



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2023/24**

**CABINET**

**23 OCTOBER 2023**

**CIL ANNUAL MONITORING 2022/2023**

### **REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT IN DISCUSSIONS WITH THE PORFOLIO HOLDER COUNCILLOR MARK 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. The recommendations will be provided verbally by the Director of Prosperity and Development.

#### **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 eighth 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 2022/2023 was £890,493.47
- 80% as Strategic income = £319,644.05\*
  - 15% Local income = £499,967,36
  - 5% Administration income = £70,882.06

*(\*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. The total cost of the new primary school is £10,223,499.00))*

Strategic income received in 2022/2023 was £319,644.05  
Strategic income carried forward from 2021/2022 was £1,018,347.70  
Strategic income spent in 2022/2023 was £395,000.00  
Balance of Strategic CIL income £942,991.75

- 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 Cabinet agreed on 20th September 2018 to spend £395,000.00 of Strategic CIL on Ffynnon Taf Primary School. The project included a new build extension (4 classrooms and a hall) and refurbishments to the current school buildings for school and community use. The funds were drawn down in 2022/2023.

#### THE REGULATION 123 LIST

- 5.5 It is proposed that there are minor amendments to the **Regulation 123 List** (considered at Cabinet on the 17 October 2022). 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 will be undertaken by the Committee on the 18 October 2023 and a verbal update will be provided by the Director of Prosperity and Development.

#### **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.

#### **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 There are no additional budget requirements. The CIL receipts and spend for 2022/2023 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:** Leanne Lott (01443) 281114



**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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Officer to contact: Jim Bailey, Head of Planning