

CALNE WITHOUT PARISH COUNCIL

COMMUNITY INFRASTRUCTURE LEVY

POLICY AND PROCEDURE

DRAFT 2
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Approved:
Adopted:
To be reviewed by;

COMMUNITY INFRASTRUCTURE LEVY POLICY AND PROCEDURE

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1 Introduction

This document sets out the policy and procedure Calne Without Parish Council will follow in determining and controlling the use of Community Infrastructure Levy (CIL) money that is allocated to it from Wiltshire Council.

The document should be considered with other documents controlling the decision-making process and operations of the Parish Council which can be found on the Parish Council website. www.calnewwithout-pc.gov.uk.

2 Government Policy

The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on **6 April 2010** through the Community Infrastructure Levy Regulations 2010.

2.1 What is the Community Infrastructure Levy Payable on?

The levy may be payable on development which creates net additional floor space, where the gross internal area of new build is 100 square metres or more. That limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size.

A number of developments do not pay a levy including, development of less than 100m², self-build, affordable housing, Vacant structure brought back into use, charitable development and structures such as pylons and wind turbines. Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due. Mezzanine floors, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.

2.2 Who collects it?

In England, levy charging authorities are district and metropolitan district councils, London borough councils, unitary authorities, national park authorities, The Broads Authority, Mayoral Development Corporations and the Mayor of London. These bodies all prepare relevant Plans (the Local Plan in England, Local Development Plan in Wales, and the London Plan in London) for their areas, which include assessments of the infrastructure needs for which the levy may be collected.

The levy is charged on new development. Normally, this requires planning permission from the local planning authority, the Planning Inspectorate, or the Secretary of State on appeal.

2.3 Who pays it?

Landowners are ultimately liable for the levy, but anyone involved in a development may take on the liability to pay. In order to benefit from payment windows and instalments, someone must assume liability in this way.

Charges will become due from the date that a chargeable development is commenced.

2.4 What can it be used for?

The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, parks and green spaces, cultural and sports facilities, academies and free schools, district heating schemes and police stations and other community safety facilities. This flexibility gives local areas the opportunity to choose what infrastructure they need to deliver their relevant Plan (the Local Plan in England, Local Development Plan in Wales, and the London Plan in London). Charging authorities may not use the levy to fund affordable housing.

Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.

The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.

2.5 How much goes to Parish Councils?

Local authorities must allocate at least 15% of levy receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This can increase to a minimum of 25%

Fifteen per cent of Community Infrastructure Levy charging authority receipts are passed directly to those parish and town councils (in England) and community councils (in Wales) where development has taken place (see [regulation 59A](#) for details). Where chargeable development takes place within the local council area, up to £100 per existing council tax dwelling can be passed to the parish, town or community council (see [regulation 58A](#) for details) this way each year to be spent on local priorities (see [regulation 59C](#) for details). Areas could use some of the neighbourhood pot to develop a [neighbourhood plan](#) where it would support development by addressing the demands that development places on the area.

2.6 What difference does a Neighbourhood Plan make?

In England, communities that draw up a neighbourhood plan or neighbourhood development order (including a community right to build order) and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area. This amount will not be subject to an annual limit.

In areas where there is a neighbourhood plan or neighbourhood development order in place, charging authorities can choose to pass on more than 25% of the levy, although the wider spending powers that apply to the neighbourhood funding element of the levy will not apply to any additional funds passed to a parish, town or community council. Those additional funds can only be spent on infrastructure, as defined in the Planning Act 2008 for the purposes of the levy.

2.7 What happens if the development crosses Parish Boundaries?

Where development straddles the boundaries of parish, town or community councils' administrative areas, each council receives a share of the levy which is proportionate to the gross internal area of the development within their administrative area. For example, if a development crosses 2 parish, town or community council administrative areas with 50% in one parish and 50% in the other, each council receives 50% of the neighbourhood portion, up to the level of the annual limit for their area. The total levy liability across the development is used to calculate the neighbourhood funding figure, to take account of sites with variable rates.

There may be occasions when development crosses more than one parish or town council administrative area and where one or more of those areas has a neighbourhood development plan in place (so receives 25%) and one or more of those areas does not. There may also be occasions where part of a development is granted planning permission by a neighbourhood development order, and part is not. In these cases, the parish or town council receives a proportionate amount of the levy payment based on how much of the gross internal area of the development is in an area for which there is a neighbourhood plan, or was granted permission by a neighbourhood development order.

2.8 What can Parish Councils spend their part on?

The neighbourhood portion of the levy can be spent on a wider range of things than the rest of the levy, provided that it meets the requirement to 'support the development of the area' (see [regulation 59C](#) for details, Appendix3 to this document). The wider definition means that the neighbourhood portion can be spent on things other than infrastructure (as defined in the Community Infrastructure Levy regulations). For example, the pot could be used to fund affordable housing where it would support the development of the area by addressing the demands that development places on the area.

Parish, town and community councils should discuss their priorities with the charging authority during the process of setting the Levy rate(s).

Once the levy is in place, parish, town and community councils should work closely with their neighbouring councils and the charging authority to agree on infrastructure spending priorities. If the parish, town or community council shares the priorities of the charging authority, they may agree that the charging authority should retain the neighbourhood funding to spend on that infrastructure. It may be that this infrastructure (eg a school) is not in the parish, town or community council's administrative area, but will support the development of the area.

2.9 How long does the Parish Council have to spend the money?

If a parish, town or community council does not spend its levy share within 5 years of receipt, or does not spend it on initiatives that support the development of the area, the charging authority may require it to repay some or all of those funds to the charging authority (see [regulation 59E\(10\)](#) for details).

2.10 What controls are in place to make sure the money is spent properly?

Parish, town and community councils must make arrangements for the proper administration of their financial affairs (see [section 151 of the Local Government Act 1972](#)). They must have systems in place to ensure effective financial control (see [Accounts and Audit \(England\) Regulations 2011](#) and [Accounts and Audit \(Wales\) Regulations 2005](#)). These requirements also apply when dealing with neighbourhood funding payments under the levy.

For each year when they have received neighbourhood funds through the levy, parish, town and community councils must publish the information specified in [regulation 62A](#). They should publish this information on their website or on the charging authority's website. If they haven't received any money they do not have to publish a report, but may want to publish some information to this effect in the interests of transparency.

There is no prescribed format. Parish, town and community councils may choose to combine reporting on the levy with other reports they already produce. The levy neighbourhood funding income and spending will also be included in their overall published accounts but are not required to be identified separately in those accounts.

3 Wiltshire Council

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support this development.

Wiltshire Council is a Charging Authority for the purposes of Part 11 of the Planning Act 2008 (as amended) and may therefore charge CIL in respect of development in its administrative area. The Council is both the CIL Charging Authority and Collecting Authority for its administrative area.

CIL is applied as a charge on each square metre of new development and will be payable by most developers in Wiltshire. It replaces a number of Section 106 contributions. Planning obligations will continue to be used for affordable housing and site-specific requirements in accordance with the Planning Obligations Supplementary Planning Document. From April 2015, the council has been restricted in its ability to pool infrastructure contributions from new development through Section 106 agreements

CIL came into effect in Wiltshire on 18 May 2015. Wiltshire Council will charge CIL on all CIL liable development granted planning permission on or after this date.

Wiltshire Council have produced a list of infrastructure, known as a Infrastructure List. sets out what the Council intend to spend CIL monies on. The list can be viewed by clicking this link [here](#).

4 Calne Area Neighbourhood Plan

The Calne Area Neighbourhood Plan was approved in February 2018 and sets out the priorities for the spending of CIL money throughout the Plan period. The existence of the Plan means that Calne Without Parish Council receives 25% of the CIL money collected by Wiltshire Council for development in the Parish which received planning consent after that date.

4.1 Neighbourhood Plan CIL priorities

The Neighbourhood plan states that:

“188. Contributions will be sought from developers through the Community Infrastructure Levy (CIL) and Section 106 agreements securing actual provision and/or financial contributions at a level that adequately mitigates any impact on existing infrastructure and contributes towards new local facilities, where additional demand will be generated. The Neighbourhood Proportion of the CIL and any financial contributions not allocated to site-specific projects will be focused on assisting the delivery of community projects in Calne and Calne Without.

The Community priorities in terms of additional local facilities to be provided as a result of new development, including the 25% local element of CIL to be spent by Calne Town and Calne Without Parish Councils, are as follows:

- Highway Capacity Improvements
- Public Open Space
- Improvements to Cycleway and Footpath Provision
- Community Facilities
- Retail Provision
- Children's Play Area
- Art or Cultural Facilities”

5 Calne Without Parish Council Policy

5.1 Projects

The Parish Council has an annual planning cycle to inform its decisions about the precept and its' community investment plan. The planning process has a rolling three-year horizon and identifies projects and schemes to support community improvement and services. This planning cycle identifies projects and activities suitable for funding from the CIL allocated to the council as well as from funds raised from the precept.

The Parish Council will also consider bids to fund projects identified by the community - whether by individuals, community groups or other local authorities. It will consider direct applications or proposals from other fora established to improve the community for example the Calne Area Transport Group, the Parish Forum and Calne Area Board.

In assessing projects, the Parish Council will be informed by the list of priorities identified in the Calne Area Neighbourhood Plan and its own investment plans and priorities. It will consider each proposal on the strength of the business case providing detail of the cost and potential benefit. The Parish Council may initiate additional work to evaluate any proposed project to aid its' decision-making process.

5.2 Community Engagement

The agenda for Parish Council meetings will be clear where investment proposals are being considered to ensure adequate community notice and to encourage community participation in debate during the open section of the agenda.

The Parish Council meeting addressing the annual precept request and review of the annual plan, usually in November, will examine delivery of the plan agreed in the previous year and identify the proposed investment plan for the succeeding period, including community projects identified for support. The Annual Parish meeting, usually in March, will also report on project progress and investment proposals.

For all significant investment the Parish Council will engage with the Parish community (residents and business) to identify and evaluate support for projects. This may be through meetings, Parish Notices, leaflet drops, use of the website or through community groups.

The Council recognises the importance of working with neighbouring Town and Parish Councils, particularly where developments have crossed Parish boundaries and will seek through documents such as the Calne Area Neighbourhood Plan to establish project priorities for the wider community.

5.3 Allocation of CIL

The Council will consider all of the following acceptable use of the CIL money:

- Consultation and engagement with the local community to identify and bring forward infrastructure and other projects that address the demands put upon the area by development.
- Donations to community or charity organisation providing services to Parish residents.
- Feasibility and evaluation surveys.
- Professional costs whether it be legal, technical, project management related to a project.
- Capital costs of infrastructure projects.
- Repair, replacement and on-going maintenance costs associated with or resulting from projects.
- Signage. interpretation and production of publicity to support and promote infrastructure provide through CIL.

This list is not exhaustive, and the Council will consider all requests brought to it.

5.4 Consultation and Engagement

The Parish Council may receive a number of project requests which it will need to consider. As part of this it will need to engage with the public to assess support for the projects and to prioritise the use of funds. The Parish Council will seek professional assistance with community engagement and consultation where necessary particularly with online surveys and consultation beyond the current capabilities of the Council's website.

5.5 Donations to Community Organisations

Community and Charity organisations play an important part in the life of a community whether it be a play group, lunch club for the elderly, or an advice service. All these local organisations will have different demands put upon them by development in the area. The Parish Council will consider requests for donations to extend services, provide equipment and otherwise assist organisations to meet the needs of the local community. All request should include a business case for the proposal and the audited accounts of the organisation.

5.6 Feasibility and Evaluation

Often projects will come forward to the Parish Council as a problem that needs resolving whether it be a small as littering problem or as large as a dangerous road junction. The solution to the problem will not necessarily be obvious and the Council will take advice on the avenues open to them and will undertake any surveys required to determine the best solution to the problem. It may be that the survey will suggest a solution that the Parish Council is unable or unwilling to enter in to. The Council still considers the funding of the survey to be acceptable use of CIL money.

5.7 Professional Costs

Any large infrastructure projects will require expertise that the Parish Council does not possess therefore the Parish Council will consider professional costs and fees whether it be for legal, planning, technical, financial and management advice to be acceptable use of CIL money.

5.8 Capital Costs

The Parish Council will consider all capital costs relating to an approved project an acceptable use of CIL money.

5.9 Repair, Replacement and on-going Maintenance

The Parish Council will also allocate CIL money to the maintenance and repair of any equipment or infrastructure that will remain as the responsibility of the Parish Council. The Parish Council will take advice as the amount and length of time that such maintenance will cover.

5.10 Signage, Interpretation and Publicity

Project providing new facilities for the residents of the Parish will need to be well signed and publicised. For example, paths providing new access points into the countryside or linking new areas will need to be signed and advertised and may well have areas requiring or benefiting from interpretation boards or leaflets.

5.11 Financial Regulations

In the spending of CIL money on projects agreed by the Parish Council, the Council will follow the regulations set out in the Parish Council's Financial Regulations.

The Parish Council will report to Wiltshire Council, the "Charging" Authority, annually the CIL money spent and allocated to approved projects. The information will also be on the Parish Council's website.

The Parish Council will consider any money allocated to a project to have been spent in terms of the 5-year spending time limit placed upon them. Should a project run over time the Parish Council will expect Wiltshire Council to allow the Parish Council to honour the contracts entered into and not to recall the funds.

Should the Parish Council have no prospect of spending CIL money that has only one year left of the 5-year period it will consider spending it on projects coming from Wiltshire Council's Infrastructure list. For example, the Parish Council may seek to fund projects from secondary schools attended by Parish pupils or may contribute to infrastructure projects already identified by Wiltshire Council on the infrastructure list outside the Parish but that will benefit Parish residents.

COMMUNITY INFRASTRUCTURE LEVY POLICY AND PROCEDURE

Appendix 1

Received	Marden Farm, Rookery Park, Calne SN11 0HL - 15/10682/FUL Land at Marden Farm, Stockley Lane, Calne, SN11 0LJ - 17/03715/FUL	Land at former Blounts Court Nursery, Studley, Calne, SN11 9NQ - 17/03035/REM	Land North of Low Lane Calne - 18/04823/REM; 18/12108/REM; 20/00480/FUL	K4 Kitchens site A4 - 20/04070/FUL	Total
Apr-18	£15,060.87	£13,696.35	£0.00		£28,757.22
Apr-19	£42,848.50	£26,631.80	£0.00		£69,480.30
Jun-19	£23,428.00	£0.00	£0.00		£23,428.00
Jul-19	£0.00	£26,631.80	£0.00		£26,631.80
Apr-21	£0.00	£0.00	£70,747.03		£70,747.03
Jul-21	£0.00	£0.00	£39,217.97		£39,217.97
Aug-21	£0.00	£0.00	£3,460.27		£3,460.27
Oct-21	£0.00	£0.00	£4,036.98		£4,036.98
Nov-21					£0.00
Dec-21				£1,324.76	£1,324.76
Total	£81,337.37	£66,959.95	£117,462.25		£267,084.33

Correct as at 10/01/22

Remaining to be used by:

Apr-23	£1,668.48
Apr-24	£69,480.30
Jun-24	£23,428.00
Jul-24	£26,631.80
Apr-26	£70,747.03
Jul-26	£39,217.97
Aug-26	£3,460.27
Oct-26	£4,036.98
	£238,670.83

Appendix 2
GOVERNMENT LEGISLATION

D R A F T S T A T U T O R Y I N S T R U M E N T S

6 2013 No.

COMMUNITY INFRASTRUCTURE LEVY, ENGLAND AND WALES

**7 The Community Infrastructure Levy (Amendment)
Regulations 2013**

1 Application of CIL by local councils

59C. A local council must use CIL receipts passed to it in accordance with regulation 59A or 59B to support the development of the local council's area, or any part of that area, by funding—

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.

1.1 Draft Legislation:

This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: [The Community Infrastructure Levy \(Amendment\) Regulations 2013 No. 982](#)

Link to Government guidance

<http://www.legislation.gov.uk/uksi/2013/982/regulation/8/made>