



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2020/21

CABINET

COMMUNITY INFRASTRUCTURE LEVY 'CIL'

17 NOVEMBER 2020

**REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT IN
DISCUSSIONS WITH THE CABINET MEMBER FOR ENTERPRISE,
DEVELOPMENT AND HOUSING – COUNCILLOR BEVAN**

Author: Jim Bailey, Head of Planning

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek Cabinet's approval in respect of the contents of the CIL Annual Monitoring Report and the proposed changes to the Regulation 123 List.
- 1.2 To advise Cabinet of the pre scrutiny by the Finance and Performance Scrutiny Committee in respect of the Community Infrastructure Levy.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet:
 - (1) Approve the CIL Annual Monitoring Report (Appendix A)
 - (2) Approve the amended Regulation 123 List (Appendix B) for publication on the Council website for a period of 28 days and consultation as set out in paragraph 5.9
 - (3) Approve the subsequent adoption of the amended Regulation 123 List if no adverse comments are received.

3.0 REASONS FOR RECOMMENDATIONS

- 3.1 To enable the Council to continue to operate a Community Infrastructure Levy in accordance with the statutory regulations.



4.0 BACKGROUND

- 4.1 The Community Infrastructure Levy Regulations 2010 (as amended) require the Council to produce an **annual report detailing CIL income and expenditure** (Appendix A). Set out in paragraph 5.2 below is the details of the fifth of these annual reports since the Council introduced CIL in December 2014.
- 4.2 The Community Infrastructure Levy Regulations 2010 (as amended) also require the Council to publish an Infrastructure List (known as the Regulation 123 List). The List should set out the infrastructure, which the Council considers it is likely to apply CIL revenue to.
- 4.3 At the meeting of the Cabinet held on 23 July 2015, Members agreed the process for formulating, monitoring and revising the Regulation 123 list, which includes that the relevant Scrutiny Committee/Group review the operation of the list and consider the annual 123 list and annual CIL financial monitoring report and make recommendations to Cabinet where appropriate.

5.0 MATTERS FOR CONSIDERATION

CIL INCOME & EXPENDITURE

- 5.1 The Regulations require that CIL income must be split into three parts:
- 80% to be applied to infrastructure to support growth of the Council's area (known as the 'Strategic CIL' and is to be spent on items on the Regulation 123 List).
 - 15% to be passed to the Community/Town Council in whose boundary the development that paid CIL is located for the provision of local infrastructure improvements of other measures that support the development of the area.
 - 5% to be applied towards implementation and ongoing administration.
- 5.2 The total CIL income received in 2019/20 was £308,535.08
- 80% as Strategic income = £130,626.31 *
 - 15% Local income = £169,768.53
 - 5% Administration income = £8,140.24
- (*80% Strategic income is less than the 15% Local income due to the amount being off-set against the infrastructure balance until the cost of the new primary school at the Llanilid development has been met.)*

Strategic income carried forward from 2018/19 was £637,568.77
Balance of strategic CIL income £768,195.08



- 5.3 The **annual monitoring report** at Appendix A provides a breakdown of the CIL receipts received and the distribution of 15% of CIL receipts to Community/Town Councils.



- 5.4 There has been no expenditure of Strategic CIL income to date however, Cabinet agreed on 20th September 2018 to spend £395,000 of Strategic CIL on Ffynnon Taf Primary School. The project will include a new build extension (4 classrooms and a hall) and refurbishments to the current school buildings for school and community use. The £395,000 Strategic CIL money is proposed to be spent by end 2020/21.

THE REGULATION 123 LIST

- 5.5 Whilst some amendments are needed to the Council's updated **Regulation 123 List** (considered at Cabinet on 17th October 2019) the broad thrust of the List remains the same in that it proposes highway and education projects that support and mitigate the growth anticipated through the Council's Local Development Plan.

- 5.6 There are five proposed changes to the highway projects part of the list.

- Add Trefforest Industrial Estate – new railway station to provide a sustainable travel option for an expected increase in commuters to the new DWP building, which will accommodate up to 2000 employees and reduce the impact on the congested A470 and already over capacity junctions at Nantgarw and Upper Boat.
- Add Aberdare – Hirwaun extension of passenger rail services as this will encourage modal shift and lead to the removal of cars from the strategic highway corridor in the north of the County Borough, reducing traffic congestion at key pinch points where air quality is consequentially high. A passenger service to Hirwaun would also ensure a high level of current and future accessibility to employment and other services both locally and elsewhere in the region.
- Add the A473 between Tonteg Roundabout and Upper Boat Roundabout which is underperforming due to numerous sub-standard junctions
- Remove A4059 Southbound approach to Asda roundabout – capacity enhancement as the work is complete.
- Partial change to the wording of A4119/A4093 roundabout, Tonyrefail – partial signalisation, widening of northbound approach, entry and circulatory widths and widening to be amended to A4119/A4093 roundabout, Tonyrefail – signalised junction and active travel improvements.

- 5.7 There is one proposed change to the education elements in the List.

- Remove New/additional education provision at Ystrad Barwig Farm due to planning application reference 18/0872/13 for residential development at Ystrad Barwig Farm being called-in by Welsh Government and the Minister decision on 15th March 2020 was to refuse the application.



5.8 Attached at Appendix C is a table, which sets out in detail what schemes have been removed, which have been added and the reasons for the change.

5.9 It is recommended that Cabinet approve the updated **Regulation 123 List** (Appendix B) for publication on the Council web-site for 28 days and if there are no adverse comments received then the 123 List can be adopted. It is further recommended the notification of the consultation be sent to all elected Members, Town and Community Councils and to the Members of the Council's Developers Forum.

6.0 PRE SCRUTINY

6.1 As outlined within the Committee's Terms of Reference, pre-scrutiny and Members of the CIL is a role placed on the Finance and Performance Scrutiny Committee.

6.2 In light of this role, pre-scrutiny on the CIL was undertaken by the Committee on the 19 October 2020 prior to Cabinets consideration.

6.3 Members of the Finance and Performance Scrutiny noted the contents of the report on the 19 October 2020.

7.0 EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no direct implications as a result of this financial report, however, the equality and diversity implications of any infrastructure schemes that will be funded by CIL will be considered in the development of those projects.

8.0 CONSULTATION

8.1 As set out in paragraph 5.9 above.

8.2 The CIL Annual Monitoring Report was presented to the Finance and Performance Scrutiny Committee on 19 October 2020 and Members agreed the recommendations as listed above in paragraph 2.1.

9.0 FINANCIAL IMPLICATION

9.1 No additional budget requirements and the CIL receipts and spend for the year 2019/20 is set out at Appendix A.

10.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED



10.1 The report and appendices have been prepared in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

11.0 LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES / SIP / FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT

11.1 Infrastructure funded through CIL will support the Building a Strong Economy and Creating Neighbourhoods Where People are Proud to Live and Work priorities in the Corporate Plan.

12.0 CONCLUSIONS

12.1 CIL receipts have been relatively low over the first five years of its implementation. This is partly as a result of development being undertaken in the first few years of the implementation of the Council's Charging Schedule being granted planning permission prior to CIL being implemented. It should also be noted that for those significant sites in CIL residential Charging zones 2 and 3 that are not already built or already benefiting from planning permission there are a few strategic sites that should be forthcoming in the near future. There are also a small number of sites that are unlikely to come forward in the near future due to significant deliverability and viability concerns. It is proposed to undertake a full review of the operation of CIL as part of the forthcoming review of the Council's Local Development Plan.

12.2 The minor changes to the Regulation 123 List are considered appropriate to assist in funding schemes that support growth in the County Borough.



Other Information:-

Relevant Scrutiny Committee

Finance and Performance Scrutiny Committee

Contact Officer:

Simon Gale



RHONDDA CYNON TAF

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Item:

Background Papers

None.



Officer to contact: Simon Gale, Director of Prosperity and Development