

**COMMUNITY INFRASTRUCTURE LEVY: AMENDMENTS TO THE REGULATION  
123 LIST**

Committee: Full Council

Date: 21 April 2015

Author: Corporate Unit Manager

[P240]

1.0 **ISSUE**

1.1 To consider amendments to the Community Infrastructure Levy (CIL) Regulation 123 list (R123 list), namely; the inclusion of new infrastructure projects.

2.0 **RECOMMENDATION(S)**

2.1 It is recommended that Council approves the draft R123 list as set out in Appendix 1.

3.0 **BACKGROUND**

3.1 East Cambridgeshire District Council introduced CIL on 1 February 2013. CIL is a levy that is charged on most new development in the District. The contributions raised through this levy are used to fund, in whole or in part, the necessary infrastructure required to support growth and development in the District.

3.2 As part of the CIL Regulations 2010 (as amended), the Council is required to produce a list of infrastructure projects that could potentially benefit from CIL funding; this is known as the R123 list. At present the list consists of the Ely Leisure Centre, Littleport Secondary School, Soham Railway Station and Ely Southern Bypass.

4.0 **CONSULTATION**

4.1 A consultation was carried out from 17 December 2014 to 6 March 2015. The consultation consisted of three parts; North Ely, District Projects to be considered for inclusion on the R123 list and an invitation for bids to be submitted for major projects to be included on the R123 list.

4.2 A copy of the consultation correspondence is provided at Appendix 2.

4.3 **Part 1- North Ely**

4.3.1 The Council is currently considering two planning applications for the North Ely Development; the first application is for 800 dwellings and is referred to as

the Church Commissioners (CC) application and the second application is for 1,200 dwellings and is referred to as the Endurance Estates (EE) application.

4.3.2 During Section 106 (S106) negotiations, both applicants demonstrated that the development would not be viable with the level of affordable housing and other S106 contributions that were initially being sought by the Council, and therefore could not be delivered.

4.3.3 In order to assist with viability and facilitate the delivery of a meaningful amount of affordable housing within the development, Officers reviewed the list of infrastructure that was being sought from the developments in order to ascertain whether the CIL contribution (from these developments) could be applied to fund some of the infrastructure.

4.3.4 Following this assessment, Officers recommended to Planning Committee that the following three projects should be included on the R123:

- Children's Centre (serving the North Ely development)
- North Ely Country Park
- Health (Provision of new health facilities or improvement to existing health facilities serving Ely and the District)

4.3.5 On 5 November 2014, Planning Committee resolved to recommend to Full Council that the CIL R123 list be amended to include the children's centre, health and country park infrastructure requirements.

4.3.6 City of Ely Council were the only consultee to respond to Part 1 of the consultation. City of Ely Council support the inclusion of these three projects on the R123 list.

#### 4.4 **Part 2- District Projects**

4.4.1 Angel Drove Commuter Car Park

4.4.2 A project group has been formed to review the car parking capacity issues at this site and is investigating how additional car parking spaces can be made available to increase capacity within the site. CIL has been identified as a possible source of funding for the infrastructure that may be required to support any recommendations made by the project group.

4.4.3 On 8 December 2014 Asset Development Sub-Committee instructed the Corporate Unit Manager to consider including the Angel Drove Commuter Car Park on the R123 list.

4.4.4 City of Ely Council were the only consultee to respond to Part 2 of the consultation. City of Ely Council support the inclusion of this project on the R123 list.

#### 4.4.5 **Littleport Station Car Park**

4.4.6 Car parking capacity has been an ongoing issue on this site. Officers are currently exploring land options to bring forward a site where additional car parking spaces can be provided. CIL has been identified as a potential source of funding to facilitate a site being secured.

4.4.7 City of Ely Council were the only consultee to respond to Part 2 of the consultation. City of Ely Council support the inclusion of this project on the R123 list.

#### 4.5 **Part 3- Major Projects**

4.5.1 As part of the consultation process the Council invited stakeholders to submit bids for major projects (those projects with a value of £100,000-£4,000,000). The Council received 23 submissions in total.

4.5.2 Scoring criteria was agreed by the Joint Member and Officer Steering Group. In order for a bid to be recommended to Full Council for approval, a score of 50% needed to be achieved. These bids were considered and scored by the Joint Members and Officer Steering Group. A summary of the bids that were submitted is provided at Appendix 3.

4.5.3 The Joint Member and Officer Steering Group recommend the following projects to be included on the R123 list:

- Lode to Quy Cycle Path
- Expansion and relocation of Staploe Medical Centre
- Witchford Household Recycling Centre
- Wicken-Soham-Ely Cycle Path

4.5.4 It was recognised by the Joint Member and Officer Steering Group that stakeholders needed greater clarity and information to enable more detailed bids to be submitted. Officers have agreed to hold a seminar in the near future which will set out the application process and the level of information that will be needed in order for a bid to be successful.

#### 5.0 CONCLUSION

##### 5.1 **Part 1- North Ely**

5.1.1 The North Ely development forms part of the Council's corporate priorities. The health and Country Park projects have the potential to provide District-Wide benefit. Delivery of these developments is essential for the growth and economy of the District. For these reasons it is appropriate for these projects to be included on the R123 list.

## 5.2 Part 2- Angel Drove Commuter Car Park and Littleport Station Car Park

5.2.1 Based on the projected level of growth in the District, the capacity issues at both of these sites will continue to increase. The purpose of CIL is to enable the Council to mitigate the impact from growth on local infrastructure. Both projects will assist the Council in delivering the corporate priorities. For these reasons it is appropriate for these projects to be included on the R123 list.

## 5.3 Part 3- Major Projects

5.3.1 The projects identified at 4.6.3 have been assessed by the Joint Member and Officer Steering Group against the Major Projects Selection Criteria (provided at Appendix 4) and meet the minimum scoring threshold. For this reasons it is appropriate for these projects to be included on the R123 list.

5.4 Please note that inclusion of these projects on the R123 list does not signify a commitment for the Council to fund, whether in whole or part, the projects. The projects being included on the R123 list merely provide a potential funding source. A stakeholder will need to apply separately for CIL contributions to be released to benefit the project.

## 6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

6.1 There are no financial implications arising from this report.

6.2 An Equality Impact Assessment (INRA) is not required.

## 7.0 APPENDICES

7.1 Appendix 1- Draft Regulation 123 List  
Appendix 2- Consultation Correspondence  
Appendix 3- Summary of Bids  
Appendix 4- Major Projects Selection Criteria

---

### Background Documents

None

### Location

Room 007,  
The Grange,  
Ely

### Contact Officer

Emma Grima  
Corporate Unit Manager  
(01353) 616960  
E-mail:  
[emma.grima@eastcambs.gov.uk](mailto:emma.grima@eastcambs.gov.uk)

## East Cambridgeshire District Council Community Infrastructure Levy: Regulation 123 List

### Introduction

The Community Infrastructure Levy ('CIL') Regulation 123 provides for a CIL charging authority to publish a list of infrastructure likely to be funded from CIL on its website.

CIL can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the charging authority's area.

The CIL Regulation 123, however, restricts the use of Section 106 Planning Obligations for infrastructure that will be funded in whole or in part by the CIL. This is to ensure no duplication or 'double funding' between the two types of developer contributions towards the same project.

The Regulation 123 list can be reviewed and updated regularly. The inclusion of a project or type of infrastructure does not signify a commitment from the Council to fund the project (either in whole or in part).

### East Cambridgeshire Regulation 123 List

The East Cambridgeshire CIL Regulation 123 list is set out in the table below. The table is in no particular order and no priorities have not been identified.

#### East Cambridgeshire CIL Regulation 123 List

Infrastructure Type	Category	Project
Education	Strategic	Littleport Schools
Sport & Leisure	Strategic	District Leisure Centre
Transport	Strategic	Soham Railway Station
Transport	Strategic	Ely Southern Bypass
Health	Strategic	Health Facilities
Education	Major	Children's Centre (serving North Ely Development)
Sport & Leisure	Major	North Ely Country Park
Health	Major	Staploe Medical Centre Improvements
Transport	Major	Angel Drove Commuter Car Park
Transport	Major	Littleport Station Car Park
Transport	Major	Lode to Quy Cycle Path
Transport	Major	Wicken-Soham-Ely Cycle Path
Strategic Waste	Major	Witchford Household Recycling Centre

**From:** Sally Bonnett  
**Sent:** 17 December 2014 11:52  
**Subject:** Community Infrastructure Levy – Update and Consultation

## **Community Infrastructure Levy – Update and Consultation**

East Cambridgeshire District Council ('ECDC') introduced the Community Infrastructure Levy ('CIL') on 1<sup>st</sup> February 2013. CIL is a levy that is charged on most new development in the district. The money raised through this levy will be used to pay for infrastructure required to support development in the district. CIL is governed by the Community Infrastructure Regulations 2010 (as amended).

### **Funding received to date**

The table below identifies payments received by the council to date and how they have been allocated, in accordance with the requirements of the CIL regulations.

<b>Income</b>	<b>15% Parish element</b>	<b>5% ECDC Administration cost</b>	<b>Balance for allocation by ECDC</b>
£388,012.83	£56,314.70	£19,400.64	£312, 297.49

The Council transfers the 15% Parish funding to the relevant Parishes in April and October of each year. Parishes also receive a guidance note setting out why the Parish is receiving funding and the reporting obligations of the relevant Parish when applying these funds.

### **Regulation 123 List**

Under the Regulations the Council is required to prepare a list of infrastructure that may benefit from CIL contributions; this is known as the Regulation 123 ('R123') list. Inclusion of a project on this list does not commit the Council to spend funds on the project – it simply indicates that this is a potential scheme for that could benefit from CIL funding. At present the R123 list consists of the following infrastructure projects:

- Ely Leisure Centre
- Littleport Secondary School
- Soham Railway Station
- Ely Southern Bypass

### **Consultation on Regulation 123 list amendments**

This consultation consists of three parts.

### Part 1- North Ely Development

Based on a recommendation from ECDC Planning Committee, the District Council is considering allocating the North Ely CIL contributions to five specific projects; Ely Leisure Centre, Littleport Secondary School, North Ely Country Park, Health and the Children's Centre serving the development. The Ely Leisure Centre and Littleport Secondary school are already included in the R123 list, this section of the consultation seeks your view on including the following projects to the R123 list:

- Children's Centre (serving the North Ely development)
- North Ely Country Park
- Health ( Provision of new health facilities or improvement to existing health facilities serving Ely and the District)

These projects will only receive CIL income that is generated by the North Ely Development.

1. *Your Local Council views/comments are invited as to whether the District Council should include the three specific North Ely Projects (mentioned above) on the R123 list, so that they may benefit from CIL funding. They will only receive CIL funding generated by the North Ely Development.*

### Part 2 - District Projects

In order to mitigate the impact arising from new developments, the District Council is also considering adding the following projects to the Regulation 123 list:

- Angel Drove Car Park
- Littleport Station Car Park

2. *Your Local Council views/comments are invited as to whether the District Council should include the Angel Drove Car Park and Littleport Station Car Park projects on the R123 list, so that they may benefit from CIL funding.*

### Part 3 - Major and Strategic Projects

The District Council is inviting proposals for other strategic projects (i.e. costing over £4 million) that could be included on the Regulation 123 list.

3. *Are there any other strategic projects you would like the District Council to consider for inclusion on the list? (an expression of interest form is attached for you to complete for each of the projects you have identified)*

### **Major Project proposals**

To date the District Council has only included strategic level projects (projects which will have a District wide impact and are likely to involve costs of at least £4 million or more) on the R123 list. The District Council has recognised a need to consider Major projects (those costing between £100,000 and £4 million) for inclusion on the R123 list.

The District Council is inviting proposals for Major Projects (i.e. costing £100,000 and £4 million) that could be included on the Regulation 123 list.

4. *Are there any major projects you would like the District Council to consider for inclusion on the list? (an expression of interest form is attached for you to complete for each of the projects you have identified)*

When proposing projects please bear in mind:

CIL Regulations state that funds must be spent on 'infrastructure necessary to support growth'

The project must be:

- Based on a demonstrated need
- Deliverable in the next 3-5 years
- Costing between £100,000 and £4 million

In order to maximise CIL funding, it is not proposed that CIL will be able to fund the entirety of a project, and as such an element of match funding will be required.

It is proposed that the R123 list will be reviewed annually or as need arises. The District Council will consult with the relevant stakeholders each time an amendment is proposed. If you don't have a project to include on the list at present, it will be possible for you to include a project at a later date.

## **How to respond**

If you wish to comment on the proposed amendments to the Regulation 123 list or submit project proposals (please complete the attached expression of interest form) please send these to [cil@eastcambs.gov.uk](mailto:cil@eastcambs.gov.uk) by 5pm on Friday 6<sup>th</sup> February 2015.

All project proposals will be assessed against the criteria before recommendations for their inclusion on the list are made to Full Council on 26th February 2015.

If your Council wish to make representations, but will have difficulty in doing so before this deadline, please contact Emma Grima, Corporate Unit Manager, email [emma.grima@eastcambs.gov.uk](mailto:emma.grima@eastcambs.gov.uk) or telephone 01353 665555.

Should you require any further information, please do not hesitate to contact Emma or myself.



Yours sincerely,

Sally Bonnett  
Infrastructure and Projects Officer



Expression of  
interest form.do...

### Appendix 3

#### Bid submitted for inclusion in the Major Projects Category

Organisation	Project	Score	Notes
Burwell Parish Council	Burwell Sports Hub	36%	More information and evidence of stakeholder support is required from Burwell Parish Council
Burwell Parish Council	Cycle Path- Burwell to Exning	48%	More evidence of stakeholder support is required from Burwell Parish Council
Burwell Parish Council	Improvements to verge- The Causeway	27%	Does not fit within the major project category
Burwell Parish Council	Traffic Management- Reach Road/Swaffham Road junction, Burwell	28%	More information is required from CCC as the Highway Authority.
Cambridgeshire County Council	Area Special School 2-19	51%	This project is included on the R123 list as Littleport Secondary School- amend R123 to state Littleport Schools
Cambridgeshire County Council	Cycle networks between market towns	54%	Whilst the application scored above the 50% threshold, it is not recommended for inclusion in the R123 list at this time as the Steering Group would like to see more evidence of Parish support.
Cambridgeshire County Council	Dualling A10 between A142 Witchford Road and A142 Angel Drove	Not Scored	This project will not be delivered within the 3-5 year period specified. CCC are invited to submit the bid at a later date
Cambridgeshire County Council	Expansion of Bottisham Village College	35%	There may be an opportunity for this to be secured through Section 106 contributions. Insufficient information with regards to costs and timescale for delivery. If the project cannot be delivered through Section 106, CCC are invited to submit the bid at a later date.
Cambridgeshire County Council	Strategic Waste Contribution- Witchford Household Recycling Centre	53%	
Councillors Gareth and Pauline Wilson	Cycle Path from Thistle Corner to Sainsbury's	Not Scored	A cycle route is being delivered as part of the North Ely development.
Haddenham Parish Council/Councillors Gareth and Pauline	Roundabout or alternative at Witcham Toll	31%	More information and evidence of stakeholder support required.

Wilson			
Haddenham Parish Council/Councillors Gareth and Pauline Wilson	Traffic lights at Haddenham Crossroads	34%	More information and evidence of stakeholder support required.
Kirtling and Upend Parish Council	Children's play area	20%	More information is required.
Littleport Parish Council	Upgrading of existing leisure centre	Not scored	More information is required as to what the upgrade works would consist of. Once in post the Business Development Officer (Leisure) will work with the leisure centre to submit a bid.
Lode Parish Council	Lode to Quy Cycle Path	54%	
Reach Parish Council	Swaffham Prior Church of England Primary School Extension	38%	More evidence of stakeholder support is required. CCC do not support the expansion of this school as the expansion to Burwell Primary School will negate the need for this school to be extended.
Soham Town Council	Wicken to Soham cycleway	53%	
Staploe Medical Centre	Expansion and relocation of Staploe Medical Centre	53%	
Swaffham Bulbeck Parish Council	Lode to Quy Cycle Path	54%	
Swaffham Prior Parish Council	Swaffham Prior Church of England Primary School Extension	38%	More evidence of stakeholder support is required. CCC do not support the expansion of this school as the expansion to Burwell Primary School will negate the need for this school to be extended.
Wicken Parish Council	Wicken-Soham-Ely Cycle Path	60%	
Westley Waterless Village Hall Committee	Refurbishment/Updating of village hall	15%	More information required.

### **Scoring Criteria for Regulation 123 List Major Projects Funding**

Projects will be scored on their ability to meet the criteria set out below; extra weighting will be given to the scores awarded for good fit with the Council's infrastructure priorities.

#### **1. Proposed project fit with East Cambridgeshire Local Plan and ECDC Council Corporate Priorities**

The above documents set out the Council's infrastructure priorities, based on proposed housing growth across the district and in consultation with local communities:

- Does the project contribute to the delivery of the District Council's Corporate Priorities?
- Does the project deliver specific objectives and policies of the East Cambridgeshire Local Plan?
- Is this project identified as a priority in the relevant Village Vision within the Local Plan?
- Does the project deliver specific objectives and policies of the Cambridgeshire Local Transport Plan 2011 – 2013 (where applicable)?

#### **2. Deliverability and funding of proposed project**

Proposed projects will be considered with regard to the following criteria:

- Deliverability: The ability of the applicant to deliver the expected benefits on time and within budget.
- Access to alternative funding: Can the project be funded from alternative funding streams?
- Match funding: The level of match funding that the project has been secured or identified.

#### **3. Prioritisation of proposed projects based level of local growth and evidence of need**

The money collected from CIL can only be used to fund infrastructure projects in the area that are needed as a result of development:

- Is this project necessary to support local growth?
- Has the applicant provided evidence of need?
- Has the application provided evidence of stakeholder support (where applicable)?
- Does the project offer wider as well as local benefits?

**East Cambridgeshire District Council**  
**R123 List Major Project Assessment and Prioritisation Form**

<b>Project title</b>
<i>Commencing with location</i>

<b>Project description and estimated cost</b>	
Type of Infrastructure:	<i>General description of proposed infrastructure</i>
Aims and Objectives of project:	<i>Link to corporate priorities</i>
Estimated capital cost (£k):  Revenue cost per annum (£k):  Third party contributions (£k):	<i>Estimate capital investment / revenue impact and list contribution source</i>

<b>Proposed project fit East Cambridgeshire Local Plan and ECDC Council Corporate Priorities</b>		<b>Score (extra weighting given)</b>	
Level of contribution to the delivery of the District Council's Corporate Priorities	<i>Directly or indirectly related to one or more of the District Council's Corporate Priorities</i>  <i>One point awarded per Corporate Priority</i>	<i>0 to +5</i>  <b>X2</b>	
Level of contribution to specific objectives and policies of the East Cambridgeshire Local Plan	<i>Directly or indirectly related to one or more of the Local Plan objectives/policies, identified as a priority in the relevant Village Vision within the Local Plan</i>  <i>1 point awarded per Village Vision project is identified in</i>  <i>1 point awarded per Local Plan objective/policies</i>	<i>0 to +5</i>  <b>X2</b>	
Fit with specific objectives and policies of the Cambridgeshire Local Transport Plan 2011 – 2031 (where applicable)	<i>Emphasis of any new transport capacity in the area is on public transport, traffic restraint, cyclists and pedestrians</i>  <i>1 point awarded per objective/policy</i>	<i>0 to +5</i>  <b>X2</b>	

<b>Deliverability and funding of proposed project</b>		<b>Score</b>	
Ability of applicant to	<i>The extent to which a project is deemed likely to deliver the expected benefits within the declared cost/time/quality</i>	<i>0 to +5</i>	

deliver the expected benefits within the declared cost/time/quality envelope.	<i>envelope. Applicant's previous experience of delivering infrastructure projects.</i>		
Access to alternative funding	<i>Does the applicant have sufficient reserves to fund the project themselves? Does the project contribute towards the delivery of infrastructure by a provider (including the County Council) where it can be satisfactorily demonstrated that the infrastructure would not otherwise be delivered; i.e. that all other possible funding sources are insufficient</i>  <i>0 points awarded if other funding sources available which cost pay for project, up to 5 depending on amount of other funding available</i>	0 to +5	
Match funding	<i>Level of match funding as percentage of project cost</i>  <i>None = 0 points</i> <i>Under 10% = 1 point</i> <i>10-19% = 2 points</i> <i>20-29% = 3 points</i> <i>30-39% = 4 points</i> <i>40%+ = 5 points</i>	0 to +5	

<b>Level of local growth and evidence of need</b>		<b>Score</b>	
Level of growth in settlement from 2013	<i>Number of new dwellings identified in draft Local Plan</i>  <i>Under 10 = 0 points</i> <i>10-49 = 1 point</i> <i>50-99 = 2 points</i> <i>100-149 = 3 points</i> <i>150-199 = 4 points</i> <i>200+ = 5 points</i>	0 to +5	
Evidence of need provided	<i>Robustness of evidence submitted, local community demand or resistance, and linkage with other projects and developments</i>	0 to +5	
Evidence of stakeholder support (where applicable)	<i>Level of support from relevant statutory organisation/service provider, member support</i>  <i>One point for each of the following</i> <i>Parish Council support</i> <i>District Council support</i> <i>County Council support</i> <i>Service provider support</i> <i>Other stakeholder support</i>	0 to +5	
Geographical coverage of project	<i>Expected catchment area of impact</i>  <i>Parish = 1 point</i> <i>Ward = 2 points</i> <i>Neighbourhood Panel Area = 3 points</i> <i>District = 4 points</i> <i>County = 5 points</i>	0 to +5	

<b>Total Score (out of maximum of 55 for non-transport projects, 65 for transport projects)</b>	<b>Score</b>	<b>Score as %</b>