

Barrowden Parish Council

CIL Expenditure Procedure Policy

(and Sect 106 provided in lieu of CIL)

Introduction

Under the Rutland County Council CIL (Community Infrastructure) Policy 25% of the funds the authority receives from developments within a Parish will be paid to the Parish Council. This 25% is the 'the neighbourhood portion of the levy' referred to below.

The money received by the Parish must be utilised in line with para 59C of [The Community Infrastructure Levy \(Amendment\) Regulations 2013](#), namely

A local council must use CIL receipts passed to it to support the development of the local council's area, or any part of that area, by funding—

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

This is a broader definition than that which applies to the way in which Rutland County Council itself can use CIL funds.

How can the funds be spent?

The National Planning Policy Guidance in Paragraph 151, Reference ID: 25-151-20190901, states

The neighbourhood portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to 'support the development of the area. The wider definition means that the neighbourhood portion can be spent on things other than infrastructure (as defined in the Community Infrastructure Levy regulations), provided it is concerned with addressing the demands that development places on the Parish's area.

Deciding CIL (Sect 106) Infrastructure Projects

While the above gives some broad guidance, there are no specific government-prescribed processes for spending the neighbourhood portion of the collected levy. Any project spending must fit within the usual Parish Council powers of competence. Still, there is scope for Parish Councils to use CIL funds (and Sect 106 funds in lieu) for various projects that the Parish Council feels best address priorities expressed by residents.

The Parish Council should consider how the funds can be used to deliver the infrastructure identified in the Barrowden and Wakerley Neighbourhood Plan.

Barrowden Parish Council
CIL Expenditure Procedure Policy
(and Sect 106 provided in lieu of CIL)

It is important to note that Rutland County Council (as the CIL Collecting and Enforcement Authority) cannot say nor advise which projects the Parish Council would be acceptable, as the legislation is subjective rather than prescriptive. Therefore, it is entirely possible that one Officer analysing spending may not agree with another Officer's interpretation.

The Parish Council therefore needs to ensure that they can provide evidence as best they can that the proposed spend on any project broadly falls within the parameters of CIL Regulation 59c.

Thus for each project the Parish Council will respond to the following questions (see APPENDIX 1 for a project evidence checklist):

1) Does it constitute infrastructure as defined by Section 216(2) of the Planning Act 2008 and amended by Regulation 63 of The Community Infrastructure Levy 2010, namely:-

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces.

2) If the answer to 1) is yes, will the proposed spend;

- (a) Provide, Replace, Improve, Maintain, or Enable the Operation of said infrastructure.

3) If the answer to 1) is yes, HOW does the proposes spend:

- a) Provide; Replace; Improve; Maintain; or Enable the Operation of said infrastructure?

4) If the answer to 1) is no, does the proposed spend address the demands that any new development has placed on the Parish?

5) If the answer to 4) is yes, What are the demands?

6) Can the demands be evidenced as related to the new development?

7) How does the proposed spend address the said demands?

Barrowden Parish Council
CIL Expenditure Procedure Policy
(and Sect 106 provided in lieu of CIL)

If the answers to 1) and 4) are both 'No', then it is unlikely the proposed spending will meet the requirements of the CIL regulations.

Governance and spending

Providing CIL money is spent in accordance with Reg. 59c, Parish Council CIL monies may be used to provide seed or match funding with other income streams and may be spent collaboratively with other Parish Councils, Community Interest Companies, or any other type of providers or companies, that would make the most efficient use of funding to benefit the community.

This Policy reflects the need for the Parish Council to assess such proposed projects for eligibility and the system by which it would identify a proposed project as having priority for allocation of CIL spending in order to ensure fair allocation and transparency of process for their residents.

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APPENDIX 1

Parish Council – Guidance on Ascertaining CIL Infrastructure Projects – Check List

Project Description:	
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1	Does your project constitute infrastructure as defined by Section 216(2) of the Planning Act 2008, and amended by Regulation 63 of The Community Infrastructure Levy 2010?	Yes / No <i>(delete as appropriate)</i> Which one: _____
2	If the answer to 1) is yes, will the proposed spend; <div style="margin-left: 40px;"> a) Provide said infrastructure; b) Replace said infrastructure; c) Improve said infrastructure; d) Maintain said infrastructure; or e) Enable the operation of said infrastructure. </div>	Yes / No <i>(delete as appropriate)</i>
3	If the answer to 1) is yes, HOW does the proposes spend: <div style="margin-left: 40px;"> a) Provide said infrastructure; b) Replace said infrastructure; c) Improve said infrastructure; d) Maintain said infrastructure; or e) Enable the operation of said infrastructure. </div>	

4	If the answer to 1) is no, does the proposed spend address the demands that any new development has placed on the Parish?	Yes / No <i>(delete as appropriate)</i>
5	If the answer to 4) is yes: What are the demands?	
6	Can the demands be evidenced as to be related to the new development?	Yes / No <i>(delete as appropriate)</i> How:
7	How does the proposed spend address the said demands?	

If the answers to 1) and 4) are both 'No', then it is unlikely the proposed spend will meet the requirements of the CIL regulations, and a different project will need to be considered.

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Examples of Infrastructure items which can be provided or maintained by the Council

Infrastructure Type	CIL Uses
Allotments	Provision of allotments
Burial Grounds; cemeteries and crematoria	Maintain monuments and memorials
Bins	Provision of litter bins
Bus Shelters	Provision of bus shelters
Clock	Provide public clock
Commons and Common Pastures	Inclosure, regulation management and provision of common pasture
Conference Facilities	Provision of conference facilities
Community Centres	Provide and equip the building for the use of clubs (sport/social/educational); Acquire, provide and furnish community-building
Crime Prevention	Spend money on crime prevention
Drainage	Deal with ponds and ditches
Highways	Repair and maintain public footpaths and bridleways Lighting for roads and public places Provide parking places for vehicles, bikes, and motorbikes Provide roadside seats and shelters Provide certain traffic signs and other notices. Plant trees and maintain roadside verges Traffic calming – powers to contribute financially to such schemes
Open Space	Acquire and maintain land for open spaces
Public Buildings and Village Hall	Acquire and provide buildings for public meetings and assemblies
Public Toilets	Provide public toilets (does not include employee wages)
Recreation	Acquire land for recreation grounds, public walks, and pleasure grounds and manage and control them. Provision of boating pools
War Memorials	Maintain, repair, protect and adopt war memorials