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| Item No. 9. | Classification: Open | Date: 30 March 2017 | Meeting Name: Borough, Bankside and Walworth Community Council |
| Report title: | | Refresh and update of the Community Infrastructure Project List (CIPL) to guide section 106 and CIL expenditure in each community council | |
| Ward(s) or groups affected: | | Borough, Bankside and Walworth Community Council | |
| 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 15 July 2015.

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 community infrastructure levy (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 Section 106 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 51 projects, one project has been fully funded and one has been modified for approval; see Appendix 2. Six new projects are currently being proposed to be added to the list.

KEY ISSUES FOR CONSIDERATION

7. Southwark CIL was adopted in March and introduced in April 2015, and future section 106 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 section 106 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
 - Sport.
8. Under the section 106, 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.
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 section 106 agreement administration charges and the 5% of CIL the council can retain for administration purposes.
16. The existing governance for section 106 expenditure, as detailed in the section 106 protocol, will be retained, as there are no proposed changes to this and the proposals will have no increase on resources.

Consultation

17. This report now proposes the new projects that have come in during the last year.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

18. 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.
19. 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 21 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.
20. 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 (regulation 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 section 106 contributions will be rollover to cover expenditure of CIPL project but subject to the constraints placed by regulations and government guidance.
21. 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 Governance

22. The strategic director of finance and corporate services notes the resources implications of the projects in this report. Allocations and use of the banked section 106 funds will be monitored as part of the council's annual capital programme.

23. Officer time to effect the recommendations will be contained within existing revenue budget.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|-------------------|---------|---------|
| None. | | |

APPENDICES

| No. | Title |
|------------|--|
| Appendix 1 | CIL local funding areas |
| Appendix 2 | Community Infrastructure Project List (CIPL) proposed March 2017 |

AUDIT TRAIL

| | | | |
|---|---|------------------------|--------------------------|
| Lead Officer | Simon Bevan, Director of Planning | | |
| Report Author | Alistair Huggett, Planning Projects Manager | | |
| Version | Final | | |
| Dated | 16 March 2017 | | |
| Key Decision? | No | | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | | |
| Officer Title | | Comments sought | Comments included |
| Director of Law and Democracy | | Yes | Yes |
| Strategic Director of Finance and Governance | | Yes | Yes |
| Cabinet Member | | No | No |
| Date final report sent to Constitutional Team | | | 17 March 2017 |

APPENDIX 1

CIL Local Funding Areas

