

Report of the Strategic Director, Place to the meeting of the Executive to be held on 13th July 2023

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Subject:

Bradford Community Infrastructure Levy (CIL) – Investment of the Strategic Fund

Summary statement:

The Council has adopted the Bradford Community Infrastructure Levy (CIL), which has now been in place and applies to new development since July 2017. This report relates to the investment of the strategic CIL fund. The purpose of this report is to seek Executive approval for the investment of the CIL strategic fund collected 1st April 2022 to 31st March 2023.

EQUALITY & DIVERSITY:

The proposed use of CIL will support the provisions of a number of infrastructure and services including education, open space and public realm which will have benefits for local communities and users. The recommendations themselves do not have any direct or indirect negative impacts on protected characteristic groups as identified in the Equalities Act 2010. Individual projects which these financial contributions support will also be subject to separate consideration of equalities as part of scheme development and implementation in line with Equalities duty.

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Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Environment

1. SUMMARY

- 1.1 The Community Infrastructure Levy (CIL) is intended as a means of contributing to the funding of infrastructure required to support the delivery of the Local Plan, including the adopted Core Strategy and other Development Plan Documents. It replaces part of the system of Planning Obligations (S106 Agreements), the scope of which has been restricted since 6 April 2015.
- 1.2 The purpose of this report is to seek Executive approval for the investment of the CIL Strategic Fund for monies accumulated up until March 2023, as set out in Tables 1 and 2.
- 1.3 This report includes a summary for the amount of CIL monies collected up to March 2023 and outlines recommendations for the allocation of monies from the Strategic CIL Fund to infrastructure priorities to support growth.

2. BACKGROUND

- 2.1 The District CIL was adopted by Full Council on 21 March 2017, and the charges were implemented from 1st July 2017. The process for the collection, spending and reporting of CIL monies must be transparent and undertaken in line with the requirements set out in the CIL Regulations.
- 2.2 The report to the Governance and Audit Committee on 28 February 2017, sets out the governance arrangements for allocating, spending and reporting on the Bradford CIL. This resolved that CIL receipts will be directed into two main funding streams; a CIL Strategic Fund and a Neighbourhood CIL Fund. The Council will retain 5% of the total CIL receipts collected to cover administration and implementation costs.

Neighbourhood CIL Fund

- 2.3 In line with the CIL Regulations 2010 (as amended) 15% of CIL income will be passed directly to those parish and town councils where development has taken place (the neighbourhood proportion), subject to the cap set in national CIL regulations. This will increase to 25% in any areas with an adopted neighbourhood plan.
- 2.4 The neighbourhood proportion will be transferred twice annually by the 28th April and 28th October each year.
- 2.5 In areas where there is no parish or town council communities will still benefit from the neighbourhood proportion, however the Council will retain and ring-fence the CIL receipts for these areas. The existing approach used for Planning Obligations (Section 106) will be used to direct spending of the CIL Neighbourhood Fund in areas without a parish or town council, in consultation with relevant ward councillors in accordance with the CIL Regulations 2010 and the Planning Act 2008 as amended.

Strategic CIL Fund

- 2.6 After the Council has allocated the Neighbourhood CIL Fund monies and retained 5% for administration cost, the remaining proportion of the levy will be placed in a CIL Strategic Fund.

- 2.7 The CIL Strategic Fund monies can be spent anywhere across the District on infrastructure needed to support growth.
- 2.8 The Council's Regulation 123 List previously set out the types of strategic infrastructure within the District that could be funded through the CIL Strategic Fund.
- 2.9 Investment of the CIL Strategic Fund will be determined by the Council's Executive, taking into account the impact of specific and cumulative infrastructure needs arising from new development. It should be noted that the Infrastructure Funding Statement (IFS) introduced in December 2020 should detail the types of infrastructure the Council intends to fund, either wholly or partly, by CIL income and replaces the Regulation 123 List.
- 2.10 This report outlines the amount of CIL monies collected to date and sets out recommendations for the allocation of the CIL Strategic Fund towards infrastructure priorities.

Monitoring and Reporting

- 2.11 To ensure that the levy is open and transparent the Council must prepare and publish on its website a CIL Annual Monitoring Report, which sets out CIL receipts, balances and spend, for the previous financial year. The CIL Annual Monitoring Report was replaced by the IFS in December 2020.
- 2.12 It should be noted that the Bradford CIL came into effect on 1 July 2017. CIL is only liable for planning applications approved on or after 1 July 2017 and payment of CIL is only triggered on commencement of development, in line with the Council's approved CIL instalments policy.
- 2.13 The total amount of CIL monies collected between 1st April 2022 and 31st March 2023 was **£600,717.66**.
- 2.14 The amount of CIL monies received should increase in subsequent financial years as more planning applications become liable for CIL and development of approved CIL liable applications is commenced.
- 2.15 Appendix 1 provides a breakdown of the CIL payments received, the neighbourhood transfers and the administration sum retained by the Council. It should be noted that the surcharges are not included in the neighbourhood transfers or the 5% administration sum retained by the council. All surcharges collected are retained and placed in the strategic pot for allocating.
- 2.16 The purpose of the CIL Strategic Fund is to contribute to the costs of infrastructure to support development, not for the money to be substituted for general spending, for which funding streams should continue as at present. The levy has to focus on the provision and maintenance of infrastructure and should not be used to remedy existing deficiencies unless those deficiencies will be made more severe by new development. CIL Strategic Funds can be accrued to fund key infrastructure items.
- 2.17 There are various options and pressures in relation to the investment of the CIL

Strategic Fund, such as competing demands for the monies from varying different types of infrastructure. The Strategic Fund can be invested on strategic infrastructure throughout the District and is not restricted geographically. There is therefore the potential to direct CIL funds towards more strategic infrastructure priorities.

- 2.18 Investment of the strategic fund will also need to reflect the connection between the demands that development generates and investment of the monies. In addition, future investment will need to take into account the impact of cumulative infrastructure needs arising from new developments. Consideration has therefore been given to the impact of major development across the District, some of which will generate a need for infrastructure. However, smaller developments can also trigger smaller sums which can also accumulate CIL and create pressure for infrastructure provision.
- 2.19 It is important to note that CIL will not meet the total infrastructure needs as identified by the Local Infrastructure Plan (LIP), However CIL can along with other funding sources make a contribution to the delivery of infrastructure. The IDP identifies as far as possible planned infrastructure provision in the District, including the infrastructure necessary to support the delivery of the Local Plan.
- 2.20 It should be noted a number of council services and infrastructure providers have been consulted in producing the infrastructure evidence to inform the recommendations regarding the allocation of the CIL Strategic Fund including; education, health, parks, transport planning, landscape, countryside, clean air (pollution) and libraries. Officers have considered the options for investing the CIL Strategic Fund, in light of the amount of CIL and other demands resulting from growth and made recommendations in relation to the investment of the CIL Strategic Fund. It should also be noted that following the introduction of CIL the areas which have felt the largest impact in reduced developer contributions, previously secured through Section 106 Agreements, are education and recreation.

Requests for CIL funding received

- 2.21 After the neighbourhood allocations and 5% administration fee has been retained the amount of CIL available for allocation is **£473,614.70**.

Education

- 2.22 Request a total of £344,028.19 or 73% towards the development of additional mainstream school places and specialist places for Children and Young People with Special Educational Needs and Disabilities.

Recommended amount to be allocated £142,084.41

- 2.23 CIL revenues are intended to help fund the supporting infrastructure required to address the cumulative impact of development across a local authority area. CIL can be used to fund the provision, improvement, replacement, operation or maintenance of a wide range of infrastructure, including education.
- 2.24 As part of the Planning application process, an assessment is made of the potential impact housing developments may have on local education provision: Pupil yield

factors based on up-to-date evidence from recent housing developments are used to calculate the potential number of additional children who may come to live in each new housing development. This is compared with an assessment of available capacity in existing schools to determine the likely need for additional school places as a result of proposed housing developments. A calculation of a financial contribution based on the pupil price per place, published on the DfE school place scorecard is also made. Only developments of 10 dwellings or more have been included in the calculation.

- 2.25 The Council aims to offer a full range of provision locally for all children and believes that a flexible District wide model will be able to respond effectively to local changes in demand.
- 2.26 Parental preference allows parents to apply for the school they wish for their children to attend, which is not always necessarily in the same ward as they live. As a result, housing developments do not only impact on the schools within the same ward, but also schools in adjoining and nearby wards.
- 2.27 Given the current projects and proximity to the housing developments of 10 or more dwellings from which CIL contributions have been received, it is requested that the contributions from the following developments are allocated for Education provision:

18/01700/MAF: Church of Nazarene, Hillcrest Road, Queensbury, total £ 21,671.60 (two payments of £19,121.60 and £2,550)

18/04238/MAF: Former Hallmark Cards, Bingley Road, Bradford, total £63,352.26 (two payments of £31,676.13)

19/02790/MAF: Land West of Derry Hill, Menston, total 245,063.53 (two payments of £122,531.88 and £122,531.65)

20/05292/MAF: Rotary Works, Bolton Road, Silsden, total 13,940

Parks and Green Spaces

- 2.28 Request a total of £142,084.41 or 30% of the CIL monies collected.

Recommended amount to be allocated £94,722.94

- 2.29 The monies will be allocated to Parks & Green Spaces projects to address the impact of developments upon existing recreational facilities and open space amenities primarily to address any shortfall in provision created by the developments and to support the Playable Spaces Strategy agreed by Executive 7th January 2020.
- 2.30 The projects will improve the Districts outdoor fitness and activity provision and making recreation facilities accessible to all with improved infrastructure works and continue to support improving play, sport facilities and open spaces.
- 2.31 The projects will support the wellbeing of our citizens by providing opportunities to live a healthy and active lifestyle.

Active Travel

- 2.32 Request a total of £47,360.00 or 10% of the CIL monies collected.

Recommended amount to be allocated £47,361.47

- 2.33 Contribution will help fund projects across the district such as footpath improvements, introduction of modal filters and development of greenways such as the Great Northern Rail Trail to help promote active travel and to help absorb some of the impact of new development.

Habitat mitigation

- 2.34 Request a total of £189,880.00 or 40% based on 505 CIL liable dwellings that have commenced.

Recommended amount to be allocated £47,361.47

- 2.35 The funds will be used to mitigate the additional recreational pressure on the South Pennine Moors SPA/SAC which arises from increases in residential dwellings within range of these areas within Bradford.

- 2.36 Research evidence from the Local Plan Habitats Regulations Assessment showed that the majority of people will travel up to 7kms from where they live to visit the moors. This creates additional erosion, disturbance, risk of wildfire and so forth which can impact upon the conservation objectives of these sites – something that we have a duty to avoid or mitigate under the Habitats Regulations.

- 2.37 The CIL payments made by developers will therefore fund a range of mitigation and management measures such as improvements to routes and sites which deflect pressure away from the moors, route improvements on the moors to reduce erosion, public information, wardening, and habitat repair.

Libraries

- 2.38 Request a total of £90,000.00 or 19% of the CIL monies collected.

Recommended amount to be allocated £47,361.47

- 2.39 A CIL allocation is being sought to fund new library stock and equipment which is critical to the Library Service Infrastructure. Additional housing and growing population places more demand on library stock, which is used across the District and is deployed dynamically according to demand. Library resources have a lifespan of up to 10 years and issue up to 100 times during their lifespan so this is a relatively long term investment with high use and, as a shared resource by many people, highly sustainable.

- 2.40 Bradford currently has a low stock fund and CIL funding is vital to be able to cope with additional demand.

- 2.41 At the same time, Bradford is one of the youngest cities and the District has relatively high levels of deprivation, combined with relatively low literacy levels, so additional reading material and support is vital. Reading for pleasure and literacy activity in the first 3 years of life is proven to have a hugely beneficial impact on people's life chances. Bradford is also a very diverse District and there is a demand for more stock in different languages and formats.
- 2.42 New libraries are planned for Baildon and the City in the near future which will require a lot of new stock and equipment to ensure these new libraries can meet demand.
- 2.43 In the run up to City of Culture 2025 it is vital that the stock offer across Bradford Libraries is improved and enhanced to meet expectations and demand

Public Realm

- 2.44 Request a total of £125,000.00 or 26% of the CIL monies collected.

Recommended amount to be allocated £94,722.94

- 2.45 CIL funding is requested to assist in delivering two public realm projects.

Great Horton Road/Shearbridge Pocket Park. Request of £60,000.00.

- 2.46 The site was previously used for Allotments but has been disused for many years and is now overgrown and derelict with fly tipping being a specific problem. The site lies adjacent to a densely populated inner city residential area. The local residents group have been actively pursuing getting the site reclaimed for recreational use for over a decade.
- 2.47 The CIL funding will assist in delivering the proposed works of clearance of the overgrown scrub, ground modelling, removal of debris/tipped materials and topsoiling. The provision of new footpaths, seating and informal play features. Perimeter fencing is required to prevent fly tipping. The site will be grassed along with wildflower meadows and new tree planting. Adequate open space will be required to the potential addition of some formal sporting activities.
- 2.48 The reclamation of this space will benefit the local community as they are already strongly invested in trying to get this site into a suitable condition where they would be proud to take ownership of the space. The reclamation will reduce antisocial behaviour, reduce social isolation and provide a safe space for the community to socialise and be more active.

Britannia Gardens. Request of £20,000.00 to add to the already secured funding of £28,000.00.

- 2.49 Girdlington is a densely populated area in the inner city, lacking in recreational open spaces. A local voluntary group, Greener Girdlington along with the Britannia Care Home, identified a site in the heart of Girdlington that could be reclaimed as a small pocket park. Britannia Care Home have released this plot of land to be redeveloped as a

communal space.

- 2.50 The NHS from Bradford Royal Infirmary have been involved as this area requires access to open spaces for improvement of health.
- 2.51 The site needs to be opened up as it is an enclosed car park. This will entail the removal of some boundary walls and the existing hard surfaced parking area. The site then will be designed to create a pocket park for use of the local residents and managed by Greener Girdlington. It is envisaged that planting will add colour and soften the hard perimeter walls that are retained and robust seating introduced, offering a variety of choice. Artworks can create a special sense of space and local identity.
- 2.52 To provide a new open space for the community. It builds on the existing momentum already within the community, primarily through Greener Girdlington but also other partners who want to promote improvements to health, through access to open spaces. The reclamation of this space will benefit the local community as they are already strongly invested in trying to get this site into a suitable condition where they would be proud to take ownership of the space. The open space will also provide the opportunity for active community projects, building on the initial design.

3. OTHER CONSIDERATIONS

Habitat Mitigation

- 3.1 European legislation (the Habitats and Wild Birds Directives), transposed into the Conservation of Habitats and Species Regulations 2017, as amended, requires local authorities to avoid or mitigate the impact of increased human activity on certain habitats and species in European protected areas, namely Special Areas of Conservation (SAC) and Special Protection Areas (SPAs). The Council when exercising its planning function is responsible for assessing the potential impact of the proposed development on the European Sites and for securing appropriate mitigation. The council therefore must ensure it meets its obligations under the Habitats Regulations considering whether the impact of additional residential development can be adequately mitigated. This requirement is described in policies SC8 & EN2 of the adopted Local Plan Core Strategy (2017).
- 3.2 A Supplementary Planning Document (SPD) was adopted and implemented in 2022. The SPD sets out the mechanisms for securing developer contributions or securing other site based mitigation where a development is within a set distance of the South Pennine Moors SPA/SAC and will cause a harmful impact on Moors due to increased recreational pressures.
- 3.3 The SPD came into effect for all planning applications received 1st April 2022 and onwards. For planning applications identified as having to comply with the SPD requirements, the mitigation provided by the developer must be confirmed prior to the application being validated.
- 3.4 In the main, developers are opting to make a financial contribution towards mitigation and these payments have started to be received. The contribution for each new proposed residential unit is £375.61 per dwelling.

3.5 Whilst payments have started to be received, the developments which are listed in appendix 1 of this report have all been submitted prior to the SPD being adopted and implemented. They all are located within Zone C, or within 7km, of the South Pennine Moors SPA/SAC and as such have to provide mitigation against the harmful impact of their development to the SPA/SAC. As all the planning applications pre date the adoption of the SPD, the £375.61 per dwelling tariff has not been secured. Therefore, a habitat mitigation CIL allocation is required to ensure Bradford Council is meeting its obligations under the Habitat Regulations.

Creation of a Strategic CIL pot

3.6 As the intention of CIL is a means to fund infrastructure required to support the delivery of the Local Plan, the Council is able to set aside a percentage of each year's CIL receipts into a Strategic CIL pot.

3.7 The aim of this funding pot would be to support the delivery of future strategic infrastructure projects which may come forward in the future.

3.8 This funding pot would be separate to any CIL funds allocated to internal infrastructure providers such as education, recreation and green infrastructure.

3.9 To date, four deposits have been placed within the Strategic CIL pot. Table 2 below details the deposits and the current balance held. It assumes a fifth allocation for year 2022/2023.

Table 1: Strategic CIL pot sums retained and current balance held

Allocation year	Amount retained	Balance
2017/2019	£56,421.72	£56,421.72
2019/2020	£89,718.18	£146,139.90
2020/2021	£200,480.46	£346,620.36
2021/2022	£177,480.46	£524,016.04
2022/2023	£94,722.94	£618,738.98*(see 3.12 below)

3.10 The Executive in July 2022 resolved that an allocation from the Strategic Pot was to be made to the Top of Town Public Realm Scheme. The amount of the allocation was delegated to the Strategic Director (Place) in consultation with the Portfolio Holder.

3.11 An allocation has not yet been awarded to the scheme. It is asked that the allocation is reconsidered this year along with three additional requests which have been received.

3.12 The balance of the Strategic Pot is £524,016.04 and if, Members approve a 20% deposit in the Pot from this year's CIL receipts, the balance will be £618,738.98.

Request for allocation from the Strategic Pot 2022/2023

3.13 The following requests have been received for an allocation from the Strategic Pot.

Public Realm

3.14 A request was received last year for a maximum allocation of £350,000.00 to assist with the delivery of the Top of Town public realm scheme.

3.15 This allocation was requested in addition to the CIL allocation of £141,916.54 the Executive Committee agreed from the CIL receipts collected for year 2021/2022.

3.16 The additional allocation sum has not yet been agreed and it is requested that the Top of Town Scheme is reassessed along with the three additional requests received for an allocation from the Strategic Pot.

3.17 *Recommended amount to be allocated £150,000.00*

Allotment Service

3.18 The allotment service has requested a sum of £300,000.00.

3.19 The Bradford District currently has 168 abandoned allotment plots which need mechanical excavation and other large scale material operations to bring these plots back into use.

3.20 In addition to these abandoned plots the Haworth Road allotments requires £70,000.00 to bring it back into use and a site at Park Road Thackley requires new fencing at a cost of £31,000.00. Presently both these sites are not in a useable state and cannot be offered to potential new plot owners.

3.21 There are at present 800 people on the waiting list for an allotment in the Bradford District. Due to the high number of abandoned and unusable plots, the allotment service is unable to allocate a plot to those on the waiting list.

3.22 An allocation of CIL would allow for some of the plots to be brought back into use and would go some way towards meeting the increasing demand for an allotment. This demand has increased significantly since the Covid pandemic and at present Bradford Council are unable to meet this demand.

3.23 *Recommended amount to be allocated £150,000.00*

Future CIL allocations

Grange Park Surgery Burley in Wharfedale

3.24 Planning permission for a residential development of 475 dwellings was granted at Land at Sun Lane and Ilkley Road, Burley in Wharfedale. The development is being constructed over nine phases with each phase having its own CIL liability to be paid when it commences. In total the development will generate a CIL payment of £5,641,305.69.

- 3.25 Three of the nine phases have commenced and the CIL liability for those three phases totals £2,132,026.22. Each phase will pay their individual liability in four equal instalments spanning a two year period. This is in line with the CIL instalments policy. The first instalments are due September 2023 with subsequent instalments due at six month intervals.
- 3.26 Senior officers have been approached by Grange Park Surgery, Burley in Wharfedale to request a CIL allocation to help fund an extension to their practice. The extension is required to help meet demand.
- 3.27 Currently the practice has a patient population of 6900 compared to 4500 when it first opened in 1984. Over the years the practice has had to rely on porta cabins and the hiring of local community buildings to be able to continue their work and to take part in NHS schemes.
- 3.28 The practice feels the additional demand on their services from the Sun Lane housing development cannot be supported in their current state and the extension to their premises much needed to meet the additional demand.
- 3.29 The surgery has requested a CIL payment of £400,000.00 which will be added to a further £350,000.00 secured through personal loans by the practice Partners.
- 3.30 Officers have assessed the request and concur that the new housing development will cause additional demand and strain on the surgery. However, the CIL payments for the development have not been received as yet and so an allocation cannot be agreed to this year.
- 3.31 Members of the Executive are asked that they agree to an allocation of not more than £400,000.00 at the Executive Committee in July 2024. On the understanding that the developer has paid the instalments due by that time and the funds are being held by Bradford Council.
- 3.32 This is a unique situation where one development is being considered to assist in part funding an infrastructure need to meet demand.
- 3.33 Bradford Councils Legal Services have been consulted on this matter and have offered the following conditions be applied to the allocation:
- 3.34 Regulation 59 of the CIL Regulations 2010 (as amended) provides:
- Reg 59(1) A charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.*
- Reg 59(4) For the purposes of this regulation, any reference to applying CIL includes a reference to causing it to be applied, and includes passing CIL to another person for that person to apply to funding the provision, improvement, replacement, operation or maintenance of infrastructure.*
- 3.35 As the CIL regulations do not set out terms for allocating funds via a third party,

including any clawback criteria, it is strongly advised that a commercial agreement is entered into at the time of the allocation.

- 3.36 The commercial agreement must set out requirements regarding the drawing down of the CIL funding, the return of unspent CIL funding and the arrangement for returning the monies should Grange Park Surgery cease to exist and any other matters deemed necessary at the time of drafting the agreement.
- 3.37 It is also advised that the CIL funding is only made available once the sums secured through personal loans to the practice partners have been exhausted.
- 3.38 The CIL funding will be held by Bradford Council and the Surgery will make requests for payments to be released. Each request must be supported by robust evidence of spend.
- 3.39 Grange Park Surgery have confirmed they have a construction company who can commence works in Autumn 2023 with works expected to be completed within a twelve month period.
- 3.40 Should the extension works fail to commence and any relevant planning permission expire, the CIL allocation will be made available for reallocation to other projects and will no longer be the Grange Park Surgery allocation.
- 3.41 Grange Park Surgery's full request for the allocation can be found at appendix 2.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The Community Infrastructure Levy Regulations 2010 (as amended) require the Council to prepare a report for any financial year in which:
 - a) It collects CIL, or CIL is collected on its behalf; or
 - b) An amount of CIL collected by it or by another person on its behalf (whether in the reported year or any other) has not been spent.
- 4.2 CIL Regulation 62 sets out the specific requirements which must be covered by this Report. These reports are made available on the Council's website each year.
- 4.3 The total amount of CIL monies collected up to March 2023 is £600,717.66. In line with the CIL regulations the Council has transferred the neighbourhood proportion (15% or 25% with an adopted neighbourhood plan) directly to the town or parish council where development has taken place by the dates set out in the Regulations. Appendix 1 details the sums transferred to the parish and town councils.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

- 5.1 The collection, spend and reporting of CIL is governed by Legislation set out in the Planning Act 2008 (as amended by the Localism Act 2011) and the CIL Regulations 2010 (as amended). If the Council does not follow appropriate governance arrangements for collecting, spending and monitoring CIL consistent with the CIL Regulations then the Council runs the risk of challenge over the use of CIL monies being upheld.

5.2 The report to the Governance and Audit Committee on 28 February 2017 sets out the governance arrangements for allocating, spending and reporting on CIL.

6. LEGAL APPRAISAL

6.1 The adopted Bradford CIL Charging Schedule has been prepared and implemented in line with the appropriate, legislation (UK and EU), regulations and guidance.

6.2 The process for implementing the CIL Charging Schedule and spending CIL monies is set out in the CIL Regulations 2010 (together with subsequent amends. If the Council does not follow appropriate governance and spending arrangements consistent with the CIL Regulations, then the Council runs the risk of challenge over the use of CIL monies.

6.3 European legislation (the Habitats and Wild Birds Directives), transposed into the Conservation of Habitats and Species Regulations 2017, as amended, requires local authorities to avoid or mitigate the impact of increased human activity on certain habitats and species in European protected areas, namely Special Areas of Conservation (SAC) and Special Protection Areas (SPAs) when exercising its planning functions.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

The CIL will support the delivery of infrastructure and sustainable development across the District and help to mitigate the impacts arising from of growth.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.3 COMMUNITY SAFETY IMPLICATIONS

None

7.4 HUMAN RIGHTS ACT

The provisions of the Human Rights Act 1998 and the associated convention rights and freedoms (as agreed in the Convention for the Protection of Human Rights and Fundamental Freedoms) have been considered in relation to the matters raised in this report and no implications have been identified.

7.5 TRADE UNION

None

7.6 WARD IMPLICATIONS

In non-parished areas the decisions about spending will be delegated to the AD

(Planning, Transportation and Highways) in consultation with relevant ward councillors and the CIL Neighbourhood Fund ring fenced by the Council for that purpose.

**7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

None

7.8 IMPLICATIONS FOR CORPORATE PARENTING

None

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 The CIL is a key part of the delivery of the Council Plan priorities and can be spent on any infrastructure priority. This report recommends the investment of the Strategic Fund for the infrastructure priorities as set out in Tables 3 and 4 below, with justifications. Consideration has been given to the consultation with infrastructure service providers. Spend of the strategic fund for education, green infrastructure, recreation and open space, habitats mitigation and electric vehicle charging points is recommended as the most appropriate investment of the strategic fund accumulated up to March 2021.

Table 2:

Strategic CIL pot

Collection period	Total CIL receipts less Neighbourhood funds and 5% admin	Minimum 20% to be retained	Pot total
April 2022 – March 2023	£473,614.70	£94,722.94	£618,738.98

Table 3:

Infrastructure Type	Allocation of CIL Strategic Fund 2022/2023	Reason for allocation
Education including primary and secondary provision	30% of the balance after Strategic CIL pot deposit £142,084.41	There is a proven link between the provision of new houses in a given area and increased pressure for additional school places.
Recreation and open space	20% of the balance after Strategic CIL pot deposit £94,722.94	There is a proven link between the provision of new houses in a given area and increased pressure on existing recreational facilities.
Active Travel	10% of the balance after Strategic CIL pot deposit £47,361.47	There is a proven link between the provision of new houses and an increased pressure on the existing cycle network.
Habitat mitigation schemes including Suitable Alternative Natural Greenspace	10% of the balance after Strategic CIL pot deposit £47,361.47	Required by European legislation see section 3.
Libraries	10% of the balance after Strategic CIL pot deposit £47,361.47	New developments create additional strain on existing facilities. The council has an Executive approved Vision for the District to help mitigate demand.
Public Realm	20% of the balance after Strategic CIL pot deposit £94,722.94	To assist in delivery of the Great Horton Road and Girlington public realm improvements, ensuring the necessary infrastructure is delivered resulting in a desirable and sustainable streetscape.

9.2 Option 1: Approve allocation of the CIL Strategic Fund as recommended in Tables 2 and 3

9.3 The allocation of the Strategic Fund as recommended in Tables 2 and 3 is considered the most appropriate investment of the CIL that reflects current strategic infrastructure priorities.

9.4 This will enable the Council to direct strategic CIL monies to a range of necessary

infrastructure types to support the development of the District.

9.5 Option 2: Approve the allocation of the Strategic CIL fund to alternative infrastructure priorities.

9.6 The Strategic CIL Fund may be allocated to alternative infrastructure priorities.

10. RECOMMENDATIONS

Recommended -

10.1 That the Executive agree the allocation of the CIL Strategic Fund as set out in Tables 2 and 3 (up to March 2023) be used to contribute to education, recreation and open space, active travel, habitat mitigation, libraries and public realm.

10.2 That the Executive agree the allocation of the Strategic CIL Pot in Table 4 as follows:

Project	Allocation	Balance after allocation
Top of Town Public Realm	£150,000.00	£468,738.98
Allotment refurbishments	£150,000.00	£318,738.98

10.3 That any allocation from the Strategic Pot is allocated to assist in the funding of the schemes stated within this report. The funding to be spent within five years from its allocation. Any unspent balance held on that date to be returned to the CIL accounts for reinvestment.

10.4 That the Strategic Director (Place) delegates to the Assistant Director of Planning Transportation and Highways to liaise with other Assistant Directors and Portfolio Holders to remind of the purpose of the Strategic Pot and how the CIL funds retained within it may be accessed to help deliver infrastructure projects.

10.5 That the Assistant Director of Planning, Transportation and Highways in consultation with the Portfolio Holder are approved to agree allocations and expenditure from the remaining balance of the Strategic Pot should requests be received during the course of the year.

10.6 That, at the July 2024 Executive, the Executive agrees to consider a further report prepared by the Strategic Director in consultation with Portfolio Holder on whether or not to allocate a maximum of £400,000.00 from the Sun Lane CIL payments to help fund the extension works to the Grange Park Surgery, Burley in Wharfedale. The allocation will be subject, amongst any other matters deemed necessary by the Council, to the following conditions:

1. That the Grange Park Surgery enter a funding agreement with BMDC setting out the process for drawing down the CIL funding, the return of unspent money and the arrangement for returning the monies should the Surgery cease to exist this may include placing a legal charge on the property. Bradford Council reserve the right to include other matters in any

- such funding agreement.
2. That the Grange Park Surgery only request CIL funding once the funds raised by personal loans have been exhausted.
 3. All requests for CIL funding to be drawn down must be supported by evidence of spend.
 4. In the event that planning permission for the extension is not secured, or is secured but fails to commence and therefore expires, the CIL allocation will not be allocated the Surgery for use on other projects. The CIL allocation is only to assist in the extension development once the appropriate planning permission has been secured.

11. APPENDICES

Appendix 1: CIL payments received, neighbourhood transfers and the administrative sum retained

Appendix 2: Grange Park Surgery, Burley in Wharfedale CIL allocation request

12. BACKGROUND DOCUMENTS

- Bradford District CIL Charging Schedule (2017)
- Report 'Governance Arrangements for the Bradford CIL Charging Schedule' to the Governance and Audit Committee on 28 February 2017
- Infrastructure Funding Statement 2019/2020