



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

17 OCTOBER 2022

CIL ANNUAL MONITORING 2021/22

REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER COUNCILLOR NORRIS

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 Climate Change, Frontline Services and Prosperity Scrutiny Committee in respect of the Community Infrastructure Levy.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Cabinet:
 - (1) Approve the CIL Annual Monitoring Report (Appendix A).
 - (2) Approve the Regulation 123 List (Appendix B) for publication on the Council website for a period of 28 days and consultation as set out in paragraph 5.6.
 - (3) Approve the subsequent adoption of the 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 seventh 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 2021/22 was £844,935.68
- 80% as Strategic income = £225,670.78 *
 - 15% Local income = £554,304.00
 - 5% Administration income = £64,690.90

*(*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 2020/21 was £792,676.92
Balance of strategic CIL income £1,018,347.70

- 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 20 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 was proposed to be spent by the end of 2021/22, however, due to a delay, the funds will be spent by September 2022.

THE REGULATION 123 LIST

- 5.5 It is proposed that there are no amendments to the **Regulation 123 List** (considered at Cabinet on the 23 September 2021). The list proposes highway and education projects that support and mitigate the growth anticipated through the Council's Local Development Plan. The proposed List is set out in Appendix C.
- 5.6 It is recommended that Cabinet approve the **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 that 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 Climate Change, Frontline Services and Prosperity Scrutiny Committee.
- 6.2 In light of this role, pre-scrutiny on the CIL was undertaken by the Committee on the 21 September 2022 prior to Cabinet's consideration.
- 6.3 Members of the Climate Change, Frontline Services and Prosperity Scrutiny Committee considered the contents of the report on the 21 September 2022, the details of which are in the report of the Service Director, Democratic Services and Communication.

7.0 EQUALITY AND DIVERSITY IMPLICATIONS / SOCIO-ECONOMIC DUTY

- 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 / INVOLVEMENT

- 8.1 As set out in paragraph 5.6 above.
- 8.2 The CIL Annual Monitoring Report was presented to the Climate Change, Frontline Services and Prosperity Scrutiny Committee on the 21 September

2022 and Members agreed the recommendations as listed above in paragraph 2.1.

9.0 WELSH LANGUAGE IMPLICATIONS

9.1 There are no direct implications as a result of this financial report, however, the Welsh Language Impact Assessment of any infrastructure scheme that will be funded by the CIL will be considered in the development of those projects.

10.0 FINANCIAL IMPLICATION(S)

10.1 No additional budget requirements and the CIL receipts and spend for the year 2021/22 is set out at Appendix A.

11.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

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

12.0 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

12.1 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.

13.0 STRATEGIC OR RELEVANT TO ELECTORAL WARDS

13.1 Successful implementation of the Regulation 123 list will be relevant to electoral wards.

14.0 CONCLUSION

14.1 The Regulation 123 List is considered appropriate to assist in funding schemes that support growth in the County Borough.

Other Information: -

***Relevant Scrutiny Committee
Climate Change, Frontline Services and Prosperity Scrutiny Committee***

Contact Officer: Jim Bailey, Head of Planning



LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Item:

Background Papers

Officer to contact: Jim Bailey, Head of Planning