improvements to sustainable transport facilities on Oving Road corridor all phasing be moved back one year to £25,000 in 2022/23, £50,000 in 2023/24 and £425,000 to 2024/25.
- 4.2 West Sussex County Council officers have requested that funding for IBP/710: upgrading of the Westhampnett waste transfer station/household waste recycling centre, be moved back by one year as follows: £250,000 for design and feasibility in 2022/23 and £2,250,000 for delivery in 2023/24. The total cost of the project remains unaltered.
- 4.3 West Sussex County Council officers have requested that funding for IBP 665 Phase 1 of Chichester Road Space Audit be moved back from 2020/21 to 2021/22.
- 4.4 West Sussex County Council officers have requested that IBP/330 Primary School places E-W Chichester for £1,200,000 be increased to £3,000,000, IBP/331 Primary School places Bournes for £1,200,000 be increased to £3,000,000, and IBP/332 Primary School places Manhood Peninsula for £1,200,000 be increased to £3,000,000.
- 4.5 The West Sussex Coastal Clinical Commissioning Group has requested that IBP/726 expansion to Southbourne GP practice for £450,000 be moved back from 2020/21 to 2022/23;

- 4.6 The West Sussex Coastal Clinical Commissioning Group has requested that IBP/773 Southern Gateway Health Hub which has increased in cost to £21,000,000 (originally £20,700,000) with a potential CIL ask of £3,000,000 be moved back from 2022/23 to 2024/2025.
- 4.7 Chichester District Council has requested that IBP/775 Southern Gateway public realm with new city square for £1,000,000 be moved back by one year from 2021/2022 to 2022/2023.
- 4.8 The West Sussex Coastal Clinical Commissioning Group (CCG) has requested that IBP/877 extension to Chichester City Langley House GP practice for £420,000 (originally £705,000 as it previously also included an extension to Parklands GP surgery) be moved forward from 2025/26 to 2022/23. The scheme had been discussed previously by DPIP on 22 July 2020 and Cabinet on 8 September 2020 and after consultation had been agreed by Cabinet on 2 March 2021 and approved in principle by full Council on 12 March 2021 respectively and is therefore in the published IBP. Following the CCG's request, an update was presented to DPIP in July 2021 to inform the Panel of the change in phasing, brought about because the CCG had requested that this project be brought forward earlier than originally proposed as the patient list is full at this practice.
- 4.9 At DPIP there was a full debate about the reasons why the CCG's preference was for an expansion of existing surgeries rather than a new surgery at Whitehouse Farm, which was originally envisaged to be part of the development of that site. At the meeting on 21 July 2021, DPIP voted to reject the CCG's request to amend the phasing and instead recommend to Cabinet that the project be deleted from the IBP. The grounds given by DPIP were that the extension of this surgery was not in the right location to support the new urban extension to the west of Chichester city as it could not be easily reached by foot, and was an inadequate substitute for the new purpose built health centre originally proposed at Whitehouse Farm, (which the West Sussex Coastal Clinical Commissioning Group has indicated that they no longer wish to pursue). DPIP was also concerned that as Langley House is in private ownership the site could be sold off and any CIL investment would be lost.
- 4.10 However, there are factors which Cabinet should consider before deciding whether to delete project IBP/877 (extension to Chichester City Langley House GP practice) from the IBP. These are set out below.
- 4.11 There was much debate about how primary health care was to be provided in Chichester City last year. A 'virtual' meeting took place on 23 July 2020 with senior officers and councillors of Chichester District Council, West Sussex County Council and the CCG. The CCG gave a clear explanation to all those present about their rationale for changing their strategy. The reasons were

presented to Cabinet at its meeting on 8 September 2020 and have been reproduced below:

- In 2012 West Sussex Primary Care Trust identified a need for additional GP surgery provision to support future housing growth in the city. An opportunity was identified to consider a new GP Practice at the West of Chichester strategic development site.
 - Whilst land has been secured for a GP surgery as part of the West of Chichester scheme, there is no obligation on the Clinical Commissioning Group (CCG) to progress any specific option.
 - The CCG have now concluded that a new GP practice in the west of the city is not a suitable option to improve patient care. This follows engagement with the Council over the last 2 years to explore the options that were available. The GPs also own their own surgeries and can meet their needs through expanding their existing premises quickly.
 - The CCG consequently decided that developing current sites where possible and then a future joint health services option (by means of a new health hub at the Southern Gateway) was the preferred option. This means that a new branch surgery in West of Chichester has been superseded, as aspects such as doctors/healthcare staffing and duplication of support services is not the best use of resources.
 - The CCG recognise that improvements to existing surgeries are subject to securing planning permission but believe there are clear benefits for patients and the local community, allowing for capacity growth and supporting improved GP access.
 - Consequently in terms of the CCG's requests for CIL funding, project IBP/398 could not adequately meet their future needs and a better solution is considered by the CCG to be expansion of existing surgeries in Southbourne (IBP/726) and Chichester City (Parklands and Langley House) (IBP/877) and to relocate the Cathedral Practice surgery into a health hub within the Southern Gateway redevelopment (IBP/773).
 - The Southern Gateway site was preferred due to its central location to support additional housing growth and would provide a longer term Integrated Care Facility which fits NHS requirements more closely.
- 4.12 The only change since last year, is the removal of the expansion of Parklands surgery, and the bringing forward of the existing proposal to extend Langley House so that needs can be met more expediently. Through the IBP process the CCG was confident that the project would proceed, and they have applied for planning permission in respect of expansion at Langley House.
- 4.13 Officers have obtained legal advice which has confirmed that a clause could be added to the standard contract that Chichester District Council enters into with Infrastructure Commissioners before paying across CIL monies, which would enable the CIL to be claw-backed within seven years if Langley House was to

cease being a doctors surgery. To date we have not applied any CIL clawback clauses for similar projects. Although Langley House surgery is in private ownership (which is not at all unusual) it has been made available as an NHS Doctors Surgery since the 1950's.

- 4.14 Cabinet will need to consider carefully the recommendation from DPIP regarding project IBP/877 outlined in this report. The views of DPIP and the CCG are summarised in the paragraphs above. It is worth noting that the project was considered by Full Council last year who resolved to include it in the IBP. Finally, the CCG has advised that the patient list is currently full and has sought to bring this project forward. For that reason, it is recommended that the project is included in the CIL spending plan in accordance with the request from the CCG.
- 4.15 To ensure that the subsequent publication of the IBP for consultation is not delayed, two different versions of the IBP and CIL Spending Plan are attached to this report. One version shows IBP/877 de-selected for CIL spend and removed from the IBP CIL Spending Plan (Appendices 1a and 2a) as per the recommendation from DPIP whilst the other shows it selected for CIL funding and remaining in the CIL Spending Plan (appendices 1 and 2). In both cases, project IBP/877 remains in the overall CIL plan because technically the full project list includes all proposals made by infrastructure providers, regardless of whether the Council intends to contribute CIL towards its funding or not.

5. New projects for consideration for inclusion in the CIL Spending Plan

West Sussex County Council officers' requests

- 5.1 That IBP/354 Bus Lane along A259 approaching Bognor Road roundabout is added to the 5 year CIL Spending Plan as follows: £114,000 in 2022/23, £228,000 in 2023/24 and £1,938,000 in 2024/25. (There is a wider A259 Chichester to Bognor Regis Corridor scheme that is prioritised through WSCC Strategic Transport Investment Plan (STIP) for feasibility study in 2021/22. IBP/354 is anticipated to form part of the overall strategy).
- 5.2 That new project IBP/937 for Oaklands Way Cycle Scheme – provision of cycle way on northern side of Oaklands Way from Northgate gyratory in the West to College Lane in the East is added to the CIL Spending Plan for £45,000 in 2022/23. (The total cost of the project is expected to be around £133,000 - £92,000 of this will be funded from S106 relating to the Graylingwell development). This project partly overlaps with Route B of the adopted Chichester Local Cycling, Walking and Infrastructure Plan (LCWIP). This relatively small investment together could unlock significant infrastructure serving both the University and residents of NE Chichester and improve safety for both pedestrians and cyclists.

Chichester District Council officers' request

- 5.3 That IBP/287 Coast Protection – Selsey East Beach – Raising of the Sea Wall is selected for £5,000,000 in 2026/27. (The total cost of the project has increased from £25,000,000 to around £30,000,000 - £25,000,000 will be funded from Flood Defence Grant in Aid (FDGiA). The project is needed as without it Selsey will not be protected and no further development could take place - the alternative is to manage retreat within the communities. The proportion of the scheme requiring CIL funding broadly relates to new development but is not a precise figure, whereas the FDGiA can only provide the proportion relating to existing development.
- 5.4 The new housing development over the short/medium term accounts for an increase of approximately 10% added to a community of 5,500 existing dwellings.) If at this stage it is taken as simply 10% of the scheme value (£30m) then the figure from CIL would be £3m leaving a shortfall of 2m to be found from other sources. However, in the event that Selsey accommodates some longer term future growth, it is considered that a contribution from CIL of £5m could be justified.

Sussex Police requests

- 5.5 That new projects for Automatic Number Plate Recognition (ANPR) cameras be funded from CIL and provided along key stretches of the highway network as follows:
- IBP/892 Permanent multi-lane ANPR camera, Cathedral Way between A27 and Tesco £7,000 year 2021/22;
 - IBP/893 A fixed lane ANPR camera, Terminus Road for the Business Park £7,000 year 2021/22;
 - IBP/894 A fixed lane ANPR camera, Stockbridge Road, north of the A27 for the business and leisure park £7,000 year 2021/22;
 - IBP/895 A fixed lane ANPR camera, Bognor Road, west of Portfield roundabout £7,000 year 2021/22;
 - IBP/896 2 ANPR cameras required on dual carriageway A27 between Fishbourne roundabout and the Emsworth junction £14,000 year 2021/22;
 - IBP/897 ANPR camera required, A286 Lavant Road, Chichester £7,000 year 2021/22;
 - IBP/898 Fixed lane ANPR camera junction Westhampnett Road/Portfield Way £7,000 year 2021/22.
- 5.6 The police projects were promoted without sufficient justification. Officers have asked for a full justification for the necessity of these projects and whether they can be evidenced to relate to the growth of the area as a result of the Local Plan, and whether the police can provide any match funding. Until this information is provided the projects will be classified as desirable and will not be selected for inclusion within the five year CIL Spending Plan.

South East Coast Ambulance Service (NHS Foundation Trust) request

- 5.7 That new project IBP/913 Birdham Ambulance Community Response Post (ACRP) for £10,000 is added to the CIL Spending Plan in year 2021/22. (The

total cost of the project is around £20,000 and the balance will be funded from other sources). The project is needed as a result of the growth from the Local Plan on the Manhood Peninsula, and increasing difficulties of getting ambulances across the A27 due to the increasing levels of congestion. An ACRP at Birdham will halve the time to reach Selsey than the base in Tangmere.

6. Outcomes to be achieved

- 6.1 The production of the IBP relies on the cooperation of all three tiers of local government and key infrastructure commissioners. The IBP promotes collaborative working relationships and a move away from reactive planning to a planned and proactive approach to infrastructure provision.
- 6.2 The IBP provides a transparent methodology to show how projects have been selected. It identifies other sources of funding in order to make best use of CIL.
- 6.3 Once the consultation has ended, officers will report any suggested amendments to DPIP in January 2022 with WSCC member attendance for this agenda item before the IBP is further considered by Cabinet in February 2022 and Council in March 2022 for approval and publication.

7. Proposal

- 7.1 This report seeks Cabinet's approval for consultation of the draft IBP 2022-27, with those who contributed to it (particularly given that project priorities may have changed or need to be updated) and to give them an opportunity to influence and comment on the IBP before it is finalised.

8. Alternatives that have been considered

- 8.1 To allocate CIL funds on an ad-hoc basis. The disadvantage is that this would not provide transparency about how projects have been selected, nor 'up front' certainty about which infrastructure projects will be funded to enable them to be worked up and delivered in time to accompany the growth of the area.

9. Resource and legal implications

- 9.1 The projects selected for CIL funding must be in accordance with the CIL Regulations.

10. Consultation

- 10.1 The projects within this IBP were identified by West Sussex County Council; officers of Chichester District Council; key infrastructure providers, and the City, Town and Parish Councils. In the case of the latter, workshops were not held this year and the projects were identified via email due to the Covid restrictions.
- 10.2 The Chichester District Growth Board met on 28 June 2021 and the draft CIL Spending Plan (Appendix 2) reflects their views about projects to be selected for funding within the next five years. It should be noted that the Growth Board did not raise the matters raised by DPIP at its meeting on 21 July 2021 regarding IBP/877 (extension to Chichester City Langley House GP practice). In

all other respects, both the Growth Board and DPIP were content that the IBP should be approved for consultation during October and November 2021.

11. Community impact and corporate risks

11.1 The IBP provides transparency about which CIL projects have been prioritised for funding between years 2022-2027. It will enable the Council to have more control over the timely delivery of infrastructure. The risks are as follows:

- Outbreaks of pandemic slowing anticipated rates of development, or changes needed to the payment by instalment policy both resulting in a delay in collecting CIL receipts;
- Changes to the CIL regime, resulting in less money being collected;
- Other sources of funding fail to materialise;
- Consensus not achieved over CIL spend;
- Infrastructure delivery commissioner(s) funding priorities change;
- That the infrastructure to be provided is insufficient to mitigate the impact of development.

12. Other Implications

	Yes	No
Crime and Disorder		✓
Climate Change and Biodiversity		✓
Human Rights and Equality Impact		✓
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing		✓
Other (please specify)		✓

13. Appendices

Appendix 1a **Version with IBP/877 shown as deselected for CIL funding** – Draft Infrastructure Business Plan 2022/2027 (Note: the IBP Appendices have not been printed, but are available electronically).

Appendix 2a **Version with IBP/877 removed** - Draft CIL Spending Plan

Appendix 1 **Version with IBP/877 shown as selected for CIL funding** - Draft Infrastructure Business Plan 2022/2027 (Note: the IBP Appendices have not been printed, but are available electronically).

Appendix 2 **Version with IBP/877 retained** - Draft CIL Spending Plan