

<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 22 April 2013	<b>Meeting Name:</b> Borough, Bankside and Walworth Community Council
<b>Report title:</b>		Proposed new community infrastructure project list (CIPL) to guide S106 and CIL expenditure in each Community Council replacing the community project banks.	
<b>Ward(s) or groups affected:</b>		All in Borough, Bankside and Walworth Community Council	
<b>From:</b>		Chief Executive	

### **RECOMMENDATION**

1. That the community council agrees the new community infrastructure project list for this community council, which replaces the previous community project bank for the same area.

### **BACKGROUND INFORMATION**

2. The community project bank is a list of community generated project ideas which have been approved by the relevant community council. The project bank was first introduced across all eight community council areas in 2008/09 with a revised list being delivered in 2009/10 along with additional procedural guidance.
3. The project bank is designed to capture ideas for projects to improve the local environment that could be implemented through S106 or other funding sources as they become available. The list can then be used by councilors and project officers to identify specific area based projects that are known to have community and the relevant community council support.
4. The 2009/10 project prioritisation involved looking at the existing approved community project bank listings and incorporating other projects for consideration.
5. In 2009/10 the consultation and application process was combined with the Council's Cleaner Green Safer (CGS) programme in an effort to make the process easier for the community to understand. All viable ideas that met project bank criteria and were not fully funded by CGS were automatically added to the community project bank. Details of the status of the 2008/9 and 2009/10 projects can be found at appendix A of this report.
6. As part of revising Southwark's S106 Supplementary Planning Document (SPD) and the introduction of Southwark's CIL, there is an opportunity to revive the project banks into a list of community infrastructure projects that can meet the needs of the existing and future population. The consultation is designed to help identify what infrastructure local people believe is required in their local areas in order to support the projected level of new development.
7. In 2010 Regulations relating to securing S106 obligations were tightened to focus

more heavily on direct impacts of a particular development and the mitigation that is required by those impacts. Once Southwark's CIL is introduced in the middle of 2013, S106 contributions will only be used for defined site specific mitigation as CIL will secure contributions towards strategic infrastructure.

8. Of the current project bank projects outlined, 152 projects have been fully or partially financed, including 92 of the priorities from the list spread across all community council areas. This represents 43% of the identified priority projects.
9. A 12 week consultation to identify the new community infrastructure projects list was conducted in July through to October with reports and presentations at all Community Council, Planning Committee and local community groups. The results of these are incorporated in the appendices and form the proposed list
10. In early 2013 the Planning Minister Nick Boles announced the amount of CIL to be spent locally (meaningful amount) would be 15% with a cap at £100 per council tax dwelling. For areas with a neighborhood plan this would be 25% with no cap. This proposed CIPL list is intended to guide both existing S106 local spend and CIL local spend.

## **KEY ISSUES FOR CONSIDERATION**

11. Once Southwark CIL is adopted, new S106s will focus on immediate mitigation for a development and remove this as a source of project bank funding. The new community infrastructure project list (CIPL) will therefore focus on Southwark's CIL and existing S106 agreements which are already in the system and which have provisions covering the following publically accessible amenities:
  - Community facilities,
  - Education,
  - Public realm,
  - Local transport improvements,
  - Open space and,
  - Sport.
12. Under the S106, save for a few exceptions, contributions are not secured for improvements to residential buildings, or spaces to which potential residents of the funding development cannot access.
13. Monies secured under Southwark's CIL will have a wider application, breaking the link between funding development and mitigation. Southwark CIL funded projects must be for infrastructure that supports growth
14. Planned growth is highlighted in the adopted Core Strategy with the strategic infrastructure required to meet this need identified in Southwark's Infrastructure Plan (to be consulted upon in the summer).
15. It is currently proposed to keep the CIPL separate from Cleaner Greener Safer (CGS), however individual projects may crossover.

## **Policy implications**

16. The essential features to recognise here are:
  - National Planning Policy Framework
  - Localism 2011 Act
  - Community Infrastructure Regulations 2010, 2011 and 2012 Amendments,
  - Southwark's emerging CIL Charging Schedule and Infrastructure Plan (public consultation in July 2012 and February 2013)
17. Proposing to revise the current project bank to form the community infrastructure project list (CIPL) is a direct response to the above policy's guidance in seeking more local level community involvement in both the planning system and the decision making process. CIPL will help direct funding to local improvements local people have inputted to, improving the visibility of the benefits from new developments.
18. It is proposed to update the CIPL yearly to ensure that it continues to reflect local people's preferences and priorities for local infrastructure.

## **Community impact statement**

19. The proposed project is based around the desire to improve infrastructure for all and improve the communication between the council and the local community when it comes to planning infrastructure. Existing governance will ensure individual allocations are free from bias and opportunity is available to all.

## **Resource implications**

20. The emergence of the project banks as a CIPL, associated with historical S106 agreement contributions and Southwark's CIL enables the administration of this to benefit from both S106 agreement administration charges and the 5% of CIL the Council can retain for administration purposes.
21. An electronic process of submitting new ideas and updates on our website keeps costs low and yearly consultations and updates are focused in one month.
22. The existing governance for S106 expenditure, as detailed in the S106 Protocol, will be retained, as there is no proposed changes to this and the proposals will have no increase on resources.

## **Consultation**

23. There has been a 12 week consultation in later 2012 which these proposals are based upon.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Legal Services**

24. It is noted that pursuant to the Council's Constitution Community Councils, Planning Committee and local communities have been consulted concerning revisions to community infrastructure project lists (CIPL) which form the subject of this report. The main issues are outlined in the body of the report.
25. Members of the relevant Community Council's are requested to approve the CIPL which originate in their particular areas. In accordance with function 2 and 22 of Part 3H of the Constitution, Community Councils have the power to approve projects for inclusion within the community project bank or CIPL being a successor to the community project bank system.
26. In making their decision members should note the contents of this report and in particular the restricted application of Section 106 planning obligations. An authority's ability to pool more than five separate planning obligations / contributions entered into on or after 6 April 2010 towards a common piece of infrastructure will be phased out effective from April 2014 (Reg 123). In addition, projects identified as infrastructure projects on a Regulation 123 list will not generally be funded by Section 106 unless such a project amounts to site specific mitigation necessitated by that particular development. Effectively, from the date of adoption of CIL, future Section 106 agreements will not be used to fund infrastructure projects but will continue to fund affordable housing and site specific mitigation. Existing S106 contributions will be rollover to cover expenditure of CIPL project but subject to the constraints placed by regulations and government guidance.
27. Members are advised that subject to the above considerations they may approve the CIPLs applicable to their areas as potential projects which may be funded in the manner set out in this report.

### **Strategic Director of Finance and Corporate Services**

28. The Strategic Director of Finance and Corporate Services notes the resource implications contained within the report. Officer time to effect the recommendations will be contained within existing budgeted revenue resources.

## **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
None		

## **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Community Infrastructure Project List (CIPL) proposed March 2013

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Zayd Al-Jawad, Section 106 Manager	
<b>Version</b>	Final	
<b>Dated</b>	18 January 2013	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services	Yes	Yes
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Community Council</b>	9 March 2013	