

## Community Infrastructure Levy (CIL) monies held by Freshford Parish Council

### Purpose

To note the amount of CIL funds currently held by Freshford Parish Council. To consider a request to pay the third instalment of allocated funds to Freshford Village Memorial Hall and to give consideration to possible uses of the remaining CIL funds.

### Summary of CIL monies held and spent

Year	CIL Received	CIL Spent	CIL Money that year not spent	CIL Money not spent from previous years	Total CIL held by PC
17/18	£10,081.95	£0	£10,081.95	0	£10,081.95
18/19	£16,340.28	£20,163.90 (FVMH)	-£3823.62	£10,081.95	£6258.33
19/20	£3164.94	£0	£3164.94	£6258.33	£9423.27
20/21	£17,126.38	£0	£17,126.38	£9423.27	<b>£26,549.65</b>

### CIL monies spent to date

The Parish Council agreed in February 2018 to allocate a total of £30,200 in three instalments to Freshford Village Memorial Hall:

#### 23/18 Allocation of CIL funds

*The Parish Council will receive £30,200 in three instalments. After discussion it was agreed that this should be used as a contribution towards the Memorial Hall development which represents a facility, resource and hub for both Freshford and Limpley Stoke as set out in the Joint Neighbourhood Plan. A letter will be sent to the Memorial Hall Trustees confirming the payment, and asking how the funds would be allocated within the various aspects of the Hall Development Plan. Action: AO. 24/18*

The Parish Councils has made two CIL payments of £10,081.95 to Freshford Village Memorial Hall (15/05/18 and 01/12/18) and a request has been received for the payment of the third instalment of the agreed CIL monies to the FVMH – see email below.

After making the third payment from current funds this would leave remaining funds of £16467.70.

The Parish Council to consider whether there are relevant projects known at the moment that the money could be allocated to. CIL money should be spent, or at least allocated for spending, within five years of receipt of monies. Further details about how the money can be spent are given in relevant extracts from BANES guidance, included below.

**From:** Claudia Towner

**Sent:** 20 February 2021 23:27

**To:** John Adler <[john.adler.fpc@outlook.com](mailto:john.adler.fpc@outlook.com)>; PC File <[parish.council@freshfordvillage.com](mailto:parish.council@freshfordvillage.com)>;  
Martin Walker (home) <[Walker.freshford@btinternet.com](mailto:Walker.freshford@btinternet.com)>

**Subject:** CIL funding for the Hall development

Hi John,

At the recent Hall boiler service, the engineer recommended that it was now time to replace the oil tank due to corrosion. The trustees are keen to replace the oil fired heating with an air conditioning heating system operating much like an air source heat pump. This will have a much lower carbon footprint than oil or gas alternatives and will fit with the Parish' Climate Emergency declaration. The work needs to take place ASAP.

Alongside updating the heating system, we are also looking to upgrade the thermal fabric of the building - updating most of the glazing with new triple glazed windows and a triple glazed curtain walling system on the front facade and also adding insulated cladding to the main hall, committee room and green rooms. The degree of thermal insulation affects the capacity of the air conditioning system installed so we are keen to proceed with both projects this year, so the insulation works are completed before next winter. The total cost for all proposed works is likely to be in the region of £100k.

I believe the Parish Council still has £10,081.95 of CIL allocated for the Hall development. Can you confirm this is still the case, and indicate whether these funds can be made available for the proposed works to upgrade the thermal efficiency of the Hall? As it seems unlikely that the surgery extension will proceed at this stage, these works would seem a very appropriate use of the CIL funding.

We'd also like to make a case for the extra £50k of CIL funding allocated by B&NES for the development of the Hall to be used for these works. Have you had any update on these funds in recent months, otherwise I will make an enquiry to the B&NES Council officers.

Thanks

Claudia

## Information from B&NES:

### Parish & Town Councils Guidance – Community Infrastructure Levy (CIL) Receipts, Spend & Reporting

Please note, the CIL Regulations 2010 (as amended) (from hereon referred to as the CIL Regulations) provide the relevant law / regulations and definitive guidance.

#### 1. What is CIL?

1.1. CIL is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.

1.2. Bath & North East Somerset Council (B&NES) has been a CIL Charging Authority since 6th April 2015 and from that date, certain development has been liable to pay CIL.

1.3. CIL is collected from development in order to pay for strategic infrastructure such as schools, transport and green infrastructure, not directly related to the site, that is, or will be, needed to support the delivery of new development in the district.

1.4. A proportion is passed to the relevant Town/Parish Councils (in this guidance note referred to as “Parish Councils”) to spend. This note focuses primarily on this CIL local element which will be in this guidance note termed Neighbourhood CIL (NCIL).

1.5. Previously S106 contributions were secured to fund strategic infrastructure, such as education, strategic transport, and off site public open space, however under the CIL system, S106 obligations can normally only be secured for site related obligations such as affordable housing, on site infrastructure including open space, and infrastructure directly related to mitigating the effect of development (for example related pedestrian improvements and bus stops directly related to the site).

#### 7. How must the ‘Neighbourhood CIL Portion’ be spent by the Town/Parish Council?

7.1 The CIL Regulations require the neighbourhood portion of CIL (NCIL) to be used to support the development of the local area by funding:

***“The provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on an area”***

7.2 This provides Town/Parish Councils with a more flexible approach for spending their NCIL receipts in comparison to the powers of District Council. Such wider spending powers for the Town/Parish Council allow the local community to decide what they need in order to help mitigate the impacts of development in their area.

7.3 Notwithstanding this freedom there are a number of factors that should be considered when developing a NCIL spending plan.

- CIL cannot be used as a replacement for everyday Town or Parish Council expenditure and misspent NCIL can be claimed back by B&NES Council.
- Be aware of the wider ‘strategic’ infrastructure in your area, there might be a benefit of combining B&NES Strategic Funds and Local Funds for timely delivery.
- Town and Parish Councils will need to consider the capacity of existing groups and local residents to engage in the NCIL process and to ensure that such processes are inclusive, and that

all members of the community contribute to determining how NCIL may be spent, including those who are least vocal and most vulnerable.

- There is a temptation to spend NCIL receipts quickly on short term infrastructure projects, however Town and Parish Councils should consider the long term housing growth and resulting infrastructure needs when developing plans for the spending of NCIL.

7.4 Areas could use some of the funding to develop a neighbourhood plan where it would support development. In addition, B&NES Council suggest where appropriate, that Parish and Town Councils consider preparing a Plan to inform their spending decisions. Such a plan may provide a framework to consider priorities, and capture opinion on the needs and wants of residents and identify opportunities for collaborative spending with other groups, to achieve the best use of funding sources for the benefit of the community.

7.5 Decisions on the expenditure of the 'neighbourhood portion' funds are at the Parish Council's discretion, provided that it is in accordance with the CIL Regulations. Approval for spending of NCIL is not required from B&NES Council, however Parish/Town councils are accountable for spending their NCIL money. An annual report must be published setting out a statement of receipts and expenditure and summarising the projects which utilised NCIL funds. (See below for reporting requirements)

## **9. Is there a time limit for Parish Councils to spend their CIL monies?**

9.1 . Under the CIL Regulations, B&NES Council has powers to recover NCIL amount if the NCIL is not spent within 5 years, unless the Town or Parish Council has notified B&NES Council in advance, for example because of an infrastructure project in the pipeline, and agreement has been granted.