

**TITLE: Community Infrastructure Levy**

Committee: Council

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**1.0 Issue**

1.1. To consider changes to the Infrastructure List and Governance Arrangements.

**2.0 Recommendations**

2.1. Members are request to:

2.2. Approve the Infrastructure List as set out in Appendix 2,

2.3. Approve the draft Governance Arrangements as set out in Appendix 3, and

2.4. Authorise the Director Community, in consultation with the Chair of Finance & Assets Committee, to spend CIL receipts from the Kennett Garden Village Development as detailed in 3.12 of this report.

**3.0 Background/Options**

3.1. The Council implemented the Community Infrastructure Levy (CIL) Charging Schedule on 1 February 2013. From 1 February 2013 to 31 March 2024 the Council has collected £35,350,163.15. In accordance with the Regulations the Council has transferred £5,936,563.46 to the relevant Town/Parish Council. Detail of the Meaningful Proportion transfers is provided at Appendix 1.

3.2. Table 1 below identifies how money has been allocated/spent. Note: allocations exceed expenditure because of how the projected funding profile is designed.

**3.3. Table 1- Allocation and Expenditure**

	Allocated	Spent/Committed
Burwell Recreation Ground	295,000.00	295,000.00
Gardiner Memorial Hall	180,000.00	180,000.00
Ely Southern Bypass	1,000,000.00	1,000,000.00
Ely Museum	165,000.00	165,000.00
A14 Improvements	200,900.00	200,900.00
A142 Witchford Road	150,000.00	150,000.00
CIL Admin	870,653.45	870,653.45
Meaningful Proportion	5,936,563.46	5,936,563.46
Sutton GP	56,621.63	0.00
Ely Car Park	500,000.00	500,000.00

Littleport Car Park	400,000.00	400,000.00
Littleport Schools	5,020,000.00	3,433,888.63
Mill Project Soham	280,000.00	280,000.00
District Leisure	11,500,000.00	7,840,935.51
Ely Country Park Expansion	622,868.00	160,000.00
Health Serving North Ely	1,813,786.00	750,000.00
Children's Centre Serving North Ely	79,083.00	0.00
District Wide Health	1,027,304.16	261,429.16
District Wide Community Facilities	1,027,304.16	1,027,304.16
District Wide Water & Flood Management	1,027,304.16	0.00
Bereavement Centre	9,060,000.00	0.00
	<b>41,212,388.02</b>	<b>23,451,674.37</b>

- 3.4. As at 31 March 2024 the Council has spent £23,451,674.37 on approved projects. This leaves an unspent balance of £11,898,488.78. Note: all of the District Wide Community Facilities allocation has been spent/committed.
- 3.5. There are many calls on the Council's CIL and it is for the Council to decide how funds flowing from CIL should be spent. The Council is required to spend CIL on mitigating the impact of growth. To date, the Council has spent its CIL on a wide range of infrastructure projects, education, transport, leisure, community facilities and health. All this expenditure plays an important role in mitigating the impact of growth.
- 3.6. From time to time, it is necessary for the Council to review its commitments that have been identified as beneficiaries of CIL funding. Council last considered the Infrastructure List and Governance Arrangements on 21 October 2021 (Agenda Item 13).
- 3.7. Table 2 identifies the projects that require funding under the current arrangements (This Table 2 is a summary of the unspent funds identified in Table 1).

**Table 2- Remaining Commitments under the current arrangements.**

Sutton GP	56,621.63
Littleport Schools	1,586,111.37
District Leisure Centre	3,659,064.49
Ely Country Park Expansion	462,868.00
Health Serving North Ely	1,063,786.00
Children's Centre Serving North Ely	79,083.00
District Wide Health	765,875.00
District Wide Water & Flood Management	1,027,304.16
Bereavement Centre	9,060,000.00
	<b>17,760,713.65</b>

- 3.8. The Council will continue to honour these commitments (except for Sutton GP). However, it is proposed that the way in which income is allocated is amended to reflect the current working assumptions on when some of these projects may come to fruition and/or how to balance its overall commitments.

- **Sutton GP-** The initial project approval related to an extension of the premises. There has been significant change since this allocation was made. The NHS has purchased the building to protect future service delivery. No request for funding has been made. If, at a point in the future, the NHS make a request for funding from the Council, a new application will need to be submitted and assessed.
- **Littleport Schools-** The Council has committed £5,020,000. To date £3,433,888.63 has been transferred to Cambridgeshire County Council (2015- £20,000, 2017-£343,453, 2019- £476,993.01, 2020- £ 594,349.09, 2021- £ 484,848.57, 2022- £ 549,966.08, 2023- £ 572,961.34 and 2024- £ 391,317.54). In the later years the amount transferred has equalled 10% of the annual income. It is proposed that a guarantee of £250,000 comes from the unspent balance and a suitable % of future income is attributed until the original commitment of £5,020,000 is achieved.
- **District Leisure Centre-** The Council has committed £11,500,000. To date £7,840,935.51 has been spent. (2015- £ 2,894,070.60, 2020- £ 1,832,441.43, 2021- £ 969,697.15, 2022- £ 1,180,447.45, 2023- £ 572,961.34 and 2024- £ 391,317.54). In the later years the amount transferred has equalled 10% of the annual income. It is proposed that a guarantee of £1,000,000 comes from the unspent balance and a suitable % of future income is attributed until the original commitment of £11,500,000 is achieved.
- **Ely Country Park Expansion-** The Council has committed £622,868. To date £160,000 has been spent. The need for this commitment arises because of the Council receiving land at a future date from the North Ely Development. The land is not expected to be transferred to the Council in the short-term (more than 3 years from now). It is proposed that it is not necessary to make an allocation from the unspent balance and a suitable % of future income is attributed until the original commitment of £622,868 is achieved.
- **Health Serving the North Ely Development-** The Council has committed £1,813,786. To date £750,000 has been spent. The working assumption for the remaining £1,063,786 is that the fund could benefit the Princess of Wales Hospital. At this time, it is not known when this money could be called on and it could be several years before a firm commitment is needed from the Council. It is proposed that it is not necessary to make an allocation from the unspent balance and a suitable % of future income is attributed until the original commitment of £1,813,786 is achieved.
- **Children's Centre Serving the North Ely Development-** The Council has committed £79,083. There has been no expenditure to date. It is proposed that a commitment should be made now to guarantee this funding so that it is readily available at the time of need. Maintaining this commitment does not have a detrimental impact on other commitments.
- **District Wide Health-** The Council has committed £1,027,304.16. To date £261,429.16 has been committed. It is proposed that a guarantee of £765,875 comes from the unspent balance and a suitable % of future income is attributed with no cap.

- **District Wide Water & Flood Management-** The Council has committed £1,027,304.16. To date there has been no expenditure. At present there is no clear path to how this money may be spent as it relies on multiple agencies. It is proposed that a guarantee of £1,000,000 comes from the unspent balance and, for the time being, no further allocations are made. This matter will be reviewed once a clear path of expenditure has been identified.
- **Bereavement Centre-** The Council has committed £9,060,000. To date there has been no expenditure. It is proposed that a guarantee of £8,203,530.78 comes from the unspent balance and a suitable % of future income is attributed until the original commitment of £9,060,000 is met.
- **District Wide Community Facilities-** The Council has committed £1,027,304.16. To date the entire fund is spent/committed. In order to continue to support community facilities in the District, without waiting for funds to replenish it is proposed that a guarantee of £600,000 comes from the unspent balance and a suitable % of future income is attributed with no cap.
- **Inclusive Play and Open Spaces-** It is proposed that the Council creates a specific ‘theme’ for use of CIL receipts to develop/improve the open spaces in the district that are owned/managed by either the District Council or a Local Council. It is proposed that no commitment is made for the current balance, however, a suitable % of future income is attributed with no cap.

It should be noted that both CIL Admin and Meaningful Proportion have already been accounted for up to 31 March 2024 and do not need to be considered in how the unspent balances could be allocated.

3.9. Table 3 is a summary of the proposed reprofiled expenditure of unspent balance.

**Table 3- Summary of proposed reprofiled unspent balance.**

<b>Projects</b>	<b>Guarantee</b>	<b>Future to Fund</b>
Littleport Schools	250,000	1,336,111.37
District Leisure Centre	1,000,000	2,659,064.49
Ely Country Park Expansion	0.00	462,868.00
Health Serving North Ely	0.00	1,063,786
Children's Centre Serving North Ely	79,083.00	0.00
District Wide Health	765,875.00	+uncapped allocation
District Wide Water & Flood Management	1,000,000.00	0.00
Bereavement Centre	8,203,530.78	0.00
District Wide Community Facilities	600,000.00	+uncapped allocation
Inclusive Play and Open Spaces	0.00	+ uncapped allocation
	<b>11,898,488.78</b>	

3.10. It is proposed that any income received from 1 April 2024 is apportioned in accordance with Table 4.

**Table 4- Proposed apportionment**

<b>Project</b>	<b>%Split</b>
Littleport Schools	6
District Leisure Centre	6
Ely Country Park Expansion	2
District Wide Health	5
District Wide Community Facilities	7.5
Inclusive Play and Open Spaces	3
Admin	2.5
Meaningful Proportion*	15
Health Serving North Ely	3
Other	50

\*Where there is a Neighbourhood Plan in place the difference will be taken from 'Other'.

3.11. Example of apportionment based on £10,692,934.10 (£2,534,062.49 paid between 1 April 2024 and 10 February 2025 and projection of £8,158,871.61 being the balance of raised demand notices which are not due but will fall due in over the next 15 months).

<b>Project</b>	<b>%Split</b>	<b>Value of Split</b>
Littleport Schools	6.0	641,576.05
District Leisure Centre	6.0	641,576.05
Ely Country Park Expansion	2.0	213,858.68
District Wide Health	5.0	534,646.71
District Wide Community Facilities	7.5	801,970.06
Inclusive Open Spaces	3.0	320,788.02
Admin	2.5	267,323.35
Meaningful Proportion*	15.0	1,603,940.12
Health Serving North Ely	3.0	320,788.02
Other	50.0	5,346,467.05

3.12. In October 2019 Council (Agenda Item 17) approved the inclusion of various items of infrastructure on the Infrastructure List as follows:

- Soham Village College with a financial allocation not exceeding 50.13% of the total CIL receipt arising from the Kennett development,
- Libraries (serving the Kennett development) with a financial allocation not exceeding 0.80% of the total CIL receipt arising from the Kennett development,
- Traffic Calming (serving the Kennett development) with a financial allocation not exceeding 4.09% of the total CIL receipt arising from the Kennett development,
- B1056 Crossroads with a financial allocation not exceeding 4% of the total CIL receipt arising from the Kennett development, and
- Village Green (serving the Kennett development) with a financial allocation not exceeding 15.64% of the total CIL receipt arising from the Kennett development.

3.13. Development has now commenced, and the developer is paying demand notices in accordance with an instalment plan. It is now appropriate for the Council to start releasing CIL receipts for the purposes identified in 3.12 above. If approved, the expenditure will come from the 'other' pot.

3.14. The following projects have been delivered and should therefore be removed from the Infrastructure List:

- Burwell Parish Council Recreation Ground Improvement Project
- Gardiner Memorial Hall Project
- A14 Improvements

#### 4.0 Arguments/Conclusions

4.1. The changes identified in this report are captured in Appendices 2 and 3 of this report. Further authority is sought to release funds for the purposes identified in 3.12 of this report.

#### 5.0 Additional Implications Assessment

5.1

<p><b>Financial Implications</b></p> <p>No- the proposals relate to distribution of CIL income received and future CIL income apportionment.</p>	<p><b>Legal Implications</b></p> <p>The proposals are in accordance with the CIL Regulations 2010</p>	<p><b>Human Resources (HR) Implications</b></p> <p>No</p>
<p><b>Equality Impact Assessment (EIA)</b></p> <p>Not required</p>	<p><b>Carbon Impact Assessment (CIA)</b></p> <p>Not required- individual projects may be subject to a CIA</p>	<p><b>Data Protection Impact Assessment (DPIA)</b></p> <p>No</p>

#### 6.0 Appendices

6.1 Appendix 1- Meaningful Proportion Breakdown

Appendix 2- Draft Infrastructure List

Appendix 3- Draft Governance Arrangements

#### 7.0 Background documents

Council- 17 October 2019 (Agenda Item 17)

Council- 21 October 2021 (Agenda Item 13)