

Community Infrastructure Levy Decision Report

Responsible Officer:
Edward West
Planning Policy and
Strategy Manager

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1. Summary of Scheme proposed

Applicant	Shropshire Council
Place Plan	Whitchurch
Project	Whitchurch Pool and Fitness Centre
Description	A Shropshire Council flagship initiative to design and build a new swimming pool and fitness centre at Whitchurch – on the site of the now derelict former pool and youth centre.
Contact	Clare Featherstone
Date of application	November 23
Project Manager	Peter Gilbertson
Total Cost	£14,137,282
CIL Local requested	£980,000
Timescale	Construction Commencement 27 Nov 2023 Practical Completion 15 May 2025 Open to the Public June 2025

2. Officer Considerations

Is the project considered to be infrastructure under section 216(2) of the Planning Act 2008 and regulation 59, as amended by 2012 and 2013 Regulations. *infrastructure includes:*

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) healthcare and medical facilities,
- (e) cultural, sporting and recreational facilities,
- (f) play areas, open spaces, parks and green spaces

Key Officer /PPO to complete.

The Whitchurch Pool and Fitness Centre project is considered infrastructure;
(e) cultural, sporting and recreational facilities

Does the proposal support the development that has taken place in the area or will take place in the future?

Key Officer/PPO to complete.

Whitchurch has taken development in the north of the of the town and has a large scale development planned at Tilstock Road in the south . The Whitchurch

Swimming pool and fitness centre project will provide sporting, recreational, health and wellbeing facilities for those future residents as well as existing residents. The project will also support School educational requirements to provide swimming as part of the National curriculum for school age children in the area.

Key Officer/ Place Plan Officer to complete:

Is the scheme identified in the current Place Plan as an Essential Project?

YES/NO

It is a Priority B project

Are there current statutory infrastructure requirements listed in the Place Plan area potentially competing for funding?

YES/NO

Currently, there are no large-scale statutory infrastructure projects competing for CIL funding. (Projects for Education, health and drainage have CIL Local funding allocated)

3. Risk Assessment and Opportunities

Key Officer to complete:

e.g. Are there any implications for Human Rights Equalities and Social Inclusion legislation listed in the EOI?

4. Financial Implications

CIL funding collected/allocated/available in this Place Plan area:

CIL Officer to complete:				
Exacom @ 31/12/23	Collected	Allocated	Spent	Available
Local	3,586,805	1,374,899	49,901	2,162,005
Neighbourhood	383,915	0.00	0.00	383,915
Date Annual Monitoring Form received.			12/10/16	

Comment on Neighbourhood Funding:

**NF figures based upon last Annual Monitoring form received 12/10/16
Collected figure is at 30/9/23**

5. Response by Department

Response to the Expression of Interest attached and Officer's Input (Sections 1 to 4).
 Comment by department with reference to this Expression of Interest and all future strategic infrastructure requirements:

Education	Andy Nicholls	Date 15/12/23
There are a number of primary schools (5) in the immediate Place Plan area who would welcome access to new facilities to support the delivery of a core curriculum subject. Whitchurch has been identified as an area of growth in terms of pupil population – there will be a need in the future for CiL monies to support school expansion.		

Legal & Democratic	Miranda Garrard	Date

Finance	Donna Payne	Date 18/01/24
Project meets criteria of financial rules and can be supported from CIL. Are there any further large projects in the Place Plan that could compete for funding we need to be aware of?		

Highways	Ffion Horton	Date

Procurement	Neil Evans	Date 15/12/23
The proposal is for an internal transfer of funds so there will be no subsidy control implications. As the funding is to fill the total project funding shortfall it is assumed that all procurement activity in relation to the project has already been completed.		

6. Recommendation to Internal Infrastructure group

Following responses from officers and the relevant department leads, the following recommendation has been made:

Responsible Officer to complete:

Through a review of the responses, the decision has been made to **recommend APPROVAL** of the application, subject to formal cabinet approval. This is based on the following:

- The project is listed within the Annual Infrastructure Statement and supports the infrastructure need in Whitchurch.
- Project meets the criteria of financial rules and can be supported from CIL.
- The proposal is for an internal transfer of funds so there will be no subsidy control implications.

It is important to be mindful that there are several primary schools (5) in the immediate Place Plan area who would welcome access to new facilities to support the delivery of a core curriculum subject. Whitchurch has been identified as an area of growth in terms of pupil population – there will be a need in the future for CIL monies to support school expansion in the future.

SECTIONS 1 TO 6 TO BE COMPLETED PRIOR TO CIRCULATION AT THE INTERNAL INFRASTRUCTURE GROUP

7. Background

As the CIL charging Authority Shropshire Council needs to demonstrate compliance with the national CIL Regulations. The Community Infrastructure Levy is a charge on new development which is used to support the provision, improvement, replacement, operation, or maintenance of infrastructure to support development of its area.

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. (section 216(2) of the Planning Act 2008 and regulation 59, as amended by the 2012 and 2013 Regulations).

Shropshire Council CIL policy

Shropshire Council took a decision in 2012 to distribute CIL funds in the following way, which has remained unchanged:

- Administrative Fee – up to 5% of total
- Neighbourhood Fund – 15% or 25% where there is a Neighbourhood Plan or Neighbourhood Development Order

Of the remainder:

- 'Strategic' – 10%
- 'Local' – 90%

The current position with the use of CIL 'Local' funds is also shaped by the last Cabinet decision of June 29th 2015. This agreed that priority be given to using CIL 'Local' funds to deliver appropriate critical infrastructure, or infrastructure required in order to fulfil the Council's statutory functions.

CIL monies distribution table:

CIL Fund	Proportion of funds	Responsible	Area for spend
Administrative fee	5%	Shropshire Council	Administrative expenses incurred during the implementation and enforcement of CIL.
Neighbourhood Fund	15% 25% where there is a formal Neighbourhood Plan or Neighbourhood Development Order in place.	Town and Parish Councils	Provided directly to the local Town/Parish Council to fund locally identified infrastructure projects. <i>Note: The Neighbourhood Fund only applies to income from development where the CIL Liability Notice has been issued since the introduction of the Amendment CIL Regulations (2013) on the 25th April 2013.</i>

Of the Remainder:			
Strategic Infrastructure Funding	10% (of remaining amount)	Shropshire Council in conjunction with infrastructure providers	Strategic infrastructure priorities across Shropshire.
Local Infrastructure Funding	90% (of remaining amount)	Shropshire Council in conjunction with Town/Parish Councils and infrastructure providers	Local infrastructure priorities to meet the infrastructure needs in the area where development takes place, as identified within the Place Plans.

8. Recommendation to the Internal Infrastructure Group

Expression of Interest Approved	YES
Outcome of the Recommendation Report is to Approve the EOI and to be endorsed at IIG.	
IIG approval/rejection date	1/2/24

Signed:.....E.West.....

Planning Policy and Strategy Manager

Dated:.....24.01.24.....

List of Background Papers:

(All completed reports relating to the Expression of Interest must be attached but this does not include items containing exempt or confidential information)

Internal Expression of Interest form

TO BE COMPLETED FOLLOWING IIG

9. Decision Report

Membership of the Internal Infrastructure Group includes representatives from a number of Shropshire Council departments, specifically: Finance, Legal, Planning Policy, Highways, Education, Broadband/ICT, Outdoor Partnerships, Property, Development Management and Economic Growth.

In considering all applications the Council must abide by national law and guidance relating to CIL spend. In this regard the Community Infrastructure regulations 2010 (as amended) state that the Council must: *“apply CIL to funding the provision improvement, replacement, operation or maintenance of infrastructure to support the development of its area.”*

The Government’s National Planning Policy Guidance states that:

“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”

Further, the Council’s Cabinet decision of 29 July 2015 must also be taken into account. It agreed that: *“priority be given to using CIL (Local) funds to deliver appropriate critical infrastructure, or infrastructure required in order to fulfil the Council’s statutory functions”*

This decision reflects the fact that there may be some instances where it will be necessary for the Council to prioritise the use of CIL funds for such infrastructure, which is not recognised by the local community as a priority through their Place Plan. The approach follows the prioritisation of critical infrastructure set out in Core Strategy Policy CS9.

The project was discussed at IIG and the following decision has been noted

DECISION: APPROVED to recommend to cabinet funding of £980,000

Comment: To ensure that the funds are to be utilised for infrastructure and not to support fixture and fittings of the leisure centre. Due to the level of funding requested (above £500k), this application is subject to cabinet approval

Meeting, date: Report heading

Signed:E West.....

Planning Policy and Strategy Manager

Dated:13/03/24.....