



Brixham Town Council

CIL Policy

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Community Infrastructure Levy Policy (CIL)

Brixham Town Council

This document sets out Brixham Town Councils (BTC) procedures for monitoring, receiving and spending CIL monies received from Torbay Council.

About CIL

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 is a levy that local planning authorities, like Torbay Council, can choose to charge on new developments in their area. The money should be used to support development by funding infrastructure that the Council and local Community want.

CIL is a non-negotiable charge on certain types of development. It is charged at different rates dependent on the proposal and its location within Torbay.

Torbay Council adopted its CIL charging schedule on the 2nd February 2017. Accordingly, CIL is payable on chargeable developments granted planning permission including by general consent (as defined by Regulation 5 of the CIL Regulations), on or after 1st June 2017.

Community Infrastructure Levy will be charged for the following development:

- Open market residential dwellings – where there is a gain of floorspace. It is charged on gross new internal floorspace. Any demolished floor space may be counted against CIL (so long as it has been in lawful use for more than 6 continuous months over the last 3 years).
- Retail development – outside of the town centres, St Marychurch and Preston (as defined on the Local Plan Policies Map) on development of over 300 square metres.

CIL is calculated as: *CIL Rate (£ per sq. m) x increase in floor space (chargeable rate) x inflation measure.*

If calculated at less than £50 it is not collected. Torbay Council CIL charging schedule can be found on their website.

Receiving CIL from Torbay Council

Under Regulations 59A of the CIL Regulations 2010 (as amended), charging authorities, in this instance Torbay Council, have a duty to pass CIL to Brixham Town Council.

As Brixham has an adopted Neighbourhood Plan, BTC will receive 25% of Torbay Councils receipts for developments within the Brixham Peninsula Neighbourhood Plan (BPNP) boundary.

Charging authorities and Town Councils are free to decide the timing of neighbourhood funding payments themselves. However, in the absence of such an agreement, regulation 59D specifies that the neighbourhood portion of levy receipts must be paid every 6 months.

Torbay Council will pass CIL receipts to BTC twice during the financial year:

- 31st October for the CIL receipts from 1st April to 30th September.
- 30th April for the CIL receipts from 1st October to 31st March.

The CIL Regulations state that a Town/Parish 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.

This gives Parish and Town Councils considerable freedom to spend their proportion of CIL on the things that address the impacts of development on their area.

Spending the CIL receipts

In compliance with Regulation 59C of the CIL Regulations 2010 (as amended), BTC will use CIL receipts to support the development within the BPNP boundary, or any part of it, by funding the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demand that development place on our area.

The three broad categories of infrastructure are:

- physical infrastructure - highways, transport links, cycleways, energy supply, water, flood alleviation, waste management.
- social infrastructure - education, health, social care, emergency services, art and culture, sports halls, community halls.
- green infrastructure - parks, woodlands, play areas, public open space.

Examples of infrastructure items which can be provided or maintained by Town Councils

Infrastructure Type	CIL Uses
Allotments	Provision of allotments
Burial Grounds; cemeteries & crematoria	Maintain monuments and memorials
Bins	Provision of litter bins
Bus Shelters	Provision of bus shelters
Clock	Provide public clock
Commons and Common Pastures	Enclosure, regulation and management and provision of common pasture
Conference Facilities	Provision of conference facilities

Community Centres	Provide and equip building for use of clubs (sport/social/educational); Acquire, provide and furnish community building
Crime Prevention	Spend money on crime prevention
Drainage	Deal with ponds and ditches
Highways	Repair and maintain public footpaths and bridleways Lighting for roads and public places Provide parking places for vehicles, bikes, and motorbikes Provide roadside seats and shelters Provide certain traffic signs and other notices Plant trees and maintain roadside verges Traffic calming – powers to contribute financially to such schemes
Open Space	Acquire and maintain land for open spaces
Public Buildings and Village Hall	Acquire and provide buildings for public meetings and assemblies
Public Toilets	Provide public toilets (does not include employee wages)
Recreation	Acquire land for recreation grounds; public walks; pleasure grounds, manage and control them. Provision of boating pools
War Memorials	Maintain, repair, protect and adopt war memorials

Providing CIL is spent in accordance with the above, CIL monies may be used to provide match funding with other income streams. CIL can be used collaboratively with community interest companies or other providers to make the most efficient use of funding to benefit the community.

The BPNP boundary extends beyond the Brixham Parish boundary. Any CIL monies received for areas that fall outside of the Brixham Parish Boundary but within the BPNP area should be allocated for spending within the area of the development.

CIL receipts which have not been spent within 5 years of receipt, or it is not spent on initiatives that support the development of the area, the charging authority may require BTC to repay some or all of those funds to the charging authority (see regulation 59E(10) for details).

BTC is not required to spend their neighbourhood funding in accordance with Torbay Councils priorities. However, it will take note of Torbay Council's priorities for spending, where appropriate.

BTC will engage with the community and Ward Councillors within the BPNP area, including the Brixham Peninsula Neighbourhood Forum annually, on how to spend CIL and produce a list of infrastructure projects which the community sees as priorities for delivering and would like to see provided with CIL funds.

Reporting

BTC has a legal duty to prepare an annual report of CIL received and spent in any financial year, including reporting on the following matters:

- Total CIL receipts for the reported year.
- Total CIL expenditure for the reported year.
- Summary of CIL expenditure during the reported year including the items and amounts of CIL expenditure on each item.

A copy of the report should be sent to Torbay Council no later than 31st December following the reported year. The report should be published on BTC website or/and on Torbay Councils website. A template for CIL reporting is included at Annex 1.

Annex 1: Financial report template.

**Community Infrastructure Levy (CIL) Annual Financial Report to be published by
31st December (insert Year)**

Name of Local Council:

Financial Year:

Total CIL retained from previous years (A)

Expenditure this financial year of CIL retained from previous years

<u>Item of expenditure (please describe).</u>	Expenditure amount	
	<input type="text"/>	
Total	<input type="text" value="£"/>	(B)

Total CIL Received this financial year (C)

Expenditure of CIL which was received this financial year

<u>Item of expenditure (please describe).</u>	Expenditure amount	
	<input type="text"/>	
Total	<input type="text" value="£"/>	(D)

Notices Received Under Regulation 59E - The charging authority (Torbay Council) may serve a notice on the local council requiring it to repay some or all CIL receipts, if not spent within 5 years or if applied otherwise than in accordance with regulations.

Value of CIL receipts subject to notices served in the financial year (E)

Value of CIL receipts subject to notices which has been repaid to the charging authority during the financial year (F)

Value of CIL receipts subject to notices which have not been paid to the charging authority	£ <input type="text"/>	(G)
Current financial year CIL receipts retained at year end (H=C minus D)	£ <input type="text"/>	(H)
CIL receipts from previous years retained at year end (I=A minus B)	£ <input type="text"/>	(I)
Total value of CIL receipts retained at the year-end (J=H plus I minus F)	£ <input type="text"/>	(J)

A copy of this report must be published either on the local council's website, or on that of the charging authority (Torbay Council) if the local council does not have a website.

A copy of the report must be sent to Torbay Council no later than the 31st December following the reported year, unless it is published on Torbay Councils website.