

**Notice of Community Infrastructure Levy ['CIL'] payment
Parish Council Meeting 7 January 2020 Agenda item 9**

- 1) The purpose of this briefing note is to confirm the receipt of the CIL payment in respect of planning application reference 18/05672/FUL.
- 2) As per an email from the Wycombe District Council Infrastructure and Projects Officer (Planning & Sustainability) dated 16 December 2019 the sum of £13,408.24 has been received in the Parish Council bank account. Please also see the bank reconciliation (item 10 at this meeting) showing the monies were received in the Parish Council bank account on 13 December 2019.
- 3) The use of CIL payments by Parish Councils is extremely specific and regulated.
- 4) Appendix A attached to this briefing document is an information note prepared by National Association of Local Councils' ['NALC'] Legal team

This document confirms,

“CIL monies can be used to support the development of the local area to fund:

(a) the provision, improvement, replacement, operation or maintenance of infrastructure; or

(b) anything else that is concerned with addressing the demands that development places on an area.

“Infrastructure” includes physical, social and green infrastructure e.g. Highways; cycleways; education facilities; sports and community halls; parks and play areas.

CIL monies cannot be used for everyday TPC expenditure or for spending on items or services which fall outside the TPC's remit (whether that be by statute or Power of Competence)”

The NALC document also confirms we are required to report CIL payments as follows:

“You must prepare a report for any financial year in which you receive CIL receipts.

For that year, the report should include details of:

- *total CIL receipts;*
- *total CIL expenditure;*
- *a summary of what the CIL was spent on;*
- *Details of any notice served by the CA¹ for failure to use CIL monies within the required 5 year period or appropriately;*
- *the total amount of receipts retained at the end of the financial year (from that year and previous years).*

These reports can be combined with other reports already produced by your TPC².

The report should be published on your website (or on the or the CA’s website if you do not have one).

A copy of the report should be sent to the CA (from which you received the CIL monies) no later than 31st December following the relevant financial year, unless the report will be published on the CA’s website.”

- 5) A further briefing document produced by Wycombe District Council is attached at Appendix B.
- 6) A suggested annual report template is also attached [Appendix C]. Clearly, the transaction detail may change between now and 31 March 2020, but it is ready to go on our website immediately after our year end or now if the dates are amended.

¹ Charging Authority

² Town or Parish Council



A Guide to the Community Infrastructure Levy (CIL) for Parish and Town Councils

Planning Futures has been commissioned by the National Association of Local Councils' (NALC) Legal team to prepare this briefing note on how the Community Infrastructure Levy or CIL, can help your Town or Parish Council (TPC) to deliver and support local infrastructure provision.

What is CIL?

CIL is a charge on development that came into force in 2010 (and runs in tandem with s.106 contributions). The purpose of the CIL is to fund infrastructure to support local development.

Local Administrations can choose whether or not to charge CIL within their Borough/District and the levy is usually collected by the Local Planning Authority who are known as the “Charging Authorities” (CA).¹

The rate of CIL is set by the CA after consulting with their communities and developers (and is tested by Independent Examination).

The Town and Parish Council Share

TPCs are entitled to a “Neighbourhood proportion” (NP) (sometimes called the “Meaningful Proportion”) of the CIL monies received by the CA.

The amount you receive depends on whether or not you have an adopted Neighbourhood Plan in place.

No Neighbourhood Plan – You will receive 15% (capped at £100 per existing council tax dwelling in the Council’s area).

Adopted Neighbourhood Plan in your area (or a development that has been granted permission by a Neighbourhood Development order)? – You will receive 25% of CIL receipts (uncapped).²

¹ In London, the boroughs collect the levy on behalf of the Mayor.

² Where there is no TPC in an area, the CA will retain 15% as the NP and will consult with local communities as to spending priorities.

What can you spend it on?

CIL monies can be used to support the development of the local area to fund:

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area³.

“Infrastructure” includes physical, social and green infrastructure e.g. Highways; cycleways; education facilities; sports and community halls; parks and play areas.

CIL monies cannot be used for everyday TPC expenditure or for spending on items or services which fall outside the TPC’s remit (whether that be by statute or Power of Competence⁴).

Examples of how CIL monies have been spent include:

- Supporting a Town Bus service (**Henley on Thames Town Council**)
- Ultrafast fibre Broadband (**Waterstock Parish Council**)
- Installing village gates on a main road verge to slow down traffic (**Bix and Assendon Parish Council**)

Deciding your spending priorities

You should consult with your local community to create your list of local priorities.

To ensure that any consultation is inclusive and meaningful, and that all groups can engage with the CIL process, you should focus on ways of reaching out to all members of the community (particularly those who are less vocal or more vulnerable). TPC newsletters and websites/social media platforms are a useful resource for this, as are community engagement events.

CIL can be used to shape the future of your local area.

By engaging early with your CA, you can coordinate spending to leverage your CIL monies to maximum effect. For instance, you may wish to contribute to larger infrastructure projects to be undertaken by the District or County Council, which will benefit your area in the long-term.

Case Study:

Wokingham Town Council worked with their CA to complete a £4.2million partnership project to refurbish the Market Place. The Town Council used their current and projected CIL monies (including some borrowing against projected CIL income) to contribute to a 50:50 basis to the project.

³ The 2010 Regs 59C

⁴ Localism Act 2011 Part 1



Whilst CIL is often thought of as a fund to support planned development – you may also wish to invest your CIL monies in infrastructure that will incentivise future development.

Putting together an Infrastructure Investment/Delivery Plan (IP) listing the priorities, will provide an evidence base for spending decisions, transparency for local communities and will help you to give the CAs a better understanding of your community priorities.

Spending deadline

The CA will pay out CIL monies collected to your TPC at regular intervals.

The monies should be spent within 5 years of receipt. If they are not, or they are used inappropriately, then the CA can recover the monies.

Reporting requirements

You must prepare a report for any financial year in which you receive CIL receipts⁵.

For that year, the report should include details of:

- total CIL receipts;
- total CIL expenditure;
- a summary of what the CIL was spent on;
- Details of any notice served by the CA for failure to use CIL monies within the required 5 year period or appropriately;
- the total amount of receipts retained at the end of the financial year (from that year and previous years).

These reports can be combined with other reports already produced by your TPC.

The report should be published on your website (or on the or the CA's website if you do not have one).

A copy of the report should be sent to the CA (from which you received the CIL monies) no later than 31st December following the relevant financial year, unless the report will be published on the CA's website.

Note: This is a general briefing note on the operation of CIL for TPCs who are advised to obtain independent legal advice on matters that can lawfully be funded from CIL receipts (particularly if they have previously had Town/Parish precept funding).

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⁵ The 2010 Regs 62A





GUIDANCE FOR PARISH AND TOWN COUNCILS ON RECEIVING AND THE USE OF CIL FUNDS

Summary

Amendments are due to be made to the 2010 Community Infrastructure Levy (CIL) Regulation that will require the District Council to pass a proportion of CIL receipts collected from developments in their areas directly to parish and town councils to be spent on infrastructure or anything else that is concerned with address the demands that development places on an area.

The District Council will pass accumulated funds to the parish every 6 months, and the parish council will be required to report on receipts and expenditure each year.

Introduction

Amendment Regulations have been passed that require charging authorities (the District Council) to pass a proportion of CIL receipts to parish and town councils from developments that take place in their areas. It is now confirmed that Councils will be required to pass 15% of CIL receipts to relevant Parish and Town Councils arising from developments in their areas. This rises to 25% in areas with an adopted Neighbourhood Development Plan. Previously the Government had indicated only that the sum to be transferred would be a “meaningful proportion” of CIL receipts.

To prevent excessive amounts being passed on, the payments to areas without a Neighbourhood Development Plan in place will be capped to £100 per council tax dwelling per year. This means that a parish with 500 dwellings cannot receive over £50,000 of CIL receipts per year. Annex A sets out the maximum amount that can be passed to each parish and town council in the district.

In areas with a Neighbourhood Development Plan the amount to be passed over will be 25% with no cap.

How the funds must be spent

The amended Regulations state that this proportion of funds must be used *‘to support the development of the local area by funding*

(a) the provision, improvement, replacement, operation or maintenance of infrastructure; or

(b) anything else that is concerned with addressing the demands that development places on an area.'

This is a wider definition of what the District Council can use CIL funds (restricted to infrastructure to support the development of the area). These wider spending powers allow the local community to decide what they need to help mitigate the impacts of development.

If a parish council has failed to spend CIL funds passed to it within 5 years of receipt, or has applied the funds not in accordance with the Regulations then the District Council can serve a notice on the parish council requiring it to repay some or all of the receipts passed. The District Council will be required to spend any recovered funds in the parish council's area.

Payment periods

The District Council may come to an agreement with a parish council on when CIL funds may be passed to the parish council. Where no agreement is in place the District Council must make payment in respect of CIL it receives from 1st April to 30th September in any financial year to the parish council by 28th October of that financial year and pay the CIL received from 1st October to 31st March in any financial year by the 28th April of the following financial year.

Reporting

To ensure transparency parish councils must publish each year their total CIL receipts; total expenditure; a summary of what the CIL was spent on; and the total amount of receipts retained at the end of the reported year from that year and previous years.

Reports can be combined with reports already produced by parish council and should be placed on their websites and a copy of the report should be sent to the District Council

Further details

Please contact Gerard Coll, Developer Contributions Officer, if there are any queries at gerard.coll@wycombe.gov.uk or 01494 421142.

Annex 1 – Maximum CIL receipts Parish Councils without an adopted Neighbourhood Development Plan can receive annually

Parish	No. of Dwellings	Max CIL/annum
Bledlow-cum-Saunderton	985	£98,500
Bradenham	115	£11,500
Chepping Wycombe	6,072	£607,200
Downley	2,004	£200,400
Ellesborough	347	£34,700
Fawley	110	£11,100
Great Marlow	505	£50,500
Great and Little Hampden	124	£12,400
Great and Little Kimble	438	£43,800
Hambleton	641	£64,100
Hazlemere	3,825	£382,500
Hedsor	45	£4,500
Hughenden	3,426	£342,600
Ibstone	107	£10,700
Lacey Green	1,012	£101,200
Lane End	1,441	£144,100
Little Marlow	623	£62,300
Longwick-cum-Ilmer	560	£56,000
Marlow	6,285	£628,500
Marlow Bottom	1,314	£131,400
Medmenham	360	£36,000
Piddington and Wheeler End	258	£25,800
Princes Risborough	3,613	£361,300
Radnage	294	£29,400
Stokenchurch	2,074	£207,400
Turville	159	£15,900
West Wycombe	608	£60,800
Wooburn	4,866	£486,600

Community Infrastructure Levy payment ['CIL']
report for the year ending 31 March 2020

Appendix C

Date		Income (£)	Expenditure (£)	Balance (£)
01 Apr 2019	Balance bought forward from previous year			£0.00
	2019/2020 transactions			
13 Dec 2020	Planning reference 18/05672/FUL.	£13,408.24		
2019/2020	TOTALS	<u>£13,408.24</u>	<u>£0.00</u>	<u>£13,408.24</u>
31 Mar 2020	Balance carried forward to 2020/2021			<u>£13,408.24</u>

Note: No notices were received for the recovery of CIL that had been passed to the Parish Council but had not been spent within 5 years of receipt

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Great and Little Hampden Parish Council
02 Apr 2020

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