RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2020-2021

COMMUNITY LIAISON COMMITTEE

6 NOVEMBER 2020

COMMUNITY INFRASTRUCTURE LEVY ('CIL') – CIL 123 LIST

REPORT OF THE HEAD OF PLANNING

1.0 PURPOSE OF THE REPORT

1.1 The report provides an update for Community and Town Councils in respect of the process involved in collecting and spending Community Infrastructure Levy (CIL) monies including the preparation of Infrastructure Lists

2.0 RECOMMENDATION

2.1 That Community/Town Councils consider the advice in the report and in particular the preparation of an 'Infrastructure (Regulation 123)' type List.

3.0 BACKGROUND

3.1 The Community Infrastructure Levy Regulations require charging authorities (the Council) to pass a proportion (15%) of CIL receipts to relevant Community and Town Councils arising from developments in their areas.

3.2 CIL receipts are passed twice a year by 28 April (for CIL receipts received between 1 October and 31 March) and by 28 October (for CIL receipts received between 1 April and 30 September).

4.0 CIL RECEIPTS PASSED TO COMMUNITY/TOWN COUNCILS

4.1 Total receipts passed to Community/Town Councils (October 2020) are £360,615.24.

- Hirwaun £9,190.30
- Llanharan £221,699.57
- Llanharry £786.67
- Llantrisant £7464.43
- Llantwit Fardre £29,403.53
- Pontypridd £51,684.78
- Tonyrefail £18,781.87

- Taffs Well and Nantgarw £13,210.99
- Gilfach Goch £6174.74
- Other (areas with no Community Council) £2,218.36

4.2 Community Councils where no CIL income has been received to date are Pontyclun, Ynysybwl and Coed-Y-Cwm and Rhigos.

5.0 HOW CAN THE FUNDS RECEIVED BY COMMUNITY/TOWN COUNCILS BE SPENT?

5.1 The CIL Regulations state that the proportion of funds passed to a Community/Town Council must be used to support the development of the local area by funding:

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

5.2 This is a wider definition of what the County Borough Council can use CIL funds for (which is restricted to infrastructure to support the development of the area). These wider spending powers allow the local community to decide what they need to help mitigate the impacts of development.

5.3 Community/Town Councils should carefully consider whether the expenditure of CIL receipts address the extra demand on infrastructure that are caused by development within their area and be clear on the links between infrastructure and growth. CIL should not be used as a replacement for everyday Community/Town Council expenditure and misspent CIL can be claimed back by the County Borough Council.

6.0 COMMUNITY AND TOWN COUNCIL VERSION OF A REGULATION 123 (INFRASTRUCTURE) LIST

6.1 RCT Council identifies the infrastructure on which it intends to spend its CIL receipts through what is known as a Regulation 123 List (Appendix 1). This list is published on the Council's web-site and is reviewed annually. Any change/s to the list has to be agreed by Cabinet and is subject to a consultation process.

6.2 The production of a Community/Town Council's own version of an Infrastructure (Regulation 123) List can be a useful starting point for the prioritisation of infrastructure projects and the demands that development places on its area.

6.3 Community and Town Council Infrastructure Lists although not mandatory provide an open and transparent way of setting out the projects that the Community/Town Council propose to spend their CIL receipts on. The list can be amended/added to at any time in line with the Community/Town Council's

own procedures for updating/amending the list, such as, consultation with existing groups and local residents within the area.

6.4 Examples of Infrastructure that can be provided or maintained by Community/Town Council's may include (not exhaustive):

- Acquire and maintain open spaces
- Acquire, provide and furnish a community building/public building/village hall
- Acquire land for play areas, recreation grounds, public walks, including their maintenance
- Repair and maintain public footpaths and bridleways
- Lighting for roads and public places
- Provide parking places
- Traffic Calming measures
- Provision of allotments
- Provide public toilets (does not include employee wages)
- Maintain, repair and protect War Memorials
- Provision of bus shelters
- Provision of litter bins
- Provide public clock

Liaison with the relevant section of the Council eg. a proposal to provide traffic calming measures will need to be discussed/agreed with the Council's Transportation Section and check whether the proposal requires planning permission.
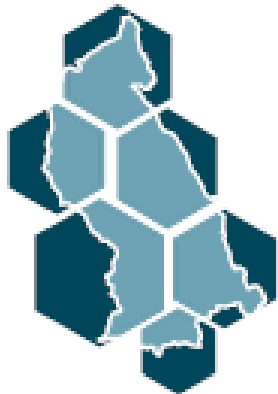
6.5 CIL monies can be used to provide match funding with other income streams to make the most efficient use of funding to benefit the community.

6.6 The Community/Town Council should also work closely with their neighbouring Community/Town Councils, and RCT Council to agree on infrastructure spending priorities. If the Community/Town Council shares RCT Council's priorities, they may agree that the Council should retain the CIL to spend on specific infrastructure (which may not be in the Community/Town Council administrative area) but will support the development of the area.

6.7 Decisions on how the funds are spent are at the discretion of the Community/Town Council provided it is in accordance with the CIL Regulations.

7.0 **CONCLUSION**

7.1 It is recommended that Community and Town Councils, in the interest of transparency and fairness prepare their own Infrastructure List to help mitigate the impacts of development in their area.

Regulation 123 List of Infrastructure
List Updated 17th October 2019

In accordance with the requirement of Community Infrastructure Levy Regulations 2010 (as amended) the following table comprises the Rhondda Cynon Taf County Borough Council Infrastructure List. The list includes the infrastructure the Council considers it is likely to apply Community Infrastructure Levy (CIL) revenue to:

Education Projects:
- New/additional education provision to serve the land at Mwyndy / Talbot Green;
- New/additional education provision to serve Trane Farm, Tonyrefail;
- New/additional education provision to serve Station Road, Church Village
- New/additional education provision to serve Taffs Well
- New/additional education provision at the former open cast site north of A473, Llanilid
- New/additional education provision at Ystrad Barwig Farm, Llantwit Fardre

Transportation Projects:
- Provision of the A473/A4119 Talbot Green to Ynysmaerdy Relief Road;
- A4119/A4093 roundabout, Tonyrefail – partial signalisation, widening of northbound approach, entry and circulatory widths and widening of the A4093 entry;
- A4059 southbound approach to Asda roundabout capacity enhancement
- Llanharan By-pass
- Cynon Gateway (A465)
- Mountain Ash Cross Valley Link
- South Coed Ely Link Dualling - upgrade the A4119 between Talbot Green and Coedely to dual carriageway standard
- A4119 Castell Mynach signalised junction
- Llanharan Community Route – Construction of new active travel routes
- Trefforest Industrial Estate – Construction of new active travel routes

Please note:

The Regulation 123 list is not prioritised and projects can be added to the list or removed at the discretion of the Council, subject to appropriate consultation.

The inclusion of a project or type of infrastructure on the list does not signify a commitment from the Council to fund (either in whole or part) the listed project or type of infrastructure. The order of the list does not imply any preference or priority

Infrastructure not contained within the Regulation 123 List may be required by developer contributions or in-kind via a section 106 agreement. Such contributions will accord with Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010