

Item No. 9.	Classification: Open	Date: 10 September 2014	Meeting Name: Dulwich Community Council
Report title:		Refresh and update of the Community Infrastructure Project List (CIPL) to guide S106 and CIL expenditure in each Community Council area	
Ward(s) or groups affected:		All in the Dulwich Community Council area	
From:		Chief Executive	

RECOMMENDATION

1. That the community council notes the funded schemes and agrees to update the Community Infrastructure Project List (CIPL) for this community council, which replaces the previous CIPL agreed in 2013.

BACKGROUND INFORMATION

2. In 2013 we consulted and adopted the Community Infrastructure Project List (CIPL) which replaced the 2009/10 Project Banks. The CIPL details possible S106 and local CIL projects for publically accessible improvements for each community council and was adopted by the community councils in the summer of 2013.
3. At the time we committed to annual updates and refreshes of the list through the community council. Ideas for new projects are accepted throughout the year this report presents the new schemes for consideration.
4. As part of revising Southwark's S106 Supplementary Planning Document (SPD) and the introduction of Southwark's CIL the Council has committed to spend 25% of Southwark CIL locally.
5. 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 early 2015, S106 contributions will only be used for defined site specific mitigation as CIL will secure contributions towards strategic infrastructure.
6. Of the current project bank 27 projects, 1 (Long Meadow) has been fully funded, 1 (Greendale) partially financed. One new project Dulwich Helpline & Southwark Churches Care, Adult Community Care provision is proposed to be added to the list. Details are provided in appendix 2.

KEY ISSUES FOR CONSIDERATION

7. 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.
8. 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.
 9. 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
 10. The council has committed to spend 25% of local Southwark CIL in the local planning area, whether that is neighbourhood plan, area action plan, supplementary planning document area of opportunity area. For the few gaps that are not covered by the designations it will be spent within the community council area. See appendix 1
 11. It is currently proposed to keep the CIPL separate from cleaner greener safer (CGS), however individual projects may crossover.

Policy implications

12. The essential features to recognise here are:
 - National Planning Policy Framework
 - Localism 2011 Act
 - Community Infrastructure Regulations 2010, 2011 to 2014 Amendments,
 - Southwark's draft CIL Charging Schedule and Infrastructure Plan (Examined in Public 29 and 30 July)
13. 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

14. 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

15. 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.

16. 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.
17. The existing governance for S106 expenditure, as detailed in the S106 Protocol, will be retained, as there are no proposed changes to this and the proposals will have no increase on resources.

Consultation

18. Throughout the year, most recently the July Planning Committee update report, July community council announcements, S106 2012-2014 Annual report.
19. This report now proposes the new projects that have come in during the last year.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

20. It is noted that pursuant to the Southwark 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.
21. Members of the relevant community councils 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.
22. 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 2015 (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.
23. 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

24. The Strategic Director of Finance and Corporate Services notes the resources implications of the projects in this report. Allocations and use of the banked S106 funds will be monitored as part of the council's annual capital programme.
25. Officer time to effect the recommendations will be contained within existing revenue budget.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Community Infrastructure Project List (CIPL) which replaced the 2009/10 Project Banks	Southwark Council Chief Executive 160 Tooley Street London SE1 2QH	Zayd Al-Jawad 020 7525 7309

APPENDICES

No.	Title
Appendix 1	Community Infrastructure Project List (CIPL) proposed September 2014

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Zayd Al-Jawad, Section 106 & CIL Manager	
Version	Final	
Dated	22 August 2014	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	Yes	Yes
Strategic Director of Finance and Corporate Services CAP14/048	Yes	Yes
Cabinet Member	No	No
Date final report sent to the Community Council Team	28 August 2014	