

# Crawley Borough Council

## Report to Cabinet 15 January 2025

### Community Infrastructure Levy (CIL) Strategic Infrastructure Strand Review

Report of the Head of Economy and Planning, PES/470

#### 1. Purpose

- 1.1. To present to Cabinet the outcome of the officer review of the CIL Strategic Infrastructure strand, comprising the following:
  - An update on the collection and administration of Community Infrastructure Levy (CIL) monies (see sections 5 to 6 of this report).
  - The proposed CIL strategic infrastructure strand spend priorities to the end of March 2026 and an indication of some future allocations beyond that date (see sections 8 and 9).
  - The proposed commitment of CIL Strategic Infrastructure strand monies to a priority project led by the Highway Authority.
- 1.2. To update Cabinet on the current and proposed future spend allocations for the CIL Neighbourhood Improvement Strand, including to enable ongoing delivery of the Unsupervised Play Improvement programme (sections 11 and 12).

#### 2. Recommendations

- 2.1. That the Cabinet is recommended to:
  - a) Approve the proposed CIL strategic infrastructure spend priorities 2025-29.
  - b) Approve that the amount of CIL Strategic Infrastructure strand monies ringfenced for the Three Bridges Station Improvement scheme be increased from £1,100,000 to £2,050,000.
  - c) Approve that £432,000 CIL Strategic Infrastructure monies be committed to the A23/ Manor Royal junction project in order for the Highway Authority to draw down the CIL funds.
  - d) Approve the removal of the Saxonbrook Medical Centre and Pound Hill Medical Group projects from the CIL strategic infrastructure strand priority list of projects for 2025-2029, subject to final confirmation from the NHS that the projects are no longer forthcoming.
  - e) Delegate authority to the Head of Economy and Planning, in consultation with the Head of Corporate Finance and the Head of Community Services to allocate any unspent Neighbourhood Improvement Fund monies and subsequent CIL Neighbourhood Improvement Strand receipts to enable the

delivery of the Unsupervised Play Improvement Programme and noting that funds will then need to be committed to individual projects within the programme through a separate approvals process.

### **3. Reasons for the Recommendations.**

- 3.1. To provide clarity on the way forward for Crawley's Infrastructure Business Plan and the priority schemes for the CIL Strategic Infrastructure strand spend.
- 3.2. To increase the amount of CIL Strategic Infrastructure strand monies ringfenced for the Three Bridges Station Improvement scheme in recognition of the need for additional budget to deliver the scheme arising from the station change procedure led by the railway authorities and due to increased construction / materials costs.
- 3.3. Approval of £432,000 of CIL Strategic Infrastructure strand monies for the A23 / Manor Royal junction project will allow the Highway Authority to offset the expenditure incurred and to complete the project.
- 3.4. The Saxonbrook Medical Centre and Pound Hill Medical Group projects have previously been listed amongst the CIL Strategic Infrastructure strand priority projects. However, these schemes appear no longer to be considered to be a priority by the NHS – therefore it is proposed they are removed from the priority list, pending alternative project proposals to be brought forward by the NHS.
- 3.5. The delegation of authority to officers to allocate subsequent CIL Neighbourhood Improvement Strand receipts to the ongoing delivery of the Unsupervised Play Improvement Programme will allow a seamless continuation of the phases of delivery of the programme and its roll out across the Borough. Allocations of monies to individual project schemes will still be subject to the required approvals process. Further information is provided in section 12.2 of this report.
- 3.6. In November 2022, Cabinet approved the implementation of a new “hybrid” model for the Neighbourhood Improvement Strand (NIS), which retained £75,000 from the CIL NIS, to maintain the Neighbourhood Improvement Fund with an annual contribution of £25,000, from the CIL NIS, until March 2025. It is proposed that any unspent CIL NIS monies from the Neighbourhood Improvement Fund at the end of March 2025 be reallocated to the Council's Unsupervised Play Improvement programme.

### **4. Background to CIL / Strategic Infrastructure Strand.**

- 4.1. The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area. CIL was introduced by the Planning Act 2008 and is governed by the Community Infrastructure Levy Regulations 2010 (as amended). It is an important tool for local authorities to secure financial resources to help them deliver the infrastructure needed to support development in their area on the basis that it accords with infrastructure priorities identified to facilitate population and employment growth set out in the Local Plan.
- 4.2. The CIL charge is based on a calculation related to £'s per m<sup>2</sup> of net additional floorspace and is payable on 'buildings that people normally go into'. The charge

applies to development of 100m2 or more, or the creation of a single residential dwelling, even if under 100m2. [Annual CIL Rate Summary 2024.pdf \(crawley.gov.uk\)](#)

- 4.3. CIL rates payable for different types of development are set by the council's CIL Charging Schedule, which took effect in Crawley on 17th August 2016. There are also a number of exemptions and reliefs, including affordable housing and self-build housing. <https://www.gov.uk/guidance/community-infrastructure-levy#relief-and-exemptions>
- 4.4. The CIL Regulations 2010 as amended, part 7 state that 15% of the total CIL contributions collected are to be allocated for spending in agreement with local communities – the Neighbourhood Improvement Strand. The remaining 85% of CIL contributions is for the Strategic Infrastructure Strand and must by law (excepting the 5% for administration) be spent on infrastructure to support the development of the area and strictly in accordance with the need to accommodate the population and employment growth trajectories set out in the Crawley Local Plan.
- 4.5. In February 2018, Cabinet approved CIL strategic infrastructure spend priorities for the CIL funding programme 2018/19 to 2021/22, as presented in the Infrastructure Business Plan report [PES/264](#) refers.
- 4.6. The Cabinet also approved the governance of the Strategic Infrastructure Strand (see appendix A) and noted that the Infrastructure Business Plan, including the funding programme, would be reviewed on an annual basis to consider any changes in strategic infrastructure priorities and fluctuations in CIL receipts compared to the forecast.
- 4.7. In February 2019, Cabinet approved the proposed CIL strategic infrastructure spend priorities in the Infrastructure Business Plan and funding programme for the period 2019/20 to 2021/22 – report [PES/302](#) refers.
- 4.8. In March 2020, Cabinet approved the proposed CIL strategic infrastructure spend priorities in the Infrastructure Business Plan and funding programme for the period 2020/21 to 2022/23 – report [PES/335](#) refers.
- 4.9. In March 2021, Cabinet approved the proposed CIL strategic infrastructure spend priorities in the Infrastructure Business Plan and funding programme for the period 2020/21 to 2024/25 – report [PES/370](#) refers.
- 4.10. In March 2022, Cabinet approved the proposed CIL strategic infrastructure spend priorities in the Infrastructure Business Plan and the funding programme for the period 2021/22 to 2024/25 – report [PES/388](#) refers.
- 4.11. In subsequent years since then the focus of the Community Infrastructure Levy annual review has been the Neighbourhood Improvement Strand with further reports presented to Cabinet on that in November 2022 and January 2024 when Cabinet approved amendments to the allocation and governance of Neighbourhood Improvement Strand monies.

## **5. Community Infrastructure Levy (CIL) – Current Financial Position.**

- 5.1. The total CIL received as of Sept 2024: £5,261,346.42 which must be split between the Strategic Strand (85%) and the Neighbourhood Improvement Strand (15%). The table below provides a more detailed breakdown:

Section 5, Table 1.

	<b>Strategic Infrastructure Strand</b>	<b>Neighbourhood Improvement Strand</b>	<b>Combined CIL Contributions</b>
CIL Contributions Received Prior to 2024/25	£3,942,813.51	£673,075.50	<b>£4,615,889.01</b>
CIL Contributions Received to date in 2024/25	£555,379.05	£90,078.36	<b>£645,457.41</b>
<b>Total CIL Contributions Received to Date</b>	<b>£4,498,192.56</b>	<b>£763,153.86</b>	<b>£5,261,346.42</b>
Pre 2024/25 Admin Charge (5%)	<b>-£239,697.12</b>	£0.00	<b>-£239,697.12</b>
Admin Charge (5% Total CIL Received 2024/25)	<b>-£32,272.87</b>	£0.00	<b>-£32,272.87</b>
Projects Funded Through Neighbourhood Improvement Strand	£0.00	<b>-£104,795.00</b>	<b>-£104,795.00</b>
Ringfenced for Neighbourhood Improvement Fund to March 2025	£0.00	<b>-£20,600.00</b>	<b>-£20,600.00</b>
Neighbourhood Improvement Strand Ringfenced for Three Bridges Football Club	£0.00	<b>-£25,000.00</b>	<b>-£25,000.00</b>
Neighbourhood Improvement Strand ringfenced for Unsupervised Play Programme	£0.00	<b>-£409,000.00</b>	<b>-£409,000.00</b>
Neighbourhood Improvement Strand to be ringfenced for Unsupervised Play Programme		<b>-£203,758.86</b>	<b>-£203,758.86</b>
<b>Balance Available</b>	<b>£4,226,222.57</b>	<b>£0.00</b>	<b>£4,226,222.57</b>

- 5.2. In addition to the above received to date, the total amount of CIL, that remains to be paid to the Council by site developers, for payment under demand notices issued by the council is £142,440. If payment is not forthcoming, then CIL regulations provide the Council with further powers to seek and obtain the money owed.
- 5.3. The Council, as collecting authority, after issuing a reminder notice to the party liable for the levy, can then apply to a Magistrates Court to make a liability order, and this option remains available for six years from the point of the CIL falling due.
- 5.4. Predicting when we will receive CIL receipts continues to be difficult. In previous years developments have been delayed due to the COVID-19 crisis and they continue to be delayed due to the issue of Water Neutrality. In addition, although schemes may secure planning permission with the expectation of having to pay CIL, they can, subsequently, change the tenure type mix to 100% affordable housing, which is eligible for complete exemption from CIL. To date, residential schemes that have subsequently converted to 100% affordable housing provision have brought about a circa £2.5m reduction in anticipated CIL payments to the Council.

## **6. CIL Income Forecasts to 2039/40**

- 6.1. CIL income forecasts in Crawley are based upon residential growth trajectories included within the new Crawley Borough Council Local Plan 2023-2040. The income is to be received by the Council once residential developments have commenced, subject to planning permission.
- 6.2. The Crawley Borough Council Local Plan 2023 to 2040 makes provision for the development of a minimum of 5330 net dwellings in the borough for the period 2023/24 to 2039/40. This minimum requirement is to be broken down into an annual

average requirement on a stepped basis (see below table). Using the average amount of CIL generated per unit as £4,654.401, and taking account those developments already permitted, it is therefore anticipated that the overall CIL contributions to the Council by 2039/40 could amount to a total of over £24m (incl. CIL received to date and outstanding). This is presented and broken down in the table below.

Section 6, Table 2.

Years	Projected Units	CIL	NIS	Admin	Strategic
Received	N/A	£5,261,346	£763,154	£271,970	£4,226,223
Outstanding	N/A	£142,440	£11,089	£7,122	£124,229
1-10 (2023/24-2032/33)	2593	£12,068,859	£1,810,329	£603,443	£9,655,087
11-17 (2033/34-2039/40)	1470	£6,841,968	£1,026,295	£342,098	£5,473,574
		<b>£24,314,613</b>	<b>£3,610,867</b>	<b>£1,224,633</b>	<b>£19,479,113</b>

- 6.3. It should be noted that the exact figure collected from CIL will be unknown until potential developments are under construction - therefore the Council can only provide a forecast which predicts the levels to be collected based upon the Borough housing land supply residential development figures within the Crawley Local Plan 2023 - 2040.

## 7. Considerations regarding CIL Spend – Strategic Infrastructure Strand

- 7.1. Up to 85% of CIL receipts are allocated to the Strategic Infrastructure Strand, which is legally required to be spent on infrastructure in accordance with the Crawley Local Plan 2023-2040 to support Crawley’s growth.
- 7.2. The CIL Strategic Infrastructure Strand is to provide a mechanism whereby development can contribute financially towards the cost of infrastructure that addresses the cumulative impact of Crawley’s growth. Unlike financial contributions secured via S106 agreements CIL charges are not subject to legal tests requiring them to be directly linked to a corresponding site development. Unlike Section 106, CIL contributions are not necessary to make a development acceptable in planning terms, and there is, as a consequence, greater discretion regarding which infrastructure CIL monies can be used to fund, provided it correlates with infrastructure priorities identified in the Crawley Local Plan 2023-2040 to facilitate growth trajectories.
- 7.3. In CIL charging areas such as Crawley most forms of S106 contributions towards offsite infrastructure, including highways improvements, education facilities, libraries and fire and rescue services have been discontinued. If CIL funds are not directed towards these forms of infrastructure there is a risk that the impacts of development will not be appropriately mitigated. In order to avoid this risk councils are expected to align their CIL spending programmes with evidence of infrastructure need identified and established through an Infrastructure Delivery Schedule (Appendix B) drawn up as part the Local Plan process.

<sup>1</sup> The £4,654.40 average figure is past trends, representing the amount of CIL triggered by residential-led schemes since the adoption of CIL in 2016, divided by the number of new dwellings within commenced schemes granted planning permission or prior approval over the same period.

- 7.4. Accordingly, the proposed CIL spend priorities for strategic infrastructure are based upon Crawley's Infrastructure Delivery Schedule (IDS), which has been prepared as part of the Public examination of the Local Plan strategy.
- 7.5. The IDS comprises an assessment of the infrastructure required to support growth in the Borough in accordance with the Crawley Local Plan 2023-2040 and each infrastructure scheme is prioritised depending on whether the infrastructure is considered to be critical, essential or desirable to Crawley's growth. The IDS also provides summary evidence of the feasibility and deliverability of each infrastructure scheme listed as required to support Local Plan growth.
- 7.6. The 2023-2040 Crawley Local Plan version of the IDS is provided in appendix B. This version supersedes earlier versions of the IDS which were prepared in order to provide justification for the introduction of CIL, and to provide a basis for earlier phases of the Infrastructure Business Plan.
- 7.7. In 2017 Cabinet endorsed that CIL resources be concentrated as a priority on the schemes identified in the IDS as being Critical to enabling growth in addition to those essential schemes, which score the highest against the endorsed assessment criteria, report [PES/257](#) refers.

## **8. CIL Strategic Infrastructure Strand – Proposed Priority Schemes 2025-2029**

- 8.1. To date the Council has received £4,498,192.56 of Strategic CIL monies and from 2018 to 2023 has allocated £239,697.12 of these monies to administration costs.
- 8.2. A further £32,272.87 will be allocated to administration costs incurred through 2024/25, which equates to 5% of the total funds collected in 2024/25 and is in line with current CIL regulations – see section 8.
- 8.3. The balance of Strategic Infrastructure Strand CIL monies available after deducting the above admin charges is £4,226,222.57.
- 8.4. It is recommended that the above sum includes a continuing commitment to providing CIL funding allocations to the following priority projects identified in the 2019/20 Infrastructure Business Plan (IBP), last approved by Cabinet March 2022:
- Three Bridges Railway Station Improvement project.
  - A23/ Manor Royal junction project.
  - A2011 Crawley Avenue / A2004 Northgate Avenue improvements
- 8.5. It is recommended that the following two projects are removed from the list of priority project since they no longer appear to be recognised by the NHS as priority schemes.
- Saxonbrook Medical Centre, Northgate - Creating 2 additional consulting rooms (subject to confirmation from the NHS that this is still required).  
Pound Hill Medical Group - build 2 additional consulting rooms. (subject to confirmation from the NHS that this is still required).
- 8.6. Colleagues at NHS Sussex are being invited to review their infrastructure priorities and come forward with alternative scheme proposals which may be eligible to receive CIL Strategic Infrastructure Strand funding support.

- 8.7 Cabinet originally agreed that £1.1m of CIL Strategic Infrastructure Strand monies be ringfenced for the Three Bridges Railway Station Improvement project. However, following a project budget review, taking account of the impact of the ongoing Station Change process with the railway authorities, there is an additional CIL funding requirement for the project of £950,000.
- 8.8 It is therefore proposed to seek Cabinet approval to increase the ringfenced CIL contribution to this project by £950,000 from £1,050,000 to £2,050,000.
- 8.9 It is therefore proposed that a total of £2,842,000 of available CIL Strategic Infrastructure Strand monies are ringfenced for the following funding programme of priority infrastructure projects to the end of March 2029:

	<b>£m</b>
A2011 Crawley Avenue/ A2004 Northgate Avenue improvements.	£ 0.360
A23 / Manor Royal junction project	£ 0.432
Three Bridges Railway Station Improvement project	£ 2.050
	<b>£ 2.842</b>

- 8.10 It is further proposed to formally commit £0.432m to the A23/ Manor Royal junction project since delivery of this scheme, led by West Sussex County Council, is confirmed as part of the Crawley Growth Programme.
- 8.11 The above funding programme will be reviewed on an annual basis. In the event that new priorities are identified or existing priorities need to be altered, the programme will be revised. All projects will be progressed in accordance with the agreed governance procedure (2.3).

## **9. Future Allocations of the CIL Strategic Infrastructure Strand**

- 9.1. Over the period of the new Local Plan to 2040, Crawley Borough Council anticipates receiving a further £15m in CIL receipts for allocation within the Strategic Infrastructure Strand. In accordance with the new Local Plan, these funds should be reserved to those projects identified through the Infrastructure Delivery Schedule (Appendix B) and approval will be sought at a later stage to formally allocate Strategic CIL contributions on a project-by project-basis once the details of each individual project have been finalised.
- 9.2. It is therefore intended in the future for proposals to come forward for consideration by Cabinet for the following projects to be included on the list of priority schemes to have CIL Strategic Infrastructure Strand monies ringfenced for them in anticipation of their subsequent delivery (estimated costs provided below, to be confirmed closer to the time):

<b>Medium Term Delivery – 2029/30 to 2033/34</b>	<b>£m</b>
A23 Crawley Avenue/ Ifield Avenue Roundabout improvements	£ 0.488
M23 Junction 11 Northbound Diverge and Merge	£ 3.647
<b>Medium to Long Term Delivery – 2029/30 to 2039/40</b>	
A contribution to Education, Early Years Provision Locations to be determined through WSCC in addition to dependencies /site availability	£ 2.000
<b>Longer Term 2033/34 to 2039/40</b>	
M23 Junction 10 Southbound Merge	£ 1.430
	<b>£ 7.565</b>

- 9.3. The revised Infrastructure Delivery Schedule (Appendix B) has also identified the following projects for consideration to receive a contribution from CIL in the future. Proposals associated with these projects will be brought forward in the future, for Cabinet to consider adding them to the CIL funding programme and there will be future confirmation of the CIL contribution required as more information is received:

<b>Short Term Delivery – 2024/25 to 2028/29</b>	<b>£m</b>
Tushmore Junction improvements	£ 1.380
<b>Medium Term Delivery - 2029/30 to 2033/34.</b>	
Local Cycling and Walking Infrastructure <sup>2</sup> Plan Route A – Gatwick Airport to Manor Royal <sup>3</sup>	£ 4.560
Local Cycling and Walking Infrastructure route: B – Pound Hill to Manor Royal via Forge Wood	£ 1.095
<b>Medium to Long Term Delivery – 2029/30 to 2039/40</b>	
Special Educational Needs provision (approx.. 14 places)	£ 1.400
	<b>£ 8.435</b>

## **10. CIL Strategic Infrastructure Strand - Staffing Implications**

- 10.1. It was previously agreed from 2019/20 onwards to apply the 5% of CIL collected in any financial year to the administrative expenses incurred by the Council in carrying out its role collecting, managing, and distributing CIL.
- 10.2. Officers are currently in the process of recruiting a CIL Enforcement Officer and aim to have the post recruited in the coming year. This role will be funded entirely from the 5% of CIL monies collected each financial year to pay for administrative expenses. The impact of CIL on staffing and resources will continue to be assessed at each annual review of CIL.

## **11. CIL Neighbourhood Improvement Strand- Update**

- 11.1. CIL regulations state that 15% of the total CIL contributions collected are to be allocated for spending in agreement with local communities where development is taking place. To date the Council have received a total of £763,153.86 in CIL funds for the Neighbourhood Improvement Strand (NIS).
- 11.2. To date the council has spent £104,795.00 of NIS contributions on projects including a contribution to a 3G pitch at Three Bridges FC, leaving a balance of £658,358.86.

### **Neighbourhood Improvement Fund**

- 11.3. In November 2022, Cabinet approved the implementation of a new “hybrid” model for the Neighbourhood Improvement Strand (NIS), which retained £75,000 from the CIL NIS, to maintain the Neighbourhood Improvement Fund with an annual contribution of £25,000, from the CIL NIS, until March 2025. Any remaining NIS contributions not committed to the Neighbourhood Improvement Fund were to be

<sup>2</sup> National Highways have agreed our Local Plan Transport Study and approach because we have committed to delivering significant sustainable transport improvements, including delivery of Local Cycling and Walking Infrastructure schemes.

<sup>3</sup> There is the potential for additional funding from sustainable transport contributions implemented through the Local Plan collected from Gatwick DCO s106 (if approved) and Gatwick Green Development.



used as a contribution to the delivery of a programme of neighbourhood improvement works identified as a priority by Crawley Borough Council.

11.4. To date there has been one application to the Neighbourhood Improvement Fund since 2022 and there remains a further £20,600 reserved to the NIF until March 2025.

11.5. It is therefore proposed that any unspent Neighbourhood Improvement Funds at the end of March 2025 be reallocated to enable the ongoing delivery of the Council's Unsupervised Play Improvement programme.

### **Other Neighbourhood Improvement Strand Funded Schemes**

11.6. Using the Infrastructure Delivery Schedule, the following neighbourhood improvement works have been identified as a priority by Crawley Borough Council and the public have been consulted as to their inclusion in a funding programme utilising the Neighbourhood Improvement Strand.

- Unsupervised Play Investment Programme (UPIP) 2024/25 to 2039/40.
- 3G pitch at Three Bridges.
- Programme to improve drainage on playing fields and football pitches, see 11.8.

11.7. To date Cabinet has approved the allocation of CIL Neighbourhood Improvement Strand monies to the following schemes:

<b>Short Term Delivery – 2024/25 to 2028/29</b>	<b>£m</b>
Unsupervised Play Investment Programme (UPIP) 2024/25 to 2027/28	£ 0.409
3G pitch at Three Bridges (total allocation £0.1m of which £0.075m has been spent to date).	£ 0.025
	<b>£ 0.434</b>

11.8. It should be noted that the current programme to improve drainage on playing fields is now fully funded utilising existing S106 receipts and additional funding has been secured from the Football Foundation to purchase the specialist drainage equipment required. In the future, there may be the need to revisit this.

## **12. Future Proposals - Allocations of CIL Neighbourhood Improvement Strand**

12.1. By March 2040 it is anticipated that the council will have received a further £2.848m of CIL receipts in contributions to the CIL Neighbourhood Improvement Strand. (Section 6, table 2).

12.2. Additional funds are required to deliver the Unsupervised Play Investment Programme (UPIP) 2024/25 to 2039/40. It is proposed that further funds be allocated to the UPIP as funds become available from incoming CIL receipts and details of individual projects within the wider programme are finalised. The table below illustrates the additional funding required.

<b>Short Term Delivery- 2024/25 to 2028</b>	<b>£m</b>
Additional contribution to Unsupervised Play Investment Programme 2023/24 to 2027/28 (£0.170 of this has already been received). <sup>4</sup>	£ 0.55
<b>Medium Term Delivery – 2029/30 to 2033/34</b>	
Continuation of Unsupervised Play Investment Programme (UPIP) 2029/30 to 2033/34- £0.970m <sup>5</sup>	£ 0.97
<b>Long Term Delivery – 2034/35 to 2039/40</b>	
Further Unsupervised Play Investment Programme (UPIP) 2034/35 to 2039/40 <sup>6</sup>	£ 0.33
	<b>£ 1.85</b>

12.3. To receive a contribution from the Neighbourhood improvement Strand, projects should:

- Be listed in Crawley’s Infrastructure Delivery Schedule (IDS) (Appendix B), which identifies infrastructure required as a result of the growth forecasts indicated in the Local Plan.
- Be identified in the IDS as being Critical/ essential or high scoring desirable scheme, when assessed against the agreed criteria.
- Be delivered at a neighbourhood level, i.e., projects where the impact is most likely to be felt within one neighbourhood.

12.4. The revised IDS has identified the following projects for consideration also to receive a contribution from CIL and to be added to the Neighbourhood Improvement Strand funding programme in the future as more information is received:

<b>Medium Term Delivery – 2029/30 to 2033/34</b>	
Additional Allotment Provision - £0.05m	£ 0.05
<b>Long Term Delivery – 2034/35 to 2039/40</b>	
Provision of 1 further synthetic Turf Pitch - £0.9m	£ 0.90
	<b>£ 0.95</b>

12.5. In accordance with CIL guidance, officers propose to undertake a public consultation exercise to obtain feedback on the proposed future allocations from the CIL Neighbourhood Improvement Strand listed above and to ensure there is sufficient support for the proposed expansion of projects to be included. Subject to the outcome of this public consultation, proposals for CIL Neighbourhood Improvement Strand monies to be allocated to the above projects will be presented to Cabinet at a future meeting for their consideration.

### **13. Financial Implications**

13.1. There continues to be a risk that the spend profiles of projects identified as a priority in the Infrastructure Business Plan will be mismatched against the receipts of CIL contributions, particularly if there are delays and shortfalls with the expected receipt of CIL monies by the Council from developments.

13.2. Councils are unable to borrow against anticipated levy income, but CIL receipts can be used to repay expenditure retrospectively on infrastructure that has already been incurred, provided that expenditure is in line with recognised priority infrastructure schemes as identified within the CIL Infrastructure Business Plan. (IBP).

<sup>4</sup> Figures based on historic costs a review of the programme costs will be undertaken closer to the intended investment period.

<sup>5</sup> Figures based on historic costs a review of the programme costs will be undertaken closer to the intended investment period.

<sup>6</sup> Figures based on historic costs a review of the programme costs will be undertaken closer to the intended investment period.

- 13.3. In the event that not enough CIL contributions are received to bring forward all projects outlined then projects will be progressed in order of priority identified in the IBP (Appendix C, 2.1) in accordance with the agreed governance procedure (Appendix C, 2.3).

## **14. Legal Implications**

- 14.1. The legislation governing the development, adoption, and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended). CIL charging took effect in Crawley following due process on 17th August 2016.
- 14.2. CIL regulations state that 15% of the total CIL contributions collected are to be allocated for spending in agreement with local neighbourhoods where development is taking place – the Neighbourhood Improvement Strand. The CIL Regulations do not prescribe a specific process for how the neighbourhood improvement strand should be spent, other than to state that it must be spent on something that is ‘concerned with addressing the demands that development places on an area..’
- 14.3. A charging authority may apply CIL to administrative expenses incurred by it in connection with CIL. This is providing that it does not exceed 5% of CIL collected.
- 14.4. Where an authority spends less than its permitted allowance on administrative expenses, it must transfer the remaining allowance for use on capital infrastructure projects as part of the Strategic Infrastructure Strand. If Crawley BC does not apply the discretionary administrative expenses, then a maximum of 85% of CIL collected in Crawley will be spent on strategic infrastructure.
- 14.5. The levy should not be used to remedy pre-existing deficiencies in infrastructure provision unless the deficiencies are exacerbated by new development.

## **15. Equalities Implications**

The Council must have due regard to its obligations under the Equality Act 2010 and for the public sector equality duty (“PSED”) under section 149 of the Equality Act 2010 in making its decisions and carrying out its functions. The equalities impact and/or the PSED will be addressed as and when CIL funded proposals are developed.

## **16. Background Papers**

Report to Cabinet 31 January 2024 PES/426 [Allocating Monies Collected Through CIL.pdf\(crawley.gov.uk\)](#)

Report to Cabinet 2 November 2022 PES/420 [Allocating Monies Collected Through CIL, Neighbourhood](#)

Report to Cabinet 16 March 2022 PES/388 [Allocating Monies Collected Through Community Infrastructure Levy 2022/23](#)

Report to Cabinet 10 March 2021 PES/370 - [Annual Community Infrastructure Levy \(CIL\) Statement](#)

West Sussex County Council - [see Item 6 WSCC Revenue Budget 2021/22, Capital Strategy 2021/22 to 2025/26](#) and [WSCC Cabinet Printed Decision](#).

Report to Cabinet 11 March 2020 PES/335 - [Allocating Monies Collected the Through Community Infrastructure Levy – Infrastructure Business Plan 2020/21](#)

Report to Cabinet 6 February 2019 PES/302 - [Allocating Monies Collected Through Community Infrastructure Levy 2019/20](#)

Report to Cabinet 7 February 2018 PES/264 - [Allocating Monies Collected Through Community Infrastructure Levy - Infrastructure Business Plan and Governance](#).

Report to Cabinet 4 October 2017 PES/257 – [Community Infrastructure Levy - Governance, Prioritisation and Spend Proposals](#).

Report to Cabinet 29 June 2016 SHAP/54 - [Adoption of Crawley Community Infrastructure Levy \(CIL\)](#)

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