

Wycombe District Council Community Infrastructure Levy (CIL) & S106 Funding Decision Protocol – July 2018

1. Introduction

1.1 The allocation of Community Infrastructure Levy (CIL) and S106 financial contributions funds is made through an annual programming process, with a final decision on the release of funds being made by Wycombe District Council's Cabinet as part of the Capital Programme process. Decisions on the release of these funds will not be made outside this process except in exceptional circumstances.

1.2 CIL and s.106 are collected to mitigate the impact of development on the District. Whilst there is some overlap with potential Capital spend, it is important that the two are not confused. S.106 is collected for specific purposes set out in the individual agreements. CIL is for use across the District. The Reg 123 list sets out the items that will be charged to s.106 and to CIL to avoid 'double charging'.

1.3 The various Service and Infrastructure providers will be invited in June each year to submit potential projects for the use of available CIL and S106 funds for the following financial year. An indication will be given of CIL and s106 funds likely to be available. The available CIL funds for different infrastructure types will be based on the broad allocations agreed by Wycombe District Council's Cabinet at their September 2016 meeting (or at subsequent meetings where decisions are made on strategic allocations of CIL).

1.4 Potential projects will be expected to be presented by 15¹ September each year using the template provided. These will be assessed and collated into an overall draft programme. This draft programme will be taken to Cabinet for a provisional decision, in the cycle before the consideration by WDC Cabinet of the annual Capital Programme. Prior to any Cabinet decisions service providers will be informed of the draft programme that will be going forward for funding and the reasons why any submitted schemes have not been put forward.

Table 1 – Summary of overall process and annual timetable

Date	Action
Every 3 years	Decision on three year strategic allocation of CIL funding made by WDC Cabinet
June	Each service provider informed of the CIL and S106 funding available across the broad infrastructure categories
by 15 September	Programmes submitted to cil@wycombe.gov.uk

¹ This date may be changed each year without a further 'sign off' of this protocol.

Early October	Assessment made by P&S Cabinet Member and Head of Service and recommendations put forward to the Wycombe District Council Place and People Programme Board.
November	Cabinet to consider recommended CIL allocations in advance of setting the Capital Programme
December	Draft Capital Programme presented to Cabinet.
February/March	Decision made by WDC Cabinet to approve Capital Programme

2. Responsibility for putting forward projects

2.1 There are a number of statutory service providers who develop and consult on relevant strategies and plans that outline required infrastructure improvements. These guide the future planning of provision and funding decisions by the lead service providers. As these service providers have an overseeing role it will primarily be the lead service providers who are asked to submit draft funding programmes on an annual basis. These funding programmes must be fully informed by the funding available and relevant approved plans and strategies. The lead service providers are set out at Appendix A.

2.2 Therefore organisations or individuals who may wish to nominate schemes that a lead service provider would be required to implement should go through the relevant service provider to put this forward on their behalf if it aligns with their priorities and strategies. For example a request for a pedestrian crossing facility will not be accepted as a funding request unless it is submitted by the Highway Authority or has the Highway Authority's full support.

2.3 Other service providers may put forward projects that they would implement directly but should be cognisant of the limited funds available. If there are proposals for local scale community facilities these service providers should approach their relevant town or parish council in the first instance as they receive a proportion of CIL for localised schemes as per paragraph 3 below.

3. Duty to pass funds to parish councils and the local neighbourhood

3.1 The District Council is required to pass 15% of CIL funds directly to the relevant parish or town council raised from developments in their areas. This rises to 25% in areas which have an adopted Neighbourhood Development Plan².

² The District Council can hold these funds on behalf of parish and town councils with their agreement and pass the funds over with interest when they are required. Cabinet have previously agreed that Princes Risborough Town Council will receive 25% because it was for technical reasons that a Neighbourhood Plan could not be used as the vehicle for the growth of the town

3.2 The Regulations state that this proportion of funds must be used *‘to support the development of the local 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.’

3.3 This is a wider definition of how the funds may be used compared to how the District Council can use CIL funds (being restricted to funding infrastructure to support the development of the area).

3.4 The District Council may consider contributing funds to projects with the parish or town council where there are shared priorities.

3.5 In the unparished area of the District, the High Wycombe Town Committee has been asked, to make recommendations to Cabinet on the use of the local allocation, following appropriate engagement, alongside the Cabinet decisions on other funding. A HWTC CIL Working Group makes recommendations to the wider Committee on potential funding allocations.

4. Use of s106 funds

4.1 The programming of s106 financial contributions will be made alongside CIL funds. Projects put forward for the use of S106 funds should show a direct relationship to the development(s) from where the funds accrued. If necessary a bid for CIL funding can be made for a project that is also being funded by historic pooled s106 contributions with the amounts requested shown in the programming table.

4.2 Individual s106 Agreements drawn up after the introduction of CIL will specify what project or purposes particular financial contributions will be directed towards. The use of these funds will need to be programmed and released through the process outlined in this protocol. CIL funds cannot be used on the same project as s106 contributions secured after the introduction of CIL.

5. CIL Priority Schemes

5.1 WDC Cabinet made a decision on the broad allocations of CIL funding available to the District Council for three financial years at their 19 September 2016 Cabinet meeting (item 32). The broad allocation agreed from 2017/18 to 2019/20 is as follows:

Physical and Green infrastructure*	Social infrastructure**
80%	20%

*includes town centre regeneration, transport, green infrastructure, community and economic development initiatives that require infrastructure such as broadband provision

** Education (15%), Health (5%)

5.2 These allocations are intended to give an indication of the Councils spending intentions to allow for infrastructure and financial planning by service providers.

6. Programming CIL funds

6.1 Projects put forward by service providers should reflect:

- The available funding including the three year strategic allocation of CIL funding
- The projects listed on the CIL Infrastructure (R123) list
- The projects outlined in the Council's Infrastructure Delivery Plan
- Development briefs and infrastructure plans related to the delivery of strategic sites including details on what funding mechanisms will be used for the delivery of infrastructure.
- Relevant approved strategies and plans e.g. Local Plan; Delivery and Site Allocations Plan; Local Transport Plan; Sports Facility Strategy; School Place Area Plans

Schemes put forward will be assessed against the following criteria:

1. Funding information:
 - funding sought;
 - total costs of project;
 - other sources of funding that would match or part match any CIL/s.106
2. Strategy implementation and benefits:
 - Link to existing or emerging Plans and Strategies (e.g. Local Plan; Infrastructure Delivery Plan; Transport Plan);
 - Fit with WDC Corporate Plan;
 - Role of project in delivering the Strategy, Plan etc and the overall benefits of the project
3. Deliverability:
 - Project stage (feasibility; detailed design; ready to start);
 - Identification of necessary human resources;
 - Information on what approvals are necessary;
 - Project timetable;
 - Responsibility for ongoing maintenance;
 - Indication consultation plans.

7. Evaluation and approval of Programmes

Taking account of the projects received, available funding and assessments against the criteria, recommendations will be put forward by the Head of Planning and Sustainability and the Planning Portfolio Holder to the Wycombe District Council Place and People Programme and subsequently to Cabinet to agree provisional CIL/s.106 allocations in advance of the wider Capital Programme.

If funding is secured for a project, a full project plan will be expected to be put forward prior to the release of the funding.

8. Release and use of funding

The Council will set up a purchase order to external bodies and suppliers when a detailed project plan is provided. Invoices will be paid in arrears after completion of works or stages of work.

Reports should be provided to WDC Planning & Sustainability at regular intervals on the progress of schemes so that details can be provided in the quarterly financial monitoring reports to Cabinet. In order to avoid funding being held up on schemes that are not progressing, if the project does not progress in line with the submitted project plan, and there are no mitigating circumstances to justify the carrying forward of funding, then the Council reserves the right to withdraw the funding to allocate to other projects.

Appendix A – Lead infrastructure providers

Service/ Infrastructure Type	Lead Service Provider
Transport and public realm	BCC Transport (in consultation with WDC Spatial Planning)
Education	BCC Education
Open Space	WDC Community Services and Town and Parish Councils
Community facilities	WDC Community Services and Town and Parish Councils
Health facilities	NHS England/ Chiltern CCG
Police	Thames Valley Police