



Regeneration and Development Panel

Agenda

Tuesday, 9th September, 2025
at 6.00 pm

in the

**Council Chamber, Town Hall, Saturday
Market Place, King's Lynn and available to
view on [WestNorfolkBC on You Tube](#)**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200

Monday, 1 September 2025

Dear Member

Regeneration and Development Panel

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 9th September, 2025 at 6.00 pm** in the **Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. Apologies for absence

To receive any apologies for absence.

2. Minutes (Pages 5 - 7)

To approve the minutes of the previous meeting.

3. Declarations of Interest (Page 8)

Please indicate if there are any interests which should be declared. A declaration of interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

Those declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

4. Urgent Business

To consider any business which, by reason of special circumstances, the Chair proposes to accept as urgent under Section 100(b)(4)(b) of the Local Government Act, 1972.

5. Members Present Pursuant to Standing Order 34

Members wishing to speak pursuant to Standing Order 34 should inform the Chair of their intention to do so and what items they wish to be heard before a decision on that item is taken.

6. Chair's Correspondence

If any.

7. Cabinet Report - CIL Governance (Pages 9 - 86)

8. STARS Update (To Follow)

9. Hardwick Road Bus Lane (Verbal Report)

10. King's Lynn Transport Strategy (Pages 87 - 161)

12. Work Programme and Forward Decision List (Pages 162 - 169)

13. Date of the next meeting

To note that the next meeting of the Regeneration & Development Panel is scheduled to take place on **14th October 2025** at **6:00pm** in the **Council Chamber, Town Hall**.

14. Exclusion of the Press and Public

To consider passing the following resolution if required to discuss the exempt elements of the report.

"That under section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Scheduled 12A to the Act."

15. Exempt - Cabinet Report - North Beach Heacham Sale of Land (Pages 170 - 177)

To:

Regeneration and Development Panel: B Anota, P Beal, R Blunt, F Bone, A Bubb, Mrs J Collingham, R Colwell, C J Crofts, P Hodson, B Long, J Osborne (Vice-Chair), T Parish (Chair) and J Ratcliffe

Portfolio Holders:

Councillor J Moriarty – Item 7

Councillor S Ring – Item 12

Officers

Jemma Curtis, Regeneration Programmes Manager

Duncan Hall, Assistant Director Regeneration, Housing & Place

Jason Birch, Assistant Director Property & Projects

Amanda Driver, Senior CIL Officer

Hannah Wood – Handy, Planning Control Manager

Officers from Norfolk County Council for items 8,9 and 10.

By Invitation

Members of the Corporate Performance Panel for item 7.

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**REGENERATION AND DEVELOPMENT PANEL**

Minutes from the Meeting of the Regeneration and Development Panel held on Wednesday, 9th July, 2025 at 6.00 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors Parish (Chair), Osborne (Vice Chair), Anot, Beal, Blunt, Bubb, Collingham, Crofts and Ratcliffe.

PRESENT UNDER STANDING ORDER 34: Councillors Bone, Colwell and Fry (all remotely)

PORTFOLIO HOLDERS:

Councillor de Whalley – Portfolio Holder for Climate Change and Biodiversity
Councillor Lintern – Portfolio Holder for Culture and Events

OFFICERS

Jason Birch – Assistant Director

RD21: APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Beales, Moriarty and Hodson.

Councillors Colwell and Bone also sent their apologies as Panel Members, but attended the meeting remotely under Standing Order 34.

RD22: MINUTES

RESOLVED: The minutes from the previous meeting were agreed as a correct record and signed by the Chair.

RD23: DECLARATIONS OF INTEREST

There was none.

RD24: URGENT BUSINESS

There was none.

RD25: MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

Councillors Bone, Colwell and Fry attended remotely under Standing Order 34.

RD26: **CHAIR'S CORRESPONDENCE**

There was none.

RD27: **CUSTOM AND SELF BUILD TASK GROUP**

[Click here to view the recording of this item on You Tube.](#)

The Panel were directed to the report which set out the options for the future of the Custom and Self Build Task Group.

The Chair recommended that the Task Group be disbanded and reminded the Panel that it could be reinstated in the future with revised Terms of Reference if required.

Councillor Crofts commented that it was important that the Panel be kept up to date on work in this area along with updates on changes to the National Planning Policy Framework.

Councillor Blunt informed the Panel that the Planning Committee were briefed on changes to the National Planning Policy Framework and responded to consultations. Councillor Blunt commented that, as Chair of the Custom and Self Build Task Group, he felt that the Task Group had been successful in taking forward proposals and there was a demand for this type of housing. He commented that the work of the Task Group should continue.

Councillor Ratcliffe referred to the Task Groups Terms of Reference and was interested in finding out more about accessing funding for starter homes.

Councillor Bone addressed the Panel under Standing Order 34 and felt that there was a need for the Task Group to investigate further funding opportunities.

RESOLVED: That the Custom Build Task Group be disbanded, noting that their Terms of Reference have been fulfilled and any further updates on work in this area can be presented to the Panel as a whole.

RD28: **WORK PROGRAMME AND FORWARD DECISION LIST**

The following items were suggested for consideration to addition to the Work Programme:

- Review of the recommendations put forward by the Markets Task Group.
- Car Parking in Hunstanton
- Update on the STARS project and potential bus lane on Hardwick Road.

- Car Parking at Downham Market Railways Station and the potential to use Council owned land for additional car parking.

RESOLVED: The Panel's Work Programme was noted.

RD29: **DATE OF THE NEXT MEETING**

The next meeting of the Regeneration and Development Panel was scheduled to take place on 9th September 2025 at 6.00pm in the Town Hall, King's Lynn.

RD30: **EXCLUSION OF PRESS AND PUBLIC**

[Click here to view the recording of this item on You Tube](#)

RESOLVED: That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

RD31: **EXEMPT - CABINET REPORT - SALE OF LAND**

The Assistant Director presented the report as included in the Agenda and responded to questions and comments from those present relating to progress with the sale to date, the contract and the proposals for the site.

The Panel indicated their support for the proposals and the benefits that it would bring to Hunstanton.

RESOLVED: That the Regeneration and Development Panel support the recommendations to Cabinet as included in the Agenda and present the below additional recommendations for Cabinet to consider:

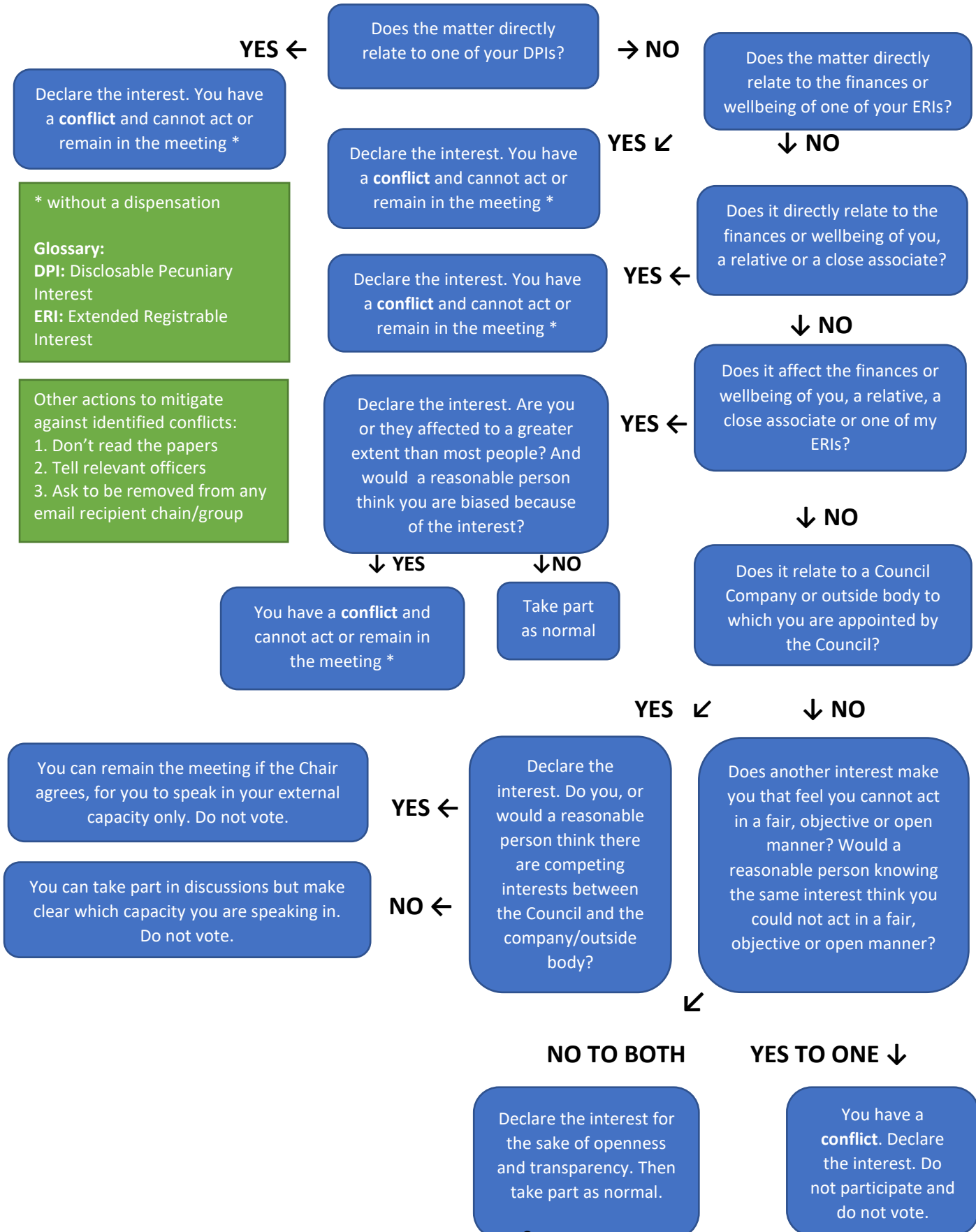
1. Cabinet to note that the Regeneration and Development Panel have added Hunstanton Car Parking to their Work Programme and request Cabinet assist the Panel with their investigations as appropriate, including investigating alternative locations for car, coach and campervan parking.
2. That Cabinet consider ringfencing the Capital Receipt from this sale of land to be reinvested into Hunstanton.

The meeting closed at 7.00 pm

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



* without a dispensation

Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

REPORT TO:	Regeneration and Development Panel		
DATE:	9 th September 2025		
TITLE:	Community Infrastructure Levy (CIL) – Funding Policy and Spending Strategy		
TYPE OF REPORT:	Cabinet		
PORTFOLIO(S):	Cllr Jim Moriarty		
REPORT AUTHOR:	Amanda Driver		
OPEN/EXEMPT	Open	WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

REPORT SUMMARY/COVER PAGE

PURPOSE OF REPORT/SUMMARY:
The CIL Governance has been reviewed in line with advice from the Planning Advisory Service, to ensure compliance with up-to-date statutory guidance relating to developer contributions. The revised procedures will ensure that CIL funding related directly to projects identified to support the Council's Corporate Objectives, linked to the Local Plan, to support growth within West-Norfolk.
KEY ISSUES:
Members are directed to the attached report for full details of the key issues.
OPTIONS CONSIDERED:
Members are directed to the attached report for full details of the options.
RECOMMENDATIONS:
To consider the report and make any appropriate recommendations to Cabinet.
REASONS FOR RECOMMENDATIONS:
To scrutinise recommendations being made for an executive decision.

REPORT TO CABINET

Open		Would any decisions proposed :			
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide YES Need to be recommendations to Council NO Is it a Key Decision YES			
All wards					
Lead Member: Cllr J Moriarty E-mail: cllr.james.moriarty@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted: CIL Spending Panel, R & D Panel			
Lead Officer: Amanda Driver E-mail: Amanda.driver@west-norfolk.gov.uk Direct Dial: 01553 616443		Other Officers consulted: Assistant Directors: Stuart Ashworth & Duncan Hall Planning - Hannah-Wood-Handy Audit – Matthew Head Legal – James Arrandale			
Financial Implications YES	Policy/ Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO	Environmental Considerations NO
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 16 September 2025

COMMUNITY INFRASTRUCTURE LEVY (CIL) – FUNDING POLICY AND SPENDING STRATEGY

Summary

The CIL Governance has been reviewed in line with advice from the Planning Advisory Service, to ensure compliance with up-to-date statutory guidance relating to developer contributions. The revised procedures will ensure that CIL funding relates directly to projects identified to support the Councils' Corporate Objectives, linked to the Local Plan, to support growth within West-Norfolk.

The Spending Strategy will be the over-arching document relating to how projects will be identified and funding allocated. The strategy will provide clarity on how this Collecting Authority intends to spend CIL collected in West-Norfolk.

The details relating to the application process will be formulated by the CIL Spending Panel, prior to the next round of CIL funding applications.

The Funding Policy document contains the terms and conditions for applicants, if funding is allocated.

Recommendation

Cabinet Resolves:

Cabinet approve the revised Community Infrastructure Levy Funding Policy and Spending Strategy for the allocation and spend of Borough Community Infrastructure Levy raised by this Council.

Reason for Decision

To ensure that the CIL monies collected are being spent on appropriate infrastructure projects to reflect the growth of population occurring in West Norfolk.

1 Background

1.1 The Borough Council of King's Lynn and West Norfolk approved the introduction of the Community Infrastructure Levy (CIL) in December 2016 and started charging on 15 February 2017. The Levy is paid to the Borough Council by developers after their planning permissions are implemented. It is governed by the CIL Regulations 2010 (amended). In the Borough of King's Lynn and West Norfolk, CIL is charged on all residential and retail developments, which add one or more new dwelling(s) or more than 100sqm of floor space. It is charged at a rate per square metre and varies according to land use. CIL is just one funding stream that can be used, in conjunction with others, to fund infrastructure projects. Alongside CIL, S106 obligations will still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing.

1.2 As a Charging Authority the Council has an obligation to:

Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation; or maintenance of infrastructure to support development of its area

1.3. The Borough Council is required, in the CIL Regulations, to identify the types of infrastructure it wishes to fund in whole or in part by CIL monies. These are outlined in the Council's Annual Infrastructure Funding Statement. CIL money collected can only be allocated to and spent on these types of infrastructure.

1.4. The Planning Advisory Service (PAS) carried out a review of our current CIL governance arrangements, in consultation with the CIL Spending Panel and officers, taking into consideration 'lessons learned' from previous rounds of funding and best practice examples from other collecting authorities. The PAS Report (attached as Appendix A) provided recommendations to ensure that this Council spends CIL in line with changing statutory requirements relating to developer contributions including CIL.

1.5. The Senior CIL Officer reviewed the PAS Report and produced a draft Policy and Spending Strategies, in consultation with the Chair of the Spending Panel and the Planning Control Manager. (attached at Appendices: Appendix B - CIL Funding Policy & Appendix C: CIL Spending Strategy at Appendix C.

1.6. In addition to reviewing the CIL Governance, the funding Terms & Conditions (ToC) were reviewed. Within the existing process, the ToCs are not published and only distributed after funding has been approved by the panel. The applicant is then

sent a copy of the ToCs, they must sign and return agreement with the ToRs before funding is formally allocated. To provide greater transparency the ToRs form part of the Policy document, to enable applicants to review arrangements, prior to making an application.

1.7. The CIL Spending Panel met on 29 July 2025, to discuss the PAS Report and the proposed process. During the meeting, the Panel reviewed the draft policy and strategy, made recommendations, and agreed the next stage of the project.

1.8. The Strategy & Policy documents have been written by officers, taking into account the amendments recommended by Spending Panel.

1.9. After the Spending Panel, CIL Officers consulted with Audit and Legal, to ensure compliance with internal procurement arrangements & local policies.

1.10. The recommendations from Audit and Legal, related to operational requirements, have been amalgamated into the documents for consideration before Cabinet.

1.11. The main changes proposed for CIL Project Funding are set out below.

1.12. The Borough CIL money received, after the parish payments and administration fees are removed, is proposed to be split into 2 separate funding processes, one being Local Projects and the other Strategic Projects.

1.12.1. Local Projects - 20%

- Using an online application form similar to the existing process
- Amendment of application amounts from £2k-£50k revised to £10k minimum with maximum request up to £100k – ensuring the local project funds are not all allocated to just 1 project
- No specific list of criteria for local project applications, however there will be validation requirements;
- All valid projects will be considered for funding;
- Delegated responsibility for allocating funding for the local projects – raised from £50k to £100k;

1.12.2. Strategic Projects 80%

- No application process
- Officers from across the council will work with Cabinet members to review the list of identified infrastructure projects, to ensure that the CIL Spending Strategy operates accordingly
- Projects already identified by the Council, as infrastructure to support growth in West Norfolk
- A list of eligible projects will be prepared and presented to the CIL Spending Panel
- The Spending Panel will have delegated responsibility to select and allocate CIL funding up to £100k to any project(s) from the prepared list, Panel may make recommendations of projects over £100k to Cabinet
- For any Strategic Project above £100k, decision making will rest with Cabinet.

2 Options Considered

2.1 There is a legal duty to spend CIL in accordance with the Regulations, but the priorities can be determined to suit local circumstances within the overall framework.

Option 1 – Adopt a new CIL Process:

The Spending Panel recommend approval of the CIL Funding Policy and Spending Strategy. The CIL Strategy is a longer-term plan which will ensure there is clarity relating to the future allocation and spend of CIL for West Norfolk. Enabling CIL to be allocated to larger strategic projects will benefit the wider community, and link directly to the Council's vision for the future.

Option 2 – Keep the current governance arrangements:

The current arrangements are based on an annual review. This is a short-term plan relating to the allocation of CIL and does not provide any assurance of future CIL allocations for this Council.

2.2. Currently, CIL funding is allocated using a scoring system that is based on the quality of the application submitted and gives priority to short term projects but does not consider how each application aligns with growth in West Norfolk or the community value of projects. The selection criteria is open to interpretation, and many projects allocated funding to-date, do not align with the revised government guidance on how developer contribution should be spent.

3 Policy Implications

CIL legislation gives scope for Councils to direct CIL spending to reflect the local situation but must relate to 'Infrastructure to support new development'. The proposed procedures align to the Council's vision for the future, to support growth across West Norfolk.

4 Financial Implications

4.1 CIL is collected and administered by the Borough Council as a CIL Collecting Authority, in accordance with the CIL regulations (as amended). CIL income and expenditure is reviewed bi-annually and verified by accountancy.

4.2 Local project 20% - funding will be allocated based on verified CIL receipts. Strategic Projects 80% - future income may be forecast, to allow for longer term projects to be considered but only verified income will be formally allocated to projects.

5 Personnel Implications

5.1 None

6 Environmental Considerations

6.1 None

7 Statutory Considerations

7.1 CIL spending and governance must conform to the relevant regulations.

8 Equality Impact Assessment (EIA)

8.1 Pre-screening EIA is attached.

9 Risk Management Implications

9.1 None specifically. Monitoring of spending and more particularly delivery is important to ensure money is directed to improved infrastructure in West Norfolk. The Infrastructure Spending Statement, published on the council's website each year, is part of that risk management, as well as ensuring transparency.

10 Declarations of Interest / Dispensations Granted

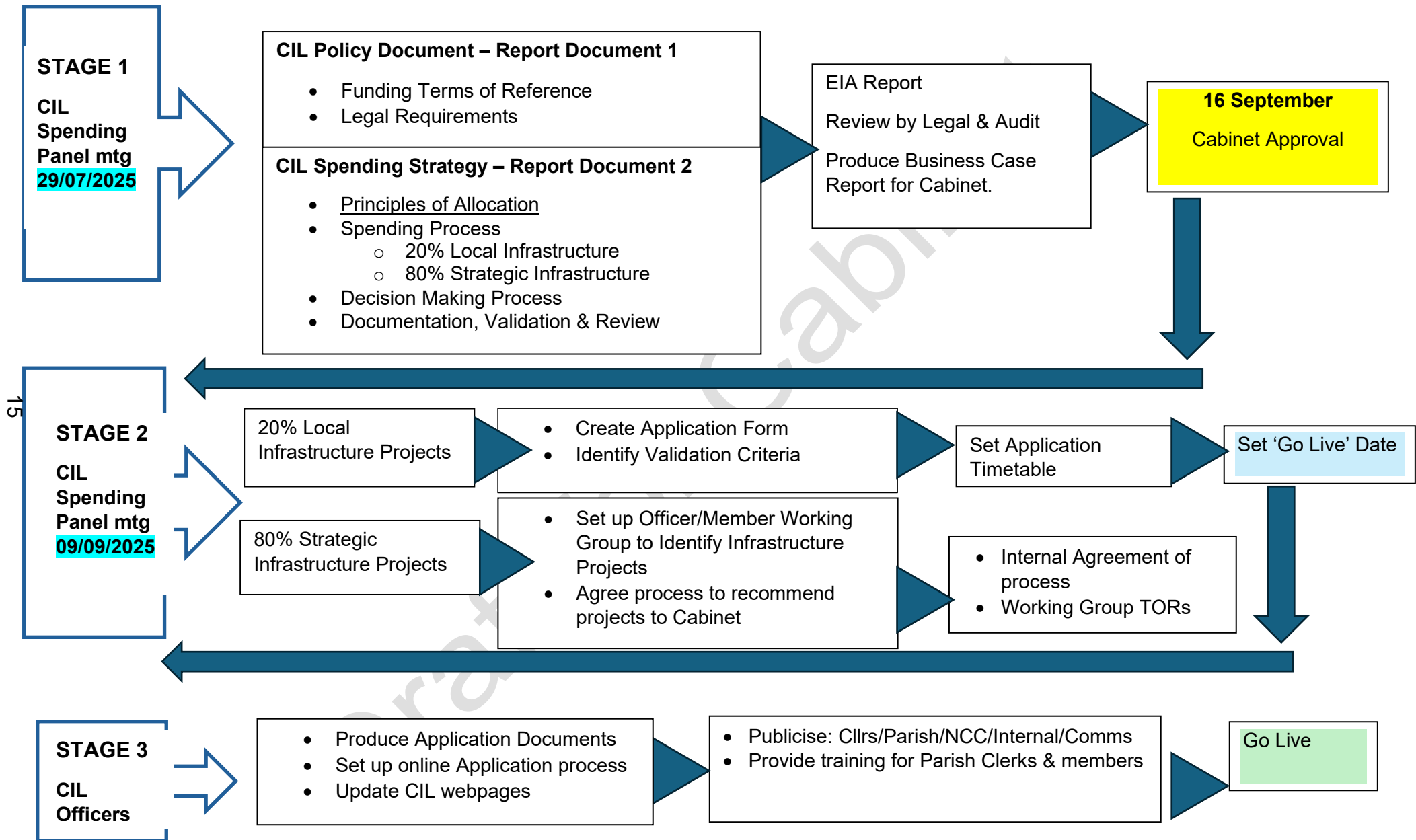
10.1 None

11 Background Papers

- CIL Project Plan
- Corporate & Local Plan Priorities
- PAS Guidance – Start with the spend in mind

12 Appendices:

- A - PAS CIL Governance Report
- B - CIL Funding Policy Document
- C - CIL Spending Strategy



Corporate Priorities

Promote growth & prosperity to benefit West Norfolk

- Create job opportunities
- Support economic growth
- Develop skills needed locally – support new & existing businesses, working with local employers & partners to equip workforce with skills & knowledge
- Encourage housing development & infrastructure – increase number of good quality homes & associated infrastructure
- Promote West Norfolk as a destination – support year-round programme of events, festivals, and activities for residents & visitors
- Maximise opportunities to regenerate & transform high streets & heritage assets

Protect our environment

- Create a cleaner, greener, better protected West Norfolk – leading by example by reducing our carbon emissions
- Work with partners across Norfolk to minimise carbon emissions & support others
- Considering environmental issues & encouraging residents & businesses to do the same
- Encourage active travel by reducing barriers to walking & cycling, improve EV infrastructure
- Minimise domestic & corporate waste by encouraging responsible disposal
- Increase biodiversity & create wildflower & pollinator opportunities
- Work with other agencies to manage & protect our coastline, rivers, streams, and improve sea water quality

Efficient and effective delivery of our services

- Provide cost-effective, efficient services
- Focus capital expenditure on priority areas
- Provide sustainable financial planning & appropriate staffing – manage our finances to remove projected deficits over financial plan
- Promote good governance – provide information in a timely & accessible manner, consult & engage with communities
- Expand support to parish councils, undertake governance review
- Consider investigating town council for King's Lynn & renaming borough to West Norfolk – make KLACC decision-making body

Support our communities

- Support health & wellbeing of communities by working with partners to reduce isolation & supporting people to live independently
- Tackle social & health inequalities, encourage healthy active lifestyles
- Seek improvements to NHS dentistry in West Norfolk
- Work with schools & colleges to improve educational opportunities & inclusion
- Help prevent homelessness, improve access to affordable homes & improve rented accommodation quality
- Address all types of antisocial behaviour & encourage respect for each other
- Assist people with access to benefits advice
- Ensure equal access to opportunities

Current LP Priorities

Economy

- Continue to grow strong local economy
- Improvements to strategic transport connects
- High calibre communications network

Society

- Reduce inequality
- Adapt new development to climate change
- Deal with social change & bring higher wages, improved quality of life

Environment

- Protect & enhance natural & historic environment
- Support use & development of sustainable transport systems
- Build connections, reduce reliance on cars

Places

- Ensure local places meet the demands of the area
- Appropriate scale of new development
- Manage impact of climate change, including threats of erosion & flooding

Current LP Infrastructure Requirements

LP05

Identified investment requirements include:

- NORA – utilities
- Waterfront regen – remediation & utilities
- King's Lynn Transportation Strategy – implementation
- Green infrastructure and community facilities
- Flood Coastal Risk Management (phase 1) for the Fens
- Surface water managements – in collaboration with NCC as LLFA

1. All development in the plan area will need to be accompanied by appropriate infrastructure (including off-site infrastructure) in a timely way, with arrangements for its subsequent maintenance.

2. The Borough Council operates a CIL. These contributions (in accordance with the CIL charging schedule) will support borough wide facilities to accommodate increasing population.

3. In addition, obligations will be sought from developers through Section 106 Legal Agreements or other successor mechanisms. **All obligations are required to meet the tests in the NPPF and CIL Regulations.** These contributions will be sought for specific on-site infrastructure (or otherwise directly related to the development). Details of required provision is listed in the Infrastructure Delivery Plan, set out in either allocation policies in this plan or negotiated at planning application stage if it is not an allocation. This will apply to but is not limited to infrastructure including, where applicable:

- a. Community and recreation facilities (including education facilities, community halls, health facilities, libraries, social services facilities, allotments, indoor/outdoor sports facilities);
- b. Improved public transport facilities
- c. Other appropriate transport infrastructure including pedestrian and cycle links;
- d. Affordable or supported housing (in line with LP28 Housing and the NPPF)
- e. Sustainable Drainage Systems (SuDS), including surface water
- f. Flood management infrastructure
- g. Green infrastructure including habitat creation/recreation facilities/landscaping
- h. Water conservation measures
- i. Emergency services
- j. Recycling/composting facilities
- k. Improvements to the public realm including the historic environment: S106 will continue to offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets;
- l. Utilities;
- m. Green Infrastructure as required by policy LP19.

4. Key borough wide infrastructure projects will be funded by CIL, they include:

- a. infrastructure detailed in Policy LP13 - Transportation.
- b. infrastructure needed to support policies LP39 Downham Market & LP40 Hunstanton
- c. infrastructure needed to support regeneration in King's Lynn detailed in Policy LP38 King's Lynn & appropriate transport infrastructure including the implementation of the King's Lynn Transport Strategy (KLTS)
- d. infrastructure needed with regard to flood resilience and resistance measure

5. Provision will be achieved through:

- a. CIL;
- b. Contributions from all market residential and commercial development in the plan area through appropriate legal agreements or other successor mechanisms;
- c. Coordination with the investment programmes of other public bodies and utility providers;
- d. Taking full advantage of mainstream Government funding streams;
- e. Active use, where necessary, by the local planning authorities and County Council of their legal powers to bring about the strategically significant development, including compulsory purchase.

LP13

- deliver a sustainable transport network improving connectivity within and beyond
- improve strategic networks serving passengers & freight including the port, reducing
- congestion and improving reliability and safety within A10, A17, A134, A47, A148/9
- bypass for Middleton & East Winch working with A47 alliance
- West Winch Housing Access Road
- junction improvements at key interchanges including A47/A149

- improvements to rail infrastructure, facilities and services on King's Lynn-King's Cross line including better frequency & quality
- implement the KLTS including a package of transport improvements, balancing ease of access with car parking and highways safety
- priority locations are A149 QE Way; A47/17 Pullover; Southgates (A148 STARS); town centre gyratory; Tennyson Avenue & A148; A148/Castle Rising Road/A1078 signals; A1078 Edward Benefer Way
- improve towns especially in air quality issue areas
- maximise alternative modes of freight via rail & port
- improve accessibility & connections between towns & villages
- improve quality of bus network
- improve public transport connectivity through enhanced integration of bus & rail services at King's Lynn, Downham Market, Watlington & Lakenheath
- extend choice of transport available
- work with commercial broadband providers to increase high speed connections
- provide integrated and safe routes for pedestrians & cyclists
- recognise that private cars are important in rural areas

LP19

- proposals to protect and enhance landscape, biodiversity, and geodiversity to be encouraged
- conserve County Wildlife sites, ancient woodlands & County geodiversity sites
- support initiatives and proposals to improve areas of poor quality and maintaining areas of good quality
- work to ensure integrated network of green infrastructure (Green Infrastructure Management Plan) including SUDS

LP38

- provide at least 3000 new jobs in the allocated sites at Boal Quay, Hardwick, Saddlebow Road and Estuary Road and as part of the West Winch Growth Area
- focus for regeneration is waterfront & regeneration projects including Nelson Quay
- open space and recreational facilities to be provided to serve needs of growing population, assessed at application stage in accordance with LP22
- enhance green infrastructure in town in accordance with Green Infrastructure Strategy, especially Gaywood Valley
- alternative links for walking & cycling to be maintained and extended
- work to ensure continued presence of general hospital

LP39

- enhancing strong convenience & service offer (Downham Market)
- strengthening night-time economy by accommodating diversity of uses
- facilities and services for full demographic including young pros, families and older people
- improving arts and culture
- promoting as a visitor destination
- improve pedestrian, cycling and public transport links
- enhance green infrastructure, maintain landscape and quality of open space
- conserve and enhance built, historic, and natural environment

LP40

- provide modest employment growth for year-round, less reliance on seasonal
- residential development in town centre including mixed-use
- strengthen role as visitor destination, support for sustainable tourist facilities and leisure developments
- secure provision of adequate parking levels, especially in summer
- improvements to public transport, increasing frequency & reducing journey times to KL
- supporting more frequent coast services & public transport in rural areas
- improvements to routes, signage and facilities for walking & cycling
- enhance green infrastructure in town in particular Oasis Way

Current IDP (2022)

Annual List (2021)

- Education 18+, transport, environment, education, health, economic development, community facilities, green, open space & leisure, community transport

Specific projects in schedule

- West Winch Health Centre (unknown costs, S106, CCG)
- Additional Sports Halls (unknown costs, S106, BCKLWN)
- Lynnsport additional cycling facilities (CIL, completed)
- Lynnsport Wellness Hub (CIL, completed)
- Lynnsport 3G pitch (CIL – problematic)
- West Winch Primary School expansion (S106, NCC)
- New WW Primary School (S106, NCC)
- New Wisbech Primary School (S106, CCC)
- King's Lynn Secondary Schools (delivery not known, S106, NCC)
- South Wootton Jr School (unknown costs & delivery, S106, NCC)
- Fire hydrants (unknown costs & delivery, S106, Norfolk Fire Service)
- WW Community Centres (delivery not known, S106, BCKLWN)
- Library modernisation (unknown costs & delivery, S106, NCC)
- A10 slip road (West Winch, S106 & DfT Major Road Network Fund, NCC)
- A10 bypass (West Winch, S106 & DfT Major Road Network Fund, NCC)
- A47 dualling (by 2026!, (S106 & DfT Major Road Network Fund, NCC)NCC)
- Hardwick widening (S106 & DfT Major Road Network Fund, NCC)
- A47 roundabout expansion (by 2026, S106 & DfT Major Road Network Fund, NCC)
- Traffic calming in West Winch (S106 & DfT Major Road Network Fund, NCC)
- Reffley Lane cycle barriers (Towns Fund, BCKLWN)
- Fairstead Cycleway (Towns Fund, BCKLWN)
- Oldmedow Road (Towns Fund, BCKLWN)
- Fairstead Cycleway connection (Towns Fund, BCKLWN)
- Review Hulton Road barriers (Towns Fund, BCKLWN)
- Queen Mary Road crossing (Towns Fund, BCKLWN)
- Hulton Road barriers (Towns Fund, BCKLWN)
- Wootton Park barriers (Towns Fund, BCKLWN)
- Edward Benefer Way cycle lane (Towns Fund, BCKLWN)
- Hardwick cycle lane (Towns Fund, BCKLWN)

- St Valery Lane chicane barriers (Towns Fund, BCKLWN)
- NORA (Towns Fund, BCKLWN)
- Baker Lane Active Travel Hub (Towns Fund, BCKLWN)
- Bishops Road to Gaywood Hall Drive (Towns Fund, BCKLWN)
- Gayton Rd toucan (Towns Fund, BCKLWN)
- Sandringham Railway Path (Towns Fund, BCKLWN)
- Low Road toucan (Towns Fund, BCKLWN)
- Tennyson Avenue railway crossing (Towns Fund, BCKLWN)
- Low Road toucan (Towns Fund, BCKLWN)
- Edward Benefer Way island (Towns Fund, BCKLWN)
- Edward Benefer Way toucan (Towns Fund, BCKLWN)
- Blackfriars Road table (Towns Fund, BCKLWN)
- WWGA playing fields (S106, BCKLWN)
- WWGA equipped play areas (S106, BCKLWN)
- WWGA allotments (S106, BCKLWN)
- WWGA other green spaces (S106, BCKLWN)
- WWGA natural spaces (S106, BCKLWN)
- WWGA MUGA (S106, BCKLWN)
- Downham Market play equipment (BCKLWN)
- Sewer upgrades (developers, Anglian Water)

Neighbourhood Plans

Brancaster – 22.02.2021

5.9 We hope that housing and other development in Brancaster will contribute towards improving local services and infrastructure notably Highways. An increase in population within the villages means an increase in the need for transport, education, library services etc. There are mechanisms to do this (for example CIL, section 106 agreements and planning conditions) and it is important that these mechanisms are used to ensure that the infrastructure grows with the population.

Burnham Market – 26.09.2023

The Parish Council will work with the local community to encourage action to enhance habitat and wildlife in public areas and in all gardens. This may include activities to encourage insect friendly planting, bird, and bat boxes, making the most of compost and encouraging wild patches. In public areas actions will be investigated including less frequent mowing, pond maintenance and planting trees. In relation to this, priority will be to work with local landowners to improve habitats for wildlife within the green corridors.

The Parish Council will work proactively with riparian owners, landowners, and statutory agencies, such as the Lead Local Flood Authority, to ensure that watercourses are properly maintained with a view to ensuring that they continue to play their role in the management of water and flood risk.

The Parish Council will work with local landowners, statutory agencies, and adjacent parishes to establish new and improved existing footpaths and routes. This will apply particularly to proposals for the use of the former Heacham to Burnham Overy railway line within the Parish as a walking and cycle route. The Parish Council will work with other public

bodies to secure the implementation of this important initiative. This includes improving signage and publicity and establishing all weather routes where appropriate.

Castle Acre – 10.02.2022

Support given for the creation of new designated visitor parking off Priory Road.

Historic Environment: • Support a Castle Acre Heritage project for a programme of archaeological investigations and activities in and around Castle Acre including wildlife surveys and improvements to habitats, aimed at both residents, their families, special interest groups and visitors. • Press the Borough Council to review the Conservation Area Appraisal with a view to serving an Article 4 Direction

Natural Environment: Protecting the River Nar SSSI: • To prohibit vehicles from using part of South Acre Road from 50 metres below the junction with Blind Lane, across South Acre ford and onto Church Farm. This is to preserve the tranquillity of this SSSI beauty spot and to protect the gravel riverbed from engine pollution and damage to fish spawning. Open spaces and Community Facilities: • Secure an agreement with Holkham Estate to maintain open access over the lands close to the river Nar, converting existing footpaths to Public Rights of Way (PROW).

Traffic and Transport: • Restrict vehicular access to South Acre Ford to protect the riverbed and aquatic habitats and species. • Develop an appropriate contingency plan to identify and deliver an appropriate 'off road' parking facility should the proposed plan for a car park on Priory Road not be granted 'change of use' permission. • Review speed limits in and around the village through liaison with NCC Highways • Encourage/promote the use of public transport and look at different routes • Support discrete directional signing on Stocks Green and along Priory Road to new designated visitor parking off Priory Road. • Lobby for effective road safety measures at the Massingham Road/Back Lane junction by the SPAR shop. • Maintain the through traffic directions Newton Road/North Street/St James' Green/Massingham Road and to press for both North Street and St James Green to be gritted in the winter. • Encourage residents to park off-road on their driveways/garages to keep traffic pinch points clear e.g. Bailey Street, Pales Green, North Street. • Encourage Highways to amend the second directional sign to Castle Acre on the A1065 at Lower Lane (from Swaffham) to encourage restricted traffic to continue to the Newton Road turning. • Encourage all suppliers/HGVs/farm vehicles not to drive up or down Bailey Street and through Bailey Gate. • Contact national Sat Nav. suppliers to amend their software to highlight through routes and to avoid unsuitable routes e.g. Bailey Street. • Add a one way priority chicane before the eastern edge of the 30 mph sign on Newton Road to reduce traffic speeding. • Extend the T-junction along St James' Green to North Street. • Maintain vigilance on vehicle speeding within the village boundaries and take appropriate action. • Press for a 20 mph speed limit within the village boundaries. • To lobby for 'High Risk' signs along the West Acre Road between Manor Farm and West Acre house to warn drivers of blind bends and the danger of further fatal vehicle collisions. • Not to add any further entry gates to village access routes.

Tourism and Community Facilities: • Manage visitor activity in a more sustainable manner through the promotion of green tourism and walking and cycling access. • Working with tourism providers such as English Heritage to manage sustainable tourism with particular emphasis on appealing to younger visitors. • Support arrangements likely to improve the visitor experience by encouraging a year round programme of activities, openings and events (which would benefit locals too). • Engage local residents in a Heritage Lottery

funded programme of archaeological and environmental studies of Castle Acre's rich heritage

Grimston, Pott Row, Roydon, Congham – 27.08.2024

Expectation is that providers will indicate whether infrastructure requirements are necessary. Where this is the case growth should be phased accordingly (Policy 2)

Heacham – 30.06.2022

Policy 11: Green Infrastructure:

1. Enhance the quality, accessibility & usage of public open spaces, allotment provision & areas of sport provision
2. Existing public rights of way within the parish, and to seek opportunities to create new public rights of way to create linkages to the beaches, and into the wider countryside locally
3. The preservation & enhancement of Areas of Natural Beauty & local habitats
4. Increasing the number of trees in the village & enriching green areas with wild flower planting
5. Maintain existing grass verges where possible, eg where there is a footpath on the opposite side of the road

Holme-next-the-Sea – 27.07.2021

Policy 8: New or improved footpaths and cycleways will be supported where it can be demonstrated that they will enhance the connectivity and pattern of destinations served by the existing network and where they will encourage a more sustainable modal share. Associated recreational facilities may also be supported. All development must demonstrate it will not impact negatively on habitats, wildlife and biodiversity.

Where proposals for footpaths / cycleways satisfy these criteria, encouragement will be given to the following routes: (i) Those that assist in dispersing pressure from the Protected Sites Zone including the National Nature Reserve (ii) Those that improve pedestrian access to the south of the A149, especially to and within the Adaptation and Resilience Zone (iii) Links between the east side of the village, Drove Orchards and Thornham (iv) A link from the west side of the village to join the Peddars Way footpath near its junction with Beach Road / the bus stop (v) Links from the west side of the village to Old Hunstanton / Hunstanton including an improved footpath along the River Hun

North Wootton – 27.11.2024

Community Action 2: The Parish Council will work with the local community and primary school to encourage action to enhance habitat and wildlife in public areas and in people's gardens. This may include activities to encourage insect friendly planting, use of bird feeders, bird, and bat boxes, making the most of compost and encouraging wild patches. In public areas actions will be investigated including less frequent mowing, pond maintenance and planting trees. In relation to this, priority will be to work with local landowners to improve

habitat for wildlife. The Parish Council will implement a programme of tree planting, with emphasis on further greening of existing green spaces within the settlement.

Community Action 3: The Parish Council will work proactively with riparian owners, landowners, and statutory agencies, such as the Lead Local Flood Authority 37 and relevant IDB, to ensure that watercourses are properly maintained with a view to ensuring that they continue to play their role in the management of water and flood risk. This will ensure that issues with blocked ditches, which can create surface water flooding, are reduced. The Parish Council will look to secure Community Infrastructure Levy (CIL) as well as other funding to support improvements where needed

Community Action 5: The Parish Council will work with local landowners, statutory agencies, community groups and adjacent parishes to establish new and improved existing permissive paths and routes. This includes improving signage and publicity and establishing all weather routes where appropriate. The parish will be proactive in promoting walking and cycling routes to residents and visitors within the parish especially with the expected growth in movement from future development expanding around the parish boundary including at Knights Hill and South Wootton.

Community Action 6: The Parish Council will proactively engage North Wootton Primary School, The Trust, relevant statutory bodies, and local landowners to try and find appropriate additional land for car parking. This will include conversations on the need for a school travel plan to accompany any school expansion if suitable land is agreed. Discussions will also take place regarding improving off street car parking.

Ringstead – 20.02.2025

Community Action 2: The Parish Council will work proactively with riparian owners, landowners, and statutory agencies, such as the Lead Local Flood Authority, to ensure that watercourses are properly maintained with a view to ensuring that they continue to play their role in the management of water and flood risk.

Community Action 3: The Parish Council will work with partners such as landowners and the County Council to ensure that Public Rights of Way and permissive routes within the parish are well maintained for the continued enjoyment of residents and visitors.

Sedgeford – 16.09.2019

The level and quality of flow in the Heacham River • The designation of the King William IV Inn and the Old Station as “non-designated heritage assets” • The designation of the King William IV Inn as an asset of community value • The provision of a regular bus service to serve the village • The designation of Fring Road as a Green Lane • Investigate the potential to deliver superfast broadband to all households • The continued monitoring of traffic volume and speed and exploration of measures to improve these • The problems associated with parking, especially around Cole Green • Investigate the need for future planning applications to be accompanied with planning obligations to provide or to contribute to off-site highway improvements or traffic calming measures where the need for such works directly arises from the development proposed

South Wootton – 20.01.2023 (review; prev 2015)

Policy S2 – The parish council will liaise with the Borough and County Councils to ensure that local infrastructure funding is applied to ensure that local facilities are developed in association with new residential growth in the Plan area. Funding will be directed to the following priorities:

- A community centre with library
- Community sports facilities with playing fields and changing facilities
- The development of youth facilities and activities
- Maintenance or development of community open spaces and woodland belts
- Expansion of post office services

Policy T1 – The development of additional footpaths and cycle routes more generally within the Plan area will be supported, particularly where they have the ability to integrate new residential developments into existing footpaths and cycle routes.

Stoke Ferry – 29.08.2023

The PC will work to retain and enhance routes identified.

Policy reference	Policy title	Main delivery mechanism(s)
SF1	Community facilities	<ul style="list-style-type: none">• CIL – priority infrastructure• S106 – where specific infrastructure is required (e.g. open space, additional classrooms) to service new development
SF2	Cemetery extension at Furlong Drive	<ul style="list-style-type: none">• CIL – priority infrastructure
SF3	Housing mix	<ul style="list-style-type: none">• S106 – affordable housing contributions
SF7	Accessibility	<ul style="list-style-type: none">• CIL – priority infrastructure, e.g. improved accessibility to droves/opening up Public Rights of Way• S106 – provision for walking and cycling, to service development
SF8	Village Hall car park	<ul style="list-style-type: none">• CIL – priority infrastructure
SF16	New and existing business	<ul style="list-style-type: none">• CIL – priority infrastructure – high-speed broadband

Terrington St John – 12.10.2021

Parish aspiration 3 – the PC will work with NCC & BCKLWN to achieve improvements to the roads passing through the village which will ensure that the increasing volume of traffic passing through the village as a result of development in the parish and the surrounding area is not harmful to the safety and living conditions of the residents

Tilney All Saints – 27.07.2021

Community Policy 1: CIL – The Neighbourhood Plan priorities for investing the 25% CIL money raised by the borough council and managed by the Parish Council will be used to meet agreed community needs such as new children's playground at the Millennium Green and improved facilities at the Glebe Estate playing field; village hall improvements; maintenance of VH, MG, GE & allotments; walking & cycle network improvements within the parish

Upwell – 27.07.2021

Community Action 4: CIL – Funding from the CIL, whether that portion deployed by the Parish Council or that deployed by the Borough Council, will where reasonable be spent on projects that either support and make more sustainable and acceptable the overall level of planned growth in the Parish, or that are otherwise identified community priorities. This will include, but is not limited to, the following: measures to improve pedestrian safety and access; improvements to community buildings such as village halls; improved car parking at Three Holes VH; new off-road routes for walkers, cyclists and horse riders; improved children's play areas; improved/wider footways within the village; improved bus waiting facilities; traffic calming/village gateways; appropriate tree planting that does not detract from the openness and character; the removal of features that detract from the village character; improved street lighting; schemes that support local distinctiveness; and cycle parking facilities.

Walpole Cross Keys – 05.10.2017

Community aspirations – footpaths clear & open; dykes maintained properly and managing local flood risk including schemes to address surface water drainage; maintenance of gardens and sign; maintain and increase bus shelter capacity.

Watlington – 13.12.2023

Community action 1 – where the opportunity arises the PC will work with external agencies, including the Highway Authority and future developers, to address parking issues around the station.

Community action 2 – the PC will work with the local community to encourage action to enhance habitat and wildlife in public areas, people's gardens and at the rail station. This may include activities to encourage insect friendly planting, use of bird feeders, bird and bat boxes, making the most of compost and encouraging wild patches. In public areas actions will be investigated including less frequent mowing, pond maintenance and planting trees. In relation to this, priority will be to work with local landowners to improve habitat for wildlife within the Green Corridors.

Community action 3 – the PC will work proactively with riparian owners, landowners, and statutory agencies, such as the LLFA, to ensure that watercourses are properly maintained with a view to ensuring that they continue to play their role in the management of water and flood risk.

Community action 4 – the PC will work with NCC as the Highway Authority, as well as other agencies, to introduce the following measures that seek to reduce traffic speeds through the village: village gateway schemes to alert drivers to speed limit changes and the village environment; and a community speed watch initiative.

West Winch & North Runcton – 05.10.2017

GA03 – For the purpose of the West Winch Growth Area, infrastructure will be delivered in line with an Infrastructure Delivery Plan adopted by the Borough Council to which all major

development proposals will be required to adhere to by planning condition and/or section 106 legal agreement – including relief road.

In order to mitigate impact on WWGA, developers will be expected to contribute as follows: delivery of new primary school; improvements to existing KL library or new library; fire service facilities; community meeting space; healthcare provision; transport infrastructure improvements; improvement of local bus services; green infrastructure; additional open space & play provision; affordable housing; commuted sums to assist in upgrading existing community facilities.

PAS

Developer Contributions

Start with the spend in mind

*An introduction to PAS' CIL and
S106 Fact Sheets for leadership
teams and officers responsible
for developer contributions*



Introduction to PAS' CIL & S106 Fact Sheets

Developer contributions is a collective term mainly used to refer to the Community Infrastructure Levy (CIL) and planning obligations (commonly referred to as 'Section 106' or 'S106' obligations after Section 106 of the Planning Act). These are planning tools that can be used to secure financial and non-financial contributions (including affordable housing), or other works, to provide infrastructure to support development and mitigate the impact of development. Developer contributions might also relate to highways works secured under Section 278 of the Highways Act.

This Planning Advisory Service (PAS) advice is aimed at local authority leadership teams with responsibility for CIL and planning obligations (S106) and officers involved in the design and implementation of CIL and S106 policies and processes. It has been developed in response to changes in legislation and Planning Practice Guidance (PPG) on how CIL and S106 can be used and how they must be reported on. It is also published against a backdrop of growing challenge from the development industry, as well as growing media scrutiny, of the real or perceived lack of spending of developer contributions by local authorities.

If your Council collects money – or secures the delivery of in-kind works – through developer contributions, it is the job of the local authority leadership team to ensure that the policy requirements are justified, that contributions are spent lawfully and effectively and that these are reported on transparently. You need to ensure that you have the systems and resources in place to do this and to continuously review and improve these to ensure that they are fit for purpose.

This advice takes the form of a series of fact sheets which draw on examples of good practice from local authorities in England, lessons from relevant case law and insights from research. It is also informed by the PAS developer contributions project that was undertaken with authorities in Hertfordshire in 2019 – distilling some of the learning points from that programme as well as the experience of the project team's work across the country.

CIL and S106 is relevant to your leadership team

Developer contributions are normally a key component of any authority's approach to developing and delivering an infrastructure strategy for their area. Effective infrastructure planning, prioritisation and governance of spend are critical to supporting the delivery of sustainable development and growth. Local authorities have a fundamental role in leading the coordination and delivery of infrastructure that will support their areas, and the activities that are required to do this permeate and interrelate throughout the planning system as illustrated on below in figure 1.

Leadership teams need to focus on infrastructure delivery to ensure that their authorities are supporting sustainable development and are meeting a number of key collaborative outputs that the government expects planning authorities to deliver. The advice in the following sections 'zoom in' to the legal policy and practical issues associated with developer contribution systems, but this advice should be read and understood in this wider context of infrastructure planning, governance and delivery.

Infrastructure planning – the glue in the delivery framework



Using PAS CIL and S106 Fact Sheets

Each fact sheet contains information and advice on how to develop or improve your approach to developer contributions and the service that you provide. Key questions that can help you and the rest of the leadership team to assess and ‘health check’ your CIL and S106 systems are included. Reading all of the fact sheets will give you an overview of CIL and S106 alternatively skip straight to the topic you are interested in.

- **CIL & S106 Fact Sheet 1:** Securing developer contributions – the basics
- **CIL & S106 Fact Sheet 2:** Spending developer contributions – the basics
- **CIL & S106 Fact Sheet 3:** Collating evidence on impact, infrastructure need and viability
- **CIL & S106 Fact Sheet 4:** Choosing CIL and/or S106 and setting out policy requirements
- **CIL & S106 Fact Sheet 5:** Strategy and governance for developer contributions
- **CIL & S106 Fact Sheet 6:** Processes that enable effective and efficient spend of developer contributions
- **CIL & S106 Fact Sheet 7:** Requirements for Infrastructure Funding Statements
- **CIL & S106 Fact Sheet 8:** Administering and Monitoring developer contributions

CIL legislation has been subject to multiple amendments since 2010 – new case law and innovations in practice mean that things will continue to change and evolve – so PAS will aim to keep this advice up to date.

Other Sources of advice and support

The Government has produced Planning Practice Guidance on developer contributions. This includes links to relevant legislation and is an essential starting point for developing local policies and designing administrative and monitoring processes for developer contributions.

The [PAS website](#) includes further details on CIL and S106 and support available to local authorities and other advice to supplement the matters covered in this guidance. There is also an active [PAS KHub online](#) discussion forum which many practitioners have used over the last few years to ask questions of colleagues about specific cases and new policies.

There are also a number of groups and networks across the country of officers involved in developer contributions – and in particular monitoring. Contact the PAS team if you would like to be put in touch with one of these groups or would like support to set one up in your area.

1— Securing developer contributions – the basics

Planning applications must be determined in accordance with the development plan (that is the ‘local plan’ document(s) and, if relevant, spatial development strategy), unless ‘material considerations’ indicate otherwise. S106 obligations are negotiated between the council and developer to mitigate the impact of a development or to secure local plan policy requirements as part of the development. They are ‘secured’ through planning agreements entered into under section 106 of the Town and Country Planning Act 1990 by a person with an interest in the land and the local planning authority; or through a unilateral undertaking entered into by a person with an interest in the land but without the local planning authority.

S106 obligations can include:

- Requirements for parts of a development to be used in certain ways, for example for affordable housing;
- Requirements for certain works to be undertaken or for other requirements and/or restrictions on the form of the development, for example requiring the development to be car free;
- Financial contributions to address the impacts of development – usually limited to those cases where it is not feasible to meet policy requirements on site and/or to mitigate specific development impacts, for example the carbon emissions from development.

S106 can only be used where the legal tests set out in the CIL Regulations 2010 (as amended) are met. That is that the obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Since 2010, authorities in England and Wales have also been empowered to establish a Community Infrastructure Levy (CIL) to help pay for infrastructure, other than affordable housing, to support development. This charge on the development can operate alongside S106. Combined authorities with planning powers can charge a strategic infrastructure tariff in addition to a local CIL. The Mayor of London can also charge a CIL for strategic transport projects.

Local planning authorities set, charge and administer CIL in line with CIL regulations. CIL is a fixed, non-negotiable, charge on most development of 100 square metres or more, or a new dwelling of any size. Payment becomes due from commencement of the development. Exemptions from CIL can be sought in respect of charitable development, affordable housing, self-build housing, residential annexes and residential extensions.

Mitigating development impact



CIL and S106 are similar in that they are tools to address the impacts of **development**. But S106 is designed to mitigate the specific impacts of that **individual** development while CIL is a tool to deal with the **cumulative** impacts of development on infrastructure.

CIL is specifically designed to enable the pooling of contributions from development. Attempting to make S106 operate like CIL by using tariff based approaches are unlawful if the obligation does not meet the tests for the use of S106.

Key Questions



- ☐ Does the leadership team (councillors and officers) understand when and how S106 and CIL may be applied to development?

- ☐ Does the leadership team (councillors and officers) understand that CIL is a tool

to deal with cumulative impact and S106 for specific development impacts?

- ☐ Where relevant, are Parish Councils similarly informed?

2 – Spending developer contributions – the basics

Any S106 financial contributions are payable at the time specified in the obligations contained within the S106 legal planning agreement or undertaking – this will usually (but not exclusively) be on commencement of development. S106 payments can only be used for the specific purposes defined in the agreement or undertaking. The spend of S106 contributions is often time restricted by clauses in the legal agreement – monies which are no longer needed or unspent may need to be returned to the developer. In some cases there may be scope to vary the original agreement or undertaking but any variance must still meet the legal tests for the use of S106 which are:

- a necessary to make the development acceptable in planning terms;
- b directly related to the development; and
- c fairly and reasonably related in scale and kind to the development.

Monitoring fees can be secured as part of a S106, but the amount secured must fairly and reasonably relate to the development and must be applied to monitoring costs.

CIL is only payable within 60 days of commencement – or as defined in the authority's instalment policy. CIL is not subject to the same restrictions on spend as S106 but the legislation does set some parameters for the way in which it can be used. For most authorities the breakdown of how CIL receipts are ring-fenced and spent is as follows:

- **75–85% of receipts on infrastructure projects** – the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area. The charging authority decides what these priorities are and when and where to spend CIL. This can be outside an authority area, providing it addresses the impacts of development within it;
- **15% (capped at £100 plus indexation per dwelling) rising to 25% (uncapped) in areas with an adopted neighbourhood plan for spend within the neighbourhood** within which the CIL was received. These receipts must be spent on projects that support development of the area but is not limited to infrastructure. In areas with parish councils or community councils these funds are passed to them. Outside of these areas the council should engage with communities on how the money should be spent.
- **5% of CIL receipts in the first 3 years of operation and annually thereafter can be spent on the cost of administering CIL.** These administration costs can include staff, software and, in the first three years of charging CIL, costs associated with setting the CIL Charge. In London, the Mayor is able to retain 1% of CIL receipts for the costs of administering the CIL, whereas the London Boroughs are able to retain 4% of the Mayoral CIL collected in their area for administration.

There are no time limits on the main CIL spend, however, there are time limits on the neighbourhood portion.

Spend must link to development



It is worth remembering that S106 and CIL are designed to address individual or cumulative impacts of development – and must be used in line with the legal agreement and CIL regulations respectively. These developer

contribution tools cannot be used to remedy existing deficiencies or demands from population growth driven by other factors such as birth rates – they are both only to be used to deal with the impact of development.

Key Questions



- ☐ Does the leadership team (councillors and officers) understand how S106 and CIL funding must be used, including specific requirements related to the 'neighbourhood portion'?
- ☐ Are Parish Councils and Neighbourhood Forum's similarly informed?
- ☐ Do relevant officers, including your finance teams, understand the limitation on how any CIL or S106 monitoring fees must be used?

3— Collating evidence on impact, infrastructure need and viability

In deciding your approach to CIL and S106, even if you decide not to charge CIL, don't base this on assumptions about development impact, infrastructure need or viability. You must base it on evidence and draw on relevant data in your development area. CIL has been effectively implemented in parts of the country with variable or low viability and can be used in combination with S106.

Identification of S106 requirements should be driven by the *impact* of specific development(s) and the need to deliver local plan policies. Requirements for developer contributions should be clearly identified in local plan documents, consulted on and tested for viability. Updates to government guidance in September 2019, as well as recent case law (McCarthy and Stone Retirement Lifestyles Ltd) v Greater London Authority [2018] EWHC 1202 (Admin) make clear that relying on supplementary planning documents, which are not subject to examination, for S106 policy requirements is unlikely to be sufficient.

In order to establish a CIL charge, or revise your existing rates, you must prepare a 'Charging Schedule'. Before the charge can take effect, a Charging Schedule must be subject to consultation and an independent examination to consider whether the charge is needed to meet infrastructure costs and viable for most developments to pay.

You need evidence demonstrating that a CIL is needed to fund infrastructure to support development – that is there

is a funding gap which CIL is needed to fill. This means understanding current infrastructure needs, the funding available and priorities for delivery over the life of your local plan. This needs to cover infrastructure your authority or the County are delivering and may extend to sub-regional infrastructure. Engaging with infrastructure providers, neighbouring authorities and the County, or strategic planning authority, is essential. Any disconnect between LPA and infrastructure providers (including, in some cases, county authorities) needs to be overcome to ensure effective delivery – and this will only happen through continuous efforts at collaboration on both sides.

CIL rates are based on viability evidence. Differential rates can be set based on the use (use in the wider sense, unconstrained by the Use Classes Order), scale and location of development. The examiner needs to be satisfied that the rates are set at a level that will not put the overall development of the area at risk. Engaging with the development industry in setting this charge and assessing viability is essential, especially on strategic sites that your plan's delivery is dependent upon. There may be onsite requirements for infrastructure or particular costs to bring a site forward – and your approach to CIL and use of S106 on these sites needs to take account of these. Very simply, too high a CIL charge that does not properly account for S106 requirements and other costs will result in no development and zero CIL receipts – and failure to deliver the local plan.

A Smarter Approach to Infrastructure Planning

RTPI research *A Smarter Approach to Infrastructure Planning* highlights the central role that planning plays in coordinating the delivery of infrastructure. It notes the clear challenges both for planners in managing these processes, and for infrastructure providers in engaging with

planning frameworks. The research highlights the need for a more joined-up approach that proactively addresses the infrastructure needs to avoid adverse impacts on economic competitiveness and the delivery of sustainable places.

Key Questions



☐ Are you clear on the viability of development in your area – development costs, values and trends which may affect these?

☐ Have you worked collaboratively with developers, service providers, the County, the Greater London

Authority or strategic planning authority in relation to identify these requirements?

☐ Is it clear what developer contributions are required on strategic sites through CIL and/or S106?

4— Choosing CIL and/or S106 and setting out policy requirements

The decision on whether or not to adopt a CIL alongside any use of S106 is a *genuine* choice for local authorities. It should be informed by the infrastructure needed to support your local plan, patterns of development and the viability context you are operating in – and supported by evidence and not assumptions. CIL charges must be set out in a Charging Schedule by law and the NPPF and national planning practice guidance make clear S106 requirements should be set out in a development plan document. This means authorities should look to include any S106 requirements where they apply in policies as part of local plans updates. The rationale is to ensure S106 and CIL is justified by evidence on viability – ensuring development is deliverable – and informed by clear evidence on need. The Charging Schedule and local plan process ensure that this evidence is subject to consultation and testing through an independent examination and that these policy requirements are clearly set out.

The CIL Amendment Regulations (2) (2019) more explicitly allow for S106 to be used in parallel with CIL to fund infrastructure. This does not mean that authorities should revert to the pre-CIL practice of using S106 tariffs for infrastructure. CIL is the principal tool designed to deal with cumulative impacts

of development on infrastructure. S106 obligations must still meet the legal tests for their use and there are also a number of practical advantages to CIL which is:

- non-negotiable providing greater certainty for developers on requirements and predictability on likely levels of receipts for local authorities
- captures contributions from the smaller scales of development addressing their cumulative impact over time; and
- has less limitations on how it can be spent reducing the risk of it being no longer needed for the project by the time funds are received which can happen with S106.

Your authority's use of CIL or S106 needs to respond to this legal context and be focused on how best to deliver your infrastructure priorities. For some authorities this might mean a single CIL rate with S106 restricted on large sites; or a higher CIL rate; or S106 only on larger sites. This needs to be developed in consultation with developers, tested for viability and the eventual requirement clearly communicated in the Local Plan and CIL Charging Schedule.

CASE STUDY

Aberdeen City



Recent case law has sharpened the focus on the legal tests for the use of S106, including **Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Co Ltd [2017]**.

In this case the authority introduced Supplementary Guidance requiring contributions to a pooled fund. But the developer objected to being required to make contributions to the fund given the **trivial impact** its development would have in respect of the need for some

of the proposed interventions. The judgement, relevant across the UK, found that the contribution must be connected to the development proposed in more than a trivial sense. It concluded that, without a statutory basis such as is provided for by the CIL regime in England, pooled contributions of the type sought were unlawful. While they interact and have features in common, S106 is not CIL and CIL is not S106 – the law is clear.

Key Questions



- ☐ Is your approach to choosing to adopt CIL (or not) evidence rather than assumption led?
- ☐ Is the approach informed by both legal and practical considerations (and advantages of CIL or S106 in different contexts) which can impact delivery?
- ☐ The charge setting dimension of CIL and S106 is intrinsically linked with the local plan in so far as it relates to infrastructure planning and deliverability, are your planning policy officers leading or centrally involved in developing a CIL?

5— Strategy and governance for developer contributions

The absence of leadership is the biggest predictor of an absence of effective spend. Developer contributions need to deliver infrastructure or other mitigation measures that support development. There is a statutory responsibility to make sure this happen, and legal and reputational risk where it does not.

The CIL Regulations 2010 (as amended) require local authorities to publish **annual Infrastructure Funding Statements** by 31 December 2020 which must set out the projects intended to be funded by CIL over the next five years – and guidance suggests this should extend to S106 too. Authorities are required to report the sums of developer contributions secured, allocated to projects and spent (not just transferred within or across organisations). The first challenge is getting the data ready to report and it is recommended that you can accurately project and model likely receipts based on reasonable assumptions on future development patterns. The second is that the authorities should plan in advance how they will spend these estimated sums upfront – rather than decide once received. Monitoring – and good data – is a precursor to defining your strategy.

Your strategy starting point should be how to support development and address its impacts informed by your infrastructure planning evidence. This might mean channeling all funds into a specific project, such as a transport scheme, a type of infrastructure, such as schools, or particular location. It might also mean funding different types of projects across your whole area. The decision making structure you then chose will decide on these allocations and should reflect this strategy. If funding a single project, it may be sufficient to incorporate this into an existing capital programme budget processes. Other spend strategies may require new or expanded remits for governance groups or councillors and/or officers and potentially other external stakeholders. But any governance arrangements must ensure lawful spend of CIL and/or S106.

Being able to articulate the strategy is essential to ensure it is understood across the Council, by developers and communities. This is particularly important in the context of challenges or Freedom of Information (FOI) requests on spend, 'saving' or pooling of CIL. Matching this strategy with transparent decision making processes and structures that serve that strategy is the best way to ensure developer contributions get spent.

Strategic Leadership and Cross Boundary Collaboration



Collaborative approaches to both identifying projects and spend on infrastructure has been pursued by authorities with ambitious growth agendas. In December 2013, Broadland, Norwich City, Norfolk County, South Norfolk councils and the New Anglia LEP signed a City Deal with central government. A central theme of this was to support infrastructure delivery to accelerate planned growth and this is now collaboratively managed by the Greater

Norwich Growth Board (GNGB). Their infrastructure planning process programme and the allocation and pooling of contributions to projects across the area to deliver major transport improvements. It also led the board to determine that the best approach for their area was to establish a fixed sum towards education, to provide certainty for delivery (see: [Greater Norwich infrastructure plan approach](#)).

Key Questions



- ☐ Are you confident your strategy for spending supports development of the area in the case of CIL and, where it relates to S106, the terms of specific agreements or undertaking?
- ☐ Have you worked collaboratively with infrastructure service providers to develop an effective spend strategy?
- ☐ Have you invested in the monitoring systems and staff necessary to meet new statutory reporting requirements?
- ☐ Are you using the insights and experience of your monitoring officers to inform your strategy for spending CIL and S106?

6 — Processes that enable effective and efficient spend of developer contributions

The processes you adopt will be shaped by your strategy for spend and determined through the decision-making structures you put in place. There need to be clear and transparent processes that ensure timely and effective spend that comply with the legislation on the use of developer contributions. Failure to have clear processes that take you from strategy to allocation and spend on a project is, along with failure to identify priorities, a major cause of unspent developer contributions. It is important to document in a process guide *how* and *when* funds will be allocated, and *who* will be involved in recommending spend to the appointed decision makers. This involves both the identification of future spend over 5 years in your annual Infrastructure Funding statement and the allocation to projects once money is received.

CIL **must** be spent on infrastructure or projects that support development and S106 is applied to mitigate the impacts of development and make it acceptable in planning terms. For CIL this relates to the overall development envisaged in the local plan, and for S106 the individual development from which the S106 contributions arises and as defined in the legal agreement. Infrastructure planning documents developed in support of local plans or CIL schedules should help with identifying and

prioritising projects. Processes for CIL allocation might also consider:

- The ability to leverage other funding as other funding streams play an important or even critical role in delivery as CIL receipts are likely to fund only a small element of the total necessary infrastructure project(s);
- Any opportunities for joint/collaborative working in the context of strategic planning and pooling across authority areas to enable delivery of critical infrastructure – especially on county wide or cross boundary infrastructure costs;
- community engagement, especially in areas that are outside of a parish or community council, where there is a requirement to engage on priorities for neighbourhood CIL expenditure.

You also need to consider *who* needs to be around the table both within and beyond your authority, and when to support this process. Those involved need to understand the process and their roles and responsibilities. Again process guides, which can be supported by terms of reference for governance groups or memorandums of understanding with external stakeholders, can have a valuable role.

Establish effective and continuous processes for allocation

Chichester District Council have a well-oiled process for identifying and allocating developer contributions. The Council produce an 'Infrastructure Business Plan' which is updated on an annual cycle through structured engagement with the County and Infrastructure providers. This is implemented by three officers who also have wider responsibility for

CIL and S106 administration who adopt a proactive approach. The Chichester Infrastructure Business Plan prioritises the infrastructure needed to support growth identified in the Local Plan via a five year rolling programme for its delivery, together with possible funding broken down by source (see: [Chichester Infrastructure Business Plan 2019](#)).

Key Questions



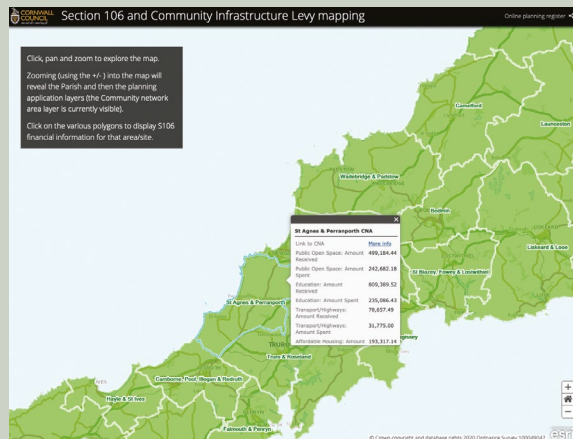
- ☐ Who identifies which projects are to be funded? For example, are these projects identified through a bidding process or identified in an infrastructure delivery plan? How do you ensure these projects support/mitigate the impact of development?
- ☐ How are external agencies involved, e.g. developers/infrastructure providers, and in the case of neighbourhood CIL, communities?
- ☐ When is funding allocated and do the relevant people know? For example, is it at specified times of the year or when the certain amount of funding is accrued? How do you record the delivery of projects (or return of funds to the CIL pot or developer in the case of S106)?

7— Requirements for Infrastructure Funding Statements

Authorities must publish an Infrastructure Funding Statement (IFS) by the 31 December 2020 to cover the reporting year for 1 April 2019 to 31 March 2020 and annually thereafter. The objective of an IFS is to improve transparency of monitoring and reporting so that monies secured, received, allocated, spent and delivered can be followed through the system. The information responds to questions that are frequently asked of authorities through Freedom of Information requests and should be information that can be readily accessed. County councils which receives Section 106 funds also have requirements to report on these. Further information about IFS can be found on the PAS website.

Schedule 2 of the CIL regulations 2010 (as amended) sets out what is required in an IFS by legislation and the **Planning Practice Guidance** sets out what the Government encourage authorities to include in the IFS. The initial stages of developing an IFS will involve identifying S106 receipts that are still being held by the Council but which were received before the 1st April 2019. These receipts must be included in the IFS so authorities will need to work with other departments and county to ensure that all monies are accounted for.

The requirement to produce an IFS should ensure that monitoring practices across the country are improved going forward. MHCLG are working to develop a template for IFS; however, authorities will not be bound by this format and it is for the authority to decide how to present the information. A recurring story in the national media has related to unspent development contributions by local authorities – this also features in local press. Increased transparency of IFS means that data will potentially draw more scrutiny initially, but it also presents an opportunity to promote what has been delivered through development contributions and the positive benefits of development. PAS are encouraging authorities to consider the value of an IFS beyond finance reporting mechanism for numbers. You may want to work with your communication team on a strategy to tell the story of how developer contributions are being invested.



Promote and publicise delivery funded by developer contributions

Cornwall have created a new interactive S106 'story map' on the council's website. The **story map** gives information on:

- What S106 monies have been received in each Parish (and Community Network Area);
- The planning application it relates to; and
- How much S106 money has been spent in the area

Most importantly, the **story map** allows residents to zoom into their local area to see for themselves where and how communities have benefitted from improvements, funded by developer contributions. The projects range from play parks to affordable housing for local people.

Key Questions



- ☐ In what state is your historic data on S106 agreements and CIL cases – including allocations, receipts and expenditure of funds – which you are now required to report on?
- ☐ What are the main challenges that you envisage in preparing your first IFS? How will you overcome these? Who will be responsible for collating IFS and do they have the skills and resources they need?
- ☐ Do you currently use your reporting to promote the benefits of development? If not, why not?

8— Administering and Monitoring developer contributions

CIL and S106 administration and monitoring is essential. The new requirements for an Infrastructure Funding Statement – and legal requirements for reporting on CIL and S106 – mean monitoring is an even more important dimension of developer contributions. CIL and S106 administration and monitoring needs to be recognised for its contribution to enabling infrastructure and resourced appropriately. Costs can be met by CIL and S106 monitoring/administration fees.

CIL administration involves following a structured and nationally defined process for the charging which involves calculating CIL, issuing a liability notice with the potential payment and a demand notice with the actual payment required on commencement and administering any claims for relief. The two charging notices (liability and demand) and any relief granted are registered as a land charge. The S106 process is different as it involves recording the details of the legal agreement (also registered as a land charge) and monitoring the implementation of each obligation to ensure it is complied with. For non-financial S106 requirements this can mean making sure it is complied with beyond completion and potentially even for the life of the development.

Whether there are CIL and S106 monitoring officers and/or elements are taken up by development management planners, technical support staff or whether it sits in the policy team or even in planning at all is the job of the leadership to determine. Many aspects are financial and legal, but it is all about new development and addressing its impacts, which is why it

most often sits in the planning service which then needs to work closely with legal and finance teams (as well as other departments). It is vital an officer is tasked with oversight of the monitoring aspects of the system. This also provides opportunities for identifying system improvements. For example, opportunities to link up data within planning. This could include linking development commencement data from CIL with discharge of pre-commencement conditions and building control data to support monitoring.

Busier authorities may need to consider appointing dedicated monitoring officers. They should recruit methodical and numerate staff with the confidence to deal with complex enquiries and challenging customers (they are often asking people for money!). An interest in planning and understanding of development management is essential, as well as the ability to navigate legislation and interpret legal agreements, it is not just a role for planners or lawyers.

It can be a stretching role and it can feel isolated if you are the only monitoring officer. To aid retention, create a sense of 'team' around that officer and network with other monitoring officers beyond the authority. While staff are key to the quality of your service, you also need to build resilience and avoid relying on systems only one or two officers can understand or operate. Document the monitoring process, including how you record and report, to ensure service continuity and provide a baseline for continuous improvement.

Digital solutions



Most authorities will need to use software packages that help officers stay on top of monitoring. You should consider how this software is integrated with any existing planning applications database, finance systems and any other relevant databases. The Digital

Land team at MHCLG is working with a number of authorities on digital tools that support Infrastructure Funding Statements. For updates on this pilot work please visit the [Digital Land](#) website and [MHCLG's website](#).

Key Questions



- ☐ Who is responsible for managing and improving the S106 and CIL admin and monitoring function?
- ☐ Who has access, understanding and the ability to maintain these systems and records?
- ☐ Who has day to day responsibility for S106 and CIL? Do they have the skills and support to deliver this service and any improvements needed to meet new requirements?
- ☐ Do you need new software to enable you to report more easily? Have the costs of software set up, including any data entry/ cleansing required, been properly considered?

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**Enhancing Infrastructure Planning and Delivery for
English Councils**

Governance Report

Borough Council of King's Lynn & West Norfolk

May 2025

1. Summary

Summary of support

- 1.1 As part of the Planning Advisory Service's (PAS) programme to enhance infrastructure planning and delivery in English Councils, Inner Circle Consulting provided support to the Borough of King's Lynn and West Norfolk to develop a set of practical recommendations to help you improve the governance of developer contributions.
- 1.2 The support included one workshop with officers and a meeting with the Members of your Community Infrastructure Levy (CIL) Spending Panel which enabled an assessment of your current processes and practices around infrastructure planning and delivery. The support was based on the PAS Improving the Governance of Developer Contributions Handbook and accompanying self-assessment toolkit.

Key messages

- 1.3 From our workshop there appears to be a good level of support and consensus at a senior officer level that a new approach towards the allocation and spend of CIL is required. It was discussed that the approach needs to move away from a short-term, locally-focused approach towards one which establishes a link between CIL spend and the Local Plan. More oversight at a corporate level is also needed to both add assurance into the process and allow wider council priorities to be considered for CIL spend.
- 1.4 Some further work will be required, especially with your CIL Spending Panel, to get agreement and consensus on a new approach, and the changes required to implement it. A Cabinet decision is likely to be required to ensure implementation.
- 1.5 It is also necessary to ensure that a new approach is based on up-to-date policy and evidence, which can be achieved by progressing a new Infrastructure Delivery Plan (IDP) to ensure you have an up-to-date understanding of your infrastructure needs, and a framework or programme to prioritise these needs and agree spend.
- 1.6 Our recommendations outlined in Section 3 cover the following areas:
 - The need for a new spending strategy for CIL focussed on a number of key principles
 - That the mandate for this new strategy should be secured through a Cabinet decision
 - That your new strategy should be underpinned by strengthened governance at corporate and officer level
 - That more support for parish and town councils could enable more informed spend of CIL
 - That future updates to your IDP should move towards a more programme-led, evidence-based approach to CIL Spend.
 - And your new IDP should be digitised to make it easier to update and communicate to stakeholders.

2. Introduction

- 2.1 Councils play a unique and critical role in planning, funding and delivering the infrastructure that is required to ensure that the vision and growth objectives set out in local plans are sustainable and meets the needs of communities.
- 2.2 The various forms of developer contributions that exist to mitigate the impact of this development are rarely, if ever, sufficient to fund all the infrastructure that is required to support demand from development in an area. Therefore, to ensure that they are used effectively we recommend that they should be considered as part of a wider, corporate approach towards funding and delivering infrastructure.
- 2.3 This Advice Note considers your Council's current governance processes for developer contributions and provides some practical steps to help improve them based on the PAS Improving the Governance of Developer Contributions Handbook and accompanying Self-Assessment Toolkit.

Background

- 2.4 In 2021 PAS published a handbook which was intended to help improve the ways that councils manage and allocate developer contributions. This is to ensure that money collected is used to deliver infrastructure in an efficient, transparent, robust and effective way. The guidance encourages councils to see infrastructure planning and delivery as a 'system', within which there are a number of interdependent parts, none of which are more important than another.
- 2.5 This system of infrastructure planning and delivery goes beyond just how developer contributions are collected and includes:
 - A consideration of the resources available to allocate them and the organisation around that.
 - the processes and systems for how developer contributions are collected, monitored and managed.
 - how decisions are made.
 - the policy and evidence which support these decisions.
 - and the resources and capabilities available to ensure projects are delivered to realise their intended outcomes.
- 2.6 Alongside the development of the handbook, PAS has provided facilitated support to individual councils to address their specific needs and challenges associated with the governance of developer contributions.
- 2.7 As part of the current PAS programme to enhance infrastructure planning and delivery in English Councils, the Borough Council of Kings Lynn & West Norfolk received facilitated support specifically focussed on the governance of developer contributions. This Advice Note is the output of that support.

Methodology

- 2.8 The support was undertaken by Inner Circle Consulting on behalf of PAS. A workshop was held with officers from the Council in March 2025, including representatives from the CIL Team, Planning and Environmental Health (both policy and planning control), Strategic Housing and Community Safety, and the Portfolio Holder for Planning (who is also the Chair of the CIL Spending Panel). Following the Workshop a further meeting was held in April 2025 with Members of the CIL Spending Panel to seek further input from them.
- 2.9 The aim of the workshop was to complete the 'self-assessment toolkit' to evaluate your current processes and agree a set of recommendations for improvement based on principles

within the Improving the Governance of Developer Contributions guidance. The self-assessment covered five key areas, aligned to the guidance:

- Leadership and resources
- Governance
- Policy and Evidence
- Systems and Processes
- Project Delivery.

2.10 This was supplemented by desk-based research of key council documents including the CIL Governance Policy Document (2024), Draft CIL Spending Strategy (unpublished), the Strategic CIL Application Form, the Local CIL Application Form, and CIL Project Business Case.

3. Findings & Recommendations

3.1 We recognise a number of areas of good practice, including:

- That you have a number of documents and guidance which are up to date and available on your website which sets out your approach to governance, the 'rules' around CIL and your processes, including the adopted CIL Governance Document; and
- The efficiency of your processes and your track record of spend, meaning that retained or unspent CIL balances are minimised.

3.2 The key recommendations from the support are as follows:

- Develop and adopt a new Spending Strategy for CIL focused on a number of key principles
- Implement a new governance framework at corporate and officer level to ensure consistency, transparency, and to integrate different parts of the council.
- Move towards a more business-plan led approach for CIL spend
- consider providing additional support and resources for Parish and Town Councils to enable more informed spend of the Local CIL Fund and Neighbourhood portion.
- Updates to your IDP should be digitised to allow it to be a 'living document' that can be regularly updated
- Consider reviewing your CIL Charging Schedule as part of your Local Plan Review.

3.3 In supporting a new approach, we provide below some links to work from other Local Planning Authorities (LPAs). The resources are relevant in the way that the LPAs have taken an evidence-led, programme-based approach to CIL spend.

- The Greater Norwich Partnership's [Five Year Infrastructure Investment Plan](#)
- Chichester District Council's [Infrastructure Business Plan](#).
- Sevenoaks' CIL Spending Board
[https://cds.sevenoaks.gov.uk/mgCommitteeDetails.aspx?ID=320&\)=1](https://cds.sevenoaks.gov.uk/mgCommitteeDetails.aspx?ID=320&)=1)
- Elmbridge District Council's Strategic Priority Programme
<https://www.elmbridge.gov.uk/planning/community-infrastructure-levy-cil/cil-strategic-infrastructure-projects>
- East Suffolk's resources for Parish Councils
<https://www.eastsuffolk.gov.uk/planning/developer-contributions/community-infrastructure-levy/parish-support/>

Part 1: Policy and Strategy

Assessment

- 3.4 From the feedback we received in the workshop and from a review of other documents we consider that the current approach towards allocating CIL is not 'strategic', in that spending decisions are not made with a clear link to either the Local Plan or Corporate Plan. Instead allocations can be characterised as being ad-hoc to local projects, based largely on applications for funding from parish councils. In addition to this we heard that expenditure of the 'strategic' element of CIL does not currently happen in areas where new development has occurred.
- 3.5 To support this analysis, your (Draft) CIL Spending Strategy stated that from the adoption of CIL in 2017 through to 2024 £4.5m was allocated to 258 projects. This puts considerable pressure on the team responsible for processing applications given the administration involved in managing these allocations.
- 3.6 The current process (as set out in the CIL Governance Policy Document) favours projects which can demonstrate local support and can be delivered in the short-term (to commence in 1 year and be completed in 5), rather than demonstrating the need for the project to support new development and / or alignment with strategic priorities.

Recommendation 1: Develop and adopt a new Spending Strategy for CIL focussed on a number of key principles.

- 3.7 Through our engagement with your Council at both officer and member level we recognised that there is a clear desire to adopt a more strategic, plan-led approach to the use of CIL. This requires a move away from an ad-hoc approach based on applications to being more proactive and strategic based on both evidence of the need for infrastructure as a result of planned growth, as well as to align spend with strategic priorities linked to the Local Plan and Corporate Plan.
- 3.8 In developing a more strategic approach you are currently proposing to separate CIL into 2 project types, with the aim of meeting wider borough infrastructure requirements through two 'pots', in addition to the Neighbourhood portion & CIL admin 'pot':
- a Strategic CIL Fund (80% of CIL receipts, excluding the Neighbourhood portion) for large-scale infrastructure projects selected by the Council,
 - and a Local CIL Fund (20%) to be allocated through an application process.
- 3.9 It is recommended that the principles outlined in paragraphs 3.11 to 3.26 below would mainly apply to the governance of your Strategic CIL Fund, whereas the current 'application' based process can be used to manage your Local CIL Fund.
- 3.10 Based on our findings, we propose the following key principles as a starting point for your new approach.
- 3.11 That strategic CIL should be used to unlock or support planned development as set out in the Local Plan.**
- 3.12 As outlined above, the link between the use of CIL and new development is considered to be currently weak, with CIL spend not linked to areas where new development has occurred, and allocations targeted at smaller scale, parish-led projects.

- 3.13 The Planning Act (2008) and CIL Regulations (2010) both make a clear link between the use of CIL to support the development of its area, with the accompanying CIL guidance stating that CIL should be used to “fund the infrastructure needed to deliver the relevant plan”. Now that the new Local Plan is adopted, this presents an opportunity to establish a defining principle for the use of CIL that it should be used as a way of mitigating and supporting plan-led growth.
- 3.14 It also must be considered that CIL on its own will not be able to fund all the infrastructure required to support new development. Therefore, it should be used alongside other types of funding to ensure its benefits can be maximised.
- 3.15 CIL should be used in a way which leverages other sources of funding for greater impact.**
- 3.16 Feedback from the Workshop suggested that the current system does not have sufficient mechanisms or processes to provide an opportunity to leverage in other sources of funding, particularly external funding that either the council or external partners can bring in (Towns Fund was provided as an example).
- 3.17 Therefore, another key principle of a new approach should be that the use of CIL should be considered alongside other sources of Council-controlled funding, such as Section 106 or New Homes Bonus, as well as where it can be used to leverage in external sources of funding such as that controlled by the County Council, Towns Fund, Shared Prosperity Fund, or in the future funding as part of a Devolution deal.
- 3.18 CIL funded projects can also contribute towards achieving the objectives across key corporate strategies.**
- 3.19 The workshop also fed back that as well as a weak link between CIL spend and the Local Plan, there is no strong process or governance to link the use of CIL to other Council-wide strategy or objectives. As well as the recently adopted Local Plan, there are a number of other relatively recent Council strategies which should be considered as part of a new approach to spending CIL. This includes the Corporate Strategy adopted in June 2024, the West Norfolk Economic Strategy adopted in January 2025, and the Norfolk Growth Plan.
- 3.20 Whilst the primary purpose of CIL is to support plan-led, new development, the use of CIL should also consider how the projects it is funding will contribute to and align with this wider policy context providing that they support development within the area. For example, in relation to transport and connectivity (raised as a particular issue in our workshop as well as in the Economic Strategy), specific projects such as those referenced in the Norfolk Strategic Infrastructure Delivery Plan to which the Norfolk Growth Plan is linked do not appear to be currently funded by CIL.
- 3.21 A new CIL Spending Strategy should follow a programme-led, evidence-based approach.**
- 3.22 From the workshop, it was reported that the projects applying for CIL are not based on any robust evidence of ‘need’ that relates to the Local Plan. There is a lack of long-term, strategic consideration of how CIL balances could be built up to meet longer-term infrastructure needs and instead are focused on allocating smaller sums of money to projects that can be realised in the short-term.

- 3.23 By adopting an evidence-led, programme-based approach (through an updated Infrastructure Delivery Plan (IDP), potentially accompanied by 'programme' or priority list of what projects as to what you intended to fund) as part of your CIL Strategy, it will allow you to be more proactive in your infrastructure spending decisions. It will allow the Council to engage in more informed and considered longer-term strategies around investing in infrastructure to support planned growth in line with the Local Plan, whilst aligning the allocation of CIL funding with its broader corporate objectives.
- 3.24 Taking an evidence-led approach will allow the council to identify and prioritise funding for infrastructure based on thorough analysis and evidence of what infrastructure is needed to support the delivery of the Local Plan. Adopting an evidence-led approach to CIL allocation also promotes transparency and accountability in decision-making processes.
- 3.25 Further guidance on this new approach is provided below.
- 3.26 A new approach to CIL should recognise the Importance of working with partners to deliver infrastructure.**
- 3.27 From our workshop we understand that CIL is almost exclusively allocated to parish councils, and its use is not joined up with other services inside the council or external organisations. A more strategic CIL spending strategy will require a commitment to working in partnership with stakeholders within and outside the Council who are responsible for planning, funding and delivering infrastructure.
- 3.28 Key partners will include the County Council (where they are the statutory provider for infrastructure such as education and highways), the Integrated Care Board for the delivery of primary care, National Highways, neighbouring councils, utility providers and others. The Council will need to be transparent in its new approach towards allocating CIL and engage other partners in any new formal governance arrangements.

Recommendation 2: Secure a mandate for your new approach through a Cabinet decision

- 3.29 Through engagement with your Management Team and CIL Spending Panel, you should seek to agree and adopt through a Cabinet decision a set of key principles that your new approach will adhere to.
- 3.30 Securing a Cabinet decision on these key principles will secure a strong mandate to move forward and secure the support and buy-in from key officer and councillor stakeholders. From this strong foundation you can then make the necessary changes to the detail of your governance and processes.
- 3.31 This Cabinet decision could be used to demonstrate the 'business case' for a new approach, outlining not just the objectives and benefits of a new approach, but also a programme for implementation and any resources required for its successful development and delivery.

Part 2: Governance

Assessment

- 3.32 The key messages that came through the workshop regarding the current governance structures for CIL was that the current process for approving projects for CIL funding through the CIL Spending Panel is considered too subjective, and applications are not receiving the level of scrutiny required to ensure that CIL is being used in an optimal way. It is felt that in

some spending rounds 'weak' applications are being approved as the process favours allocating money to smaller, short-term projects rather than taking a more strategic perspective.

- 3.33 There is a view that there is a lack of senior officer oversight of the process, without the opportunity to scrutinise some of the approved applications. The CIL Governance Policy Document states that "funding applications will not be filtered, based on Management Team recommendations". It is felt that this presents a risk in terms of scrutiny and transparency over spending decisions.
- 3.34 It also means that an opportunity is lost to link the use of CIL into infrastructure programmes that are being delivered across the council, such as transport and connectivity programmes.
- 3.35 Therefore, there is an opportunity to integrate different parts of the Council by bolstering the governance that currently exists at corporate and officer level to underpin a new spending strategy for CIL.

Recommendation 3 Implement a new governance framework at corporate and officer level to ensure more consistency, transparency, and to integrate different parts of the council.

- 3.36 To ensure more scrutiny and transparency over CIL spend we recommend strengthening the role of the BCKLWN Management Team, as well as establishing officer-level governance, which will have a wider remit to support not just the governance process but in wider infrastructure planning matters.
- 3.37 We provide an overview of the role and purpose, and key responsibilities of each below:

Corporate level governance (currently the BCKLWN Management Team)

- 3.38 From your CIL Governance Policy Document we understand that the Management Team are currently required to review funding applications, to identify whether projects may be linked to corporate projects; consider links to other areas of corporate or partner spend and make recommendations to the Spending Panel on which projects are eligible for CIL funding. However, we understand that in practice this isn't happening effectively.
- 3.39 We recommend that the role of the Management Team in a new process should be strengthened, to provide not just additional scrutiny and transparency, but also to provide more opportunities to link CIL with infrastructure programmes across the Council.
- 3.40 The role of the Management Team should be to provide oversight and strategic direction on your CIL Spending Strategy, and the programme it will fund, and to ensure that this programme adheres to the agreed principles of a new strategy as set out above. It would have a key role in agreeing the programme and evidence (e.g. IDP) which would underpin a new approach.
- 3.41 The key responsibilities of this group should include:
- Provide leadership, oversight, governance and assurance over all S106 and CIL spending decisions before reporting to CIL Spending Panel.
 - Consider / endorse the IDP and any related infrastructure programme.
 - Maintain an overview of S106 funds and CIL balances.
 - Monitor spend & commitments of CIL & S106, and the progress of schemes funded by CIL / S106.

- Resolve any competing priorities, funding or delivery issues relating to the programme or CIL funded projects.

3.42 To avoid creating additional meetings or layers of governance, the responsibilities above could be incorporated into existing Management Team meetings, with specific meetings reserved for CIL matters.

Officer Governance

3.43 From our understanding of the CIL Governance Policy Document and through feedback in the workshop, the role of officers in the allocation of CIL is limited to validating and initial scoring of projects which are then taken to the Management Team to review. The role is limited to the CIL team and officers from across the Council are not involved in proposing or selecting projects which could use CIL. There is a need to move from this to a more integrated way of working.

3.44 There is an opportunity to establish an officer-level governance as part of your new approach to enable better linkages across the Council on infrastructure planning matters, who could play a more active role in identifying infrastructure needs and projects which could be funded by CIL as well as other funding sources.

3.45 We identified in recommendation 1 above a key principle of involving external stakeholders in a new approach to CIL spend. It may prove helpful to engage partners such as the Integrated Care Board (ICB) and County Council in this group to identify and work with them to understand their infrastructure needs and plans and will provide sub-regional perspective to your work which may be helpful ahead of any Local Government Reform process.

3.46 This officer-level group could also perform a functional role, including being collectively responsible for the IDP, Infrastructure Funding Statement (IFS) and any other evidence needed to support your new approach.

3.47 Key responsibilities of this group could include:

- Contribute towards the production of the Infrastructure Delivery Plan (IDP) and Infrastructure Funding Statement (IFS).
- Reviewing and monitoring of CIL & S106 income.
- Escalating risks, issue and providing management information to the corporate level governance regarding CIL & S106 balances & spend.
- Ensure engagement and consultation with all key stakeholders, including external partners.

Recommendation 4: consider providing additional support and resources for parish and town councils to enable more informed spend of the Local CIL Fund and Neighbourhood portion.

3.48 Your suggested approach for CIL allocations includes a Local CIL Fund of 20% which would be allocated to local infrastructure projects via an application process, which would be in addition to the 'neighbourhood portion' of CIL that is passed through to parish councils and / or neighbourhood forums.

3.49 Within this approach there is an opportunity for your council to work in a different way with town and parish councils and neighbourhood forums to encourage them to think about how this Local CIL Fund and the Neighbourhood portion of CIL they receive can be used in a more informed way, considering match-funding with other funding sources (such as

community chest, lottery funding), combining the Neighbourhood portion with strategic CIL, and ensuring their spending decisions are based on evidence.

- 3.50 This would be achieved through providing additional support and guidance on CIL spend as part of neighbourhood planning, and through working with officers who assist town and parish councils and neighbourhood plans.
- 3.51 This is an approach that East Suffolk Council has taken, who offer [support to parishes](#) on CIL which includes a guidance document for Town and Parish Councils, a guide to '[identifying, prioritising and delivering infrastructure](#)' and other resources on spending CIL including a [template for a Parish Infrastructure Investment Plan](#).

Part 3: Evidence

Assessment

- 3.52 From our workshop we understand that the current IDP which was prepared to support the recently adopted Local Plan was done as a specific exercise to support the examination. You now intend to start preparing a new IDP which will be able to support your new approach to CIL spend as well as a review of the Local Plan (or review of CIL Charging Schedule if needed).
- 3.53 Having an up-to-date IDP is an essential element of any informed approach to spending CIL in a strategic, considered way. PAS will shortly be publishing guidance on a number of aspects of producing an IDP, but one specific element of this which will be helpful for your new CIL strategy is to build in a mechanism which will allow the IDP to be kept up to date in the future and potentially link up with your GIS system – which was identified in the workshop as an aim.

Recommendation 5: Updates to your IDP should be digitised to allow it to be a 'living document'

- 3.54 Once you have a robust IDP in place it should then be kept up to date to provide evidence on infrastructure requirements (and how they are prioritised) in order that can be fed into your new CIL spending strategy.
- 3.55 This process can be made more efficient by digitising the IDP project schedule, including linking it to GIS mapping, and using the data to create maps, charts or other types of data visualisation to support your CIL allocation process.
- 3.56 We understand your Council currently uses Microsoft 365, and this could be an option to meet the requirements above. We propose that you engage with IT or GIS officers to assist in this process.

3.57 Recommendation 6: Move towards a more programme-based approach for CIL spend

- 3.58 In recommendation 1 above we propose that a new approach to CIL should be more evidence-led and could adopt a programme-based approach towards planning CIL spending decisions.
- 3.59 This approach would be reliant on an up-to-date IDP to provide the evidence of infrastructure needs in relation to the Local Plan, and a framework to enable decisions to be made as to what projects from the IDP should be funded in any given period.

- 3.60 This framework would allow you to prioritise the infrastructure projects in a new IDP, considering how projects will both support development and growth, support corporate priorities, and how various forms of funding can be used to deliver them. A more programme-led approach would allow the Council to spend in a more proactive way, considering in a balanced way short-term as well as longer-term needs.
- 3.61 We outline below a number of options as to how this can be achieved, based on some best practice case studies that we have found through our work with PAS.
- 3.62 The options below are intended to be applied to the use of your Strategic CIL Fund, rather than the Local CIL Fund or the Neighbourhood portion; The options are:

Option 1: Priority-led

A number of infrastructure 'priorities' are agreed on an annual basis, based on need and the infrastructure requirements of sites coming forward from the Local Plan. Funding proposals are then assessed against these priorities. This is the approach followed by Sevenoaks District Council, as described in Appendix B below.

Option 2: Priority-programme

Strategic CIL funds are allocated through a Strategic Priority Programme, which sets out the priority projects the Council wishes to fund through CIL and then receives and assess applications against these and other criteria. This is the approach followed by Elmbridge District Council, as described in Appendix B below.

Option 3: Business Plan-led

The Council and other partners produce an annual Infrastructure Business Plan, identifying the infrastructure needs, priority projects, funding available from various sources, and an agreed programme of projects to be funded. This is the approach followed by Chichester District Council, as described in Appendix B below.

- 3.63 A brief SWOT analysis is provided in Appendix A to assist in the consideration of the options above.
- 3.64 Recommendation 7: Consider reviewing your CIL Charging Schedule as part of your Local Plan Review**
- 3.65 We understand that your current CIL rates were set in 2010 – and that you took a cautious approach when setting these. Therefore, you may wish to consider a review of your Charging Schedule to ensure you are maximising the amount of CIL you can collect from new development.
- 3.66 In considering this you will have to make a judgment as to whether the time, cost and resources it will take to review your CIL Charging Schedule will result in enough additional CIL to make this investment worthwhile.
- 3.67 To inform this you could work with your Local Plan viability advisers to do a high-level comparison of the viability evidence prepared for the Local Plan against your current index-linked CIL rates or compare these with nearby authorities with similar land values.
- 3.68 In terms of the time, cost and resources to undertake a review, the 3 elements of this are essentially the viability evidence, the evidence on infrastructure need, and the management

of the review and subsequent Examination. If you are intending to do a review of your Local Plan, you could make the review process more efficient by twin-tracking the Examination, or if not, using the evidence being prepared for the Local Plan to inform your CIL review, even if the Examination is done separately.

3.69 Conclusion

- 3.70 In conclusion, it is our view that your Council is in a good position to, in both the short and medium-term, make changes to your processes and governance as well as undertake other activities which will lead to a more informed, transparent approach to allocating CIL, within a governance framework that can ensure infrastructure needs and priorities from across your area are considered, which could lead to the delivery of infrastructure that creates better outcomes for residents and can leverage finance and support from your partners.
- 3.71 The building blocks for this, as outlined above, is an IDP which captures up to date infrastructure needs from infrastructure providers within and outside the Council, and an improved governance framework to ensure spending decisions are taken based on this evidence, as well as being informed by other elements such as your Local Plan and corporate priorities.
- 3.72 In order to make these changes, a short-term priority should be to confirm the principles for a new strategy with your CIL Spending Panel, and seek the mandate from your Council through a Cabinet decision.
- 3.73 Other councils have been through this process and as a result there are some elements of good practice and lessons to be learned from other places. Resources on the PAS website includes:
- [The Improving the Governance of Developer Contributions Handbook](#)
 - [A guide to Infrastructure Funding Statements](#)
 - [A guide on types of infrastructure, approval routes, and funding sources](#)
 - [And a guide to help your senior leadership understand the role of developer contributions.](#)

Appendix A: SWOT Analysis for Recommendation 6

	Option 1: Priority-led	Option 2: Priority-programme	Option 3: Business Plan-led
Strengths	<p>Retains flexibility to allocate against agreed priorities set on an annual basis by CIL Spending Panel.</p> <p>Provides more opportunity to proactively decide on priorities for the year.</p>	<p>Provides a balance between being strategic and flexible as to how CIL is allocated.</p> <p>Can provide a strong link to plan-led, new development.</p> <p>Provides more transparency and certainty on how CIL will be allocated.</p>	<p>Provides the ability to plan and prioritise CIL spend.</p> <p>Can provide a strong link to plan-led, new development.</p> <p>Allows proactive consideration of various funding sources, including income projections from various sources to inform future planning of spend.</p>
Weaknesses	<p>Still relies on a bidding process rather than being proactive and strategic.</p>	<p>Would require additional officer resource to establish and implement the process.</p>	<p>Would need additional officer-level governance to prepare and agree the Business Plan.</p> <p>Does not offer much flexibility once the Business Plan has been approved.</p>
Opportunities	<p>Current bidding process could be retained, with updates to the assessment criteria to ensure more objectivity.</p>	<p>Offers an opportunity to work with partners to identify priority projects.</p> <p>Offers an opportunity to ensure the assessment of bids is more objective than subjective.</p> <p>Income projections of future CIL revenue could be calculated to inform future spending plans.</p>	<p>Provides an opportunity for more formalised partnership working.</p>
Threats	<p>Uncertainty as to the number and type of projects that come forward.</p>	<p>Would rely on the existing IDP to inform the priority programme until a new IDP is available as part of the plan-making process.</p>	<p>Will require significant officer resource and data to implement and maintain.</p>

	Relies on the quality of the proposals coming forward.	Would require a change to governance and process which may take some time to fully embed, with a need for continual improvement.	Relies on good quality data for project costs, funding sources and income projections.
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Appendix B: Best Practice Case Studies for Recommendation 6

Sevenoaks District Council

Approach to governance and spend.

The Sevenoaks CIL Spending Board is responsible for making decisions about infrastructure funding. This board is made up of elected members and council officers. The Chair determines the frequency of meetings.

Decisions about expenditure are based on a set of criteria. These criteria are outlined in the Infrastructure Funding Statement (IFS) and the Infrastructure Delivery Plan (IDP). Projects are evaluated based on how well they align with the priorities outlined in the IFS and IDP.

The Board also considers other factors when making decisions. For example, they look at how well a project can unlock proposed new development or allocated sites. They also consider whether a project can demonstrate strong social, environmental, or economic justification.

Finally, the board looks at the potential for maximising other funding sources to support the proposed infrastructure projects.

Criteria used for Decision-Making:

The Board agrees a set of criteria to inform their decision-making, including:

- Alignment with identified infrastructure types in the Infrastructure Funding Statement (IFS) report.
- Correlation with the Infrastructure Delivery Plan (IDP).
- Direct relevance to proposed or allocated developments.
- Strong social, environmental, or economic justifications.
- Absence of prior CIL funding for the project.
- Endorsement from infrastructure providers.
- Project urgency.
- Feasibility within the next five years.
- Critical need.
- Clarity on funding plans.

Chichester District Council – Infrastructure Business Plan

<https://www.chichester.gov.uk/infrastructurebusinessplan>

Approach to governance and spend.

Spend is based on an Infrastructure Business Plan (IBP), a 5-year rolling programme based on

- Infrastructure needs,

- Prioritised projects,
- The growth trajectory,
- Estimated CIL receipts, & additional funding sources.

The IBP is endorsed and monitored by an officer-led Development Plan and Infrastructure Panel (DPIP) (on which County can attend), with the final decision made by Full Council, based on an endorsed IBP.

Criteria used for Decision-Making:

The following definitions are used to guide which projects CIL funding should be directed to.

- Critical Infrastructure:
 - Essential for enabling growth, acting as prerequisites for future works. Often linked to triggers controlling development commencement.
- Essential Infrastructure:
 - Necessary to mitigate impacts from development operations. Linked to triggers controlling site occupation, addressing planning acceptability.
- Policy High Priority Infrastructure:
 - Required for broader strategic or site-specific objectives in planning policy or statutory duties. Less direct relationship with population increases, influenced by individual choices.
- Desirable Infrastructure:
 - Needed for sustainable growth but optional for short to medium-term development. Supports sustainable growth without immediate impact on development timelines.

Elmbridge District Council

<https://www.elmbridge.gov.uk/planning/community-infrastructure-levy-cil/cil-strategic-infrastructure-projects>

Approach to governance and spend.

Strategic CIL funds, which support the future growth of the borough from new development, are allocated to Borough-wide infrastructure projects via the Strategic Priority Programme (SPP) which follows the following annual process:

Draft Priority List:

- Creation of a draft Strategic Priority Programme (SPP) list.

Review and Recommendation:

- Strategic CIL Working Group will review the draft list in June and recommend funding priorities to the Cabinet. Cabinet finalises the SPP for the year.

Project Development:

- Infrastructure providers were notified of priorities and developed relevant projects for Strategic CIL funding application.

Application Review and Decision:

- SCILWG reviews applications in autumn and recommends funding allocations to the Cabinet, which makes final funding decisions.

Ongoing Review:

SPP reviewed by SCILWG, allowing for new project proposals based on annual priorities



Government

Association

Local Government Association

18 Smith Square

Westminster

London

SW1P 3HZ



BCKLWN Community Infrastructure Levy (CIL) Funding Policy

Formally approved by Cabinet xxxxxxxx – Author: Amanda Driver, Senior CIL Officer

Version No	Reason for update	Review Author	Review Date

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Draft Cabinet Report

Introduction

This document provides the Council's Policy requirements, relating to the allocation and spending of CIL.

This document will be read in conjunction with the Council's CIL Spending Strategy, which provides specific details relating to the funding criteria and processes.

Within this document, reference to the 'applicant', refers to the Organisation allocated CIL funding, not a specific individual.

CIL Funding Applications

This section of the document specifically relates to CIL funding allocated through an application process.

Award of funding

1. The allocation of the Community Infrastructure Levy (CIL) Infrastructure Fund is subject to the applicants' acceptance of these terms and conditions, and any other requirements prescribed by the Council, as well as the completion and return of the Funding Agreement.
2. Any award must be used exclusively for the delivery of the Project as set out in the application submitted.
3. The Project must be carried out and completed to the standard and specification stated within the application form.
4. If the Organisation awarded funding fails to comply with any of these terms and conditions, BCKLWN ('the Council') may withhold, vary, terminate, or require any or all of the CIL award to be repaid.
5. The CIL funding will be conditional upon the applicant obtaining any necessary building regulations and/or planning permission and any other consents or permissions as may be required.
6. The CIL funding is a one-off payment. The Council will not be responsible for any future maintenance, revenue liability or ongoing funding related to the application.
7. There is no right of appeal against an award, refusal or withdrawal of CIL funding.

Starting the project

8. The Project must commence within the period stated in the application. If this is not possible, the applicant must inform the Council, in writing, of when they will start the project and the reason for the delay for approval by the Council.
9. For the purpose of this document, commencement is defined as when the works relating to the delivery of the Project materially begin.
10. Works already completed or expenditure incurred prior to the Applicant's acceptance of the offer will not be funded.

Approved projects for CIL funding

11. The works that are the subject of the CIL funding must be carried out strictly in accordance with the details as described in the application submission and in accordance with these terms and conditions.
12. The Council reserves the right to carry out independent financial checks, where appropriate, and may withdraw the offer at its sole discretion if it considers the public funds may be put at risk.
13. If during the course of the work, the applicant finds it impracticable to carry out the work in accordance with what was approved, then changes must only be made after written approval has been given by the Council. Failure to do so may result in the withdrawal or withholding of the funding or requirement to repay any sums already provided by the Council.
14. Where requested by the Council, the applicant must provide a written statement, or an appropriate certificate of completion, and the Council must be satisfied that the work has been carried out in accordance with the attached application form before payment of the funding.
15. On completion of the project, for publicity purposes, the applicant agrees to submit photographs (with no copyrights) of the completed project and agrees that these may be used to promote the CIL funding allocations.

Payment of funding

16. Subject to these terms and conditions, the Council shall pay the funds to the Applicant only after completion of the project and the submission of verifiable invoices.
17. The original invoices/receipts need to be submitted to the Council as proof of purchase and/or expenditure.
18. The Applicant agrees and accepts that the payment of the funds can only be made to the extent that the Council has available funds.
19. The organisation applying for funding must have a bank account into which the Council will pay the funding. As part of the acceptance of the offer of funding, you will need to provide the bank account details including the sort code, account number and name on the account.
20. CIL funding equivalent to the Project costs as demonstrated in compliance with paragraphs 11 and 15 of this Policy is the maximum CIL funding awarded to this scheme. If the Project cost is lower than the amount stated in the attached application form, unspent monies cannot be used on matters not included in the Offer Letter.
21. There will be no obligation on the Council to increase its offer in the event of cost increases affecting the work approved in the Offer Letter.
22. The Applicant shall repay to the Council any money incorrectly paid to it, whether this resulted as of an administrative error or otherwise, within 28 days. This includes (without limitation) situations where either an incorrect sum of money has been paid or where monies have been paid in error before all conditions attaching to the funds have been complied with by the Applicant.

Withholding or recovery of payment

23. It is the Council's intention that the funds will be paid to the Applicant in full. However, without prejudice to the Council's other rights and remedies, the Council may at its discretion withhold or suspend payment of the funds and/or require repayment of all or part of the funds if:
- a) the Applicant uses the funds for purposes other than those for which they have been awarded.
 - b) the Council considers that the Applicant has not made satisfactory progress with the delivery of the Project in accordance with approved or reasonable timelines;
 - c) the Applicant is, in the reasonable opinion of the Council, delivering the Project in a negligent manner.
 - d) the Applicant obtains funding from a third party which, in the reasonable opinion of the Council, undertakes activities that are likely to bring the reputation of the Project or the Council into disrepute.
 - e) the Applicant provides the Council with any materially misleading or inaccurate information.
 - f) the Applicant commits or committed a prohibited act under the Bribery Act.
 - g) any member of the governing body, employee or volunteer of the Applicant has (a) acted dishonestly or negligently at any time and directly or indirectly to the detriment of the Project or (b) taken any actions which, in the reasonable opinion of the Council, bring or are likely to bring the Council's name or reputation into disrepute.
 - h) the Applicant ceases to operate for any reason, or it passes a resolution (or any court of competent jurisdiction makes an order) that it be wound up or dissolved (other than for the purpose of a bona fide and solvent reconstruction or amalgamation).
 - i) the Applicant becomes insolvent, or it is declared bankrupt, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due.
 - j) the Applicant fails to comply with any of the terms and conditions set out in this Agreement and fails to rectify any such failure within 30 days of receiving written notice detailing the failure.
24. The Council may retain or set off any sums owed to it by the Applicant which have fallen due and payable against any sums due to the Applicant under this Agreement or any other agreement pursuant to which the Applicant is a party of.
25. Where the Applicant receives or intends to apply to a third party for other funding for the Project, it will notify the Council in advance of its intention to do so and, where such funding is obtained, it will provide the Council with details of the amount and the purpose of that funding. The Applicant agrees and accepts that it shall not apply for duplicate funding in respect of any part of the Project.
26. If the Applicant receives funding from a third party either during the delivery or after completion of the project, which in the reasonable opinion of the Council duplicates any part of the CIL Funding, the Council reserves the right to recover that amount of funding from the applicant.

27. If the Project does not comply with the delivery timetable stated within the application form and Offer Letter, the Council reserves the right to revoke or recover the amount of the funding, or such other amount as it considers reasonable.

Compliance and insurance

28. The applicant must ensure compliance with all regulations and legislation relating to the project including equality, sustainability and health and safety.
29. The applicant must ensure appropriate and sufficient insurance cover, including public liability and employer liability applicable to the project.

Limitation of liability

30. The Council accepts no liability for any consequences, whether direct or indirect, that may come about from the Applicant running the Project, the use of the funds or from withdrawal of the funds.
31. The Applicant shall indemnify and hold harmless the Council, its employees, agents, officers or sub-contractors with respect to all claims, demands, actions, costs, expenses, losses, damages and all other liabilities arising from or incurred by reason of the actions and/or omissions of the Applicant in relation to the Project, the non-fulfilment of the obligations of the Applicant or its obligations to third parties.
32. Subject to clause 27, the Council's liability under these terms and conditions is limited to the payment of the funds.

Communication and monitoring

33. The Applicant must maintain regular communication with the Council, following the acceptance of the offer, as detailed within the Offer Confirmation Letter. The Applicant should provide regular updates and information on the project until it has been completed.
34. In any event the Applicant shall within 7 days after written request by the Council provide the Council with such information and documents as the Council may reasonably require, to enable the Council to verify that the Applicant has complied with its obligations under these terms and conditions.
35. The applicant must provide an annual return no later than 01 May each year, with information on the progress of the Project, within the previous financial year. This will ensure the Council is able to fulfil its monitoring requirements under the CIL Regulations 2010 (as amended Sept 2019).

Publicity for the project

36. The Applicant must acknowledge the support of the Council in any materials that refer to the Project, and in any written or spoken public representations about the Project, in a form or style agreed in advance with the Council.
37. Where the Council has provided the Applicant with any of its intellectual property rights for use in connection with the Project (including without limitation its name and logo), it shall only be used in accordance with reasonable brand guidelines.
38. The Council reserves the right to use images of the Project, resulting from the award of the CIL funding, as part of any publicity material that it may wish.

Freedom of information

39. The Applicant acknowledges that the Council is subject to the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs).
40. The Applicant shall:
 - a) provide all necessary assistance and cooperation as reasonably requested by the Council to enable the Council to comply with its obligations under the FOIA and EIRs;
 - b) transfer to the Council all requests for information relating to this agreement that it receives as soon as practicable and in any event within 2 working days of receipt;
 - c) provide the Council with a copy of all information belonging to the Council requested in the request for information which is in its possession or control in the form that the Council requires within 5 working days (or such other period as the Council may reasonably specify) of the Council's request for such information; and
 - d) not respond directly to a request for information unless authorised in writing to do so by the Council.
41. The Applicant acknowledges that the Council may be required under the FOIA and EIRs to disclose information without consulting or obtaining consent from the Applicant. The Council shall take reasonable steps to notify the Applicant of a request for information (in accordance with the Secretary of State's section 45 Code of Practice on the Discharge of the Functions of Public Authorities under Part 1 of the FOIA) to the extent that it is permissible and reasonably practical for it to do so but notwithstanding any other provision in this agreement) the Council shall be responsible for determining in its absolute discretion whether any information is exempt from disclosure in accordance with the FOIA and/or the EIRs.

CIL Funding – Strategic Projects

This section of the document specifically relates to CIL funding allocated to projects identified by Cabinet, as infrastructure to support development within West Norfolk.

The Project Lead Officer(s) will be responsible to managing the project in line with the Council's internal policies and procedures which will include procurement and legislative requirements, in addition to these terms and conditions.

Award of funding

- 42. Any award of CIL funding must be used exclusively for the delivery of the identified Project.
- 43. CIL funding will not be allocated for future maintenance, revenue liability or ongoing funding related to the Project.

Payment of funding

- 44. The Lead Project Officer(s) will be responsible for ensuring that all CIL expenditure is reported to the CIL Team.
- 45. The CIL Team will transfer the allocated CIL to the project Cost Code, on receipt of expenditure information.
- 46. Payment can only be made, to the extent that there are available CIL funds.
- 47. CIL funding equivalent to the Project costs as stated at the time of project allocation, is the maximum CIL funding awarded to this scheme.
- 48. If the Project cost is lower than the amount allocated, unspent monies cannot be used on matters not included in the original identified project.
- 49. There will be no obligation to increase the CIL allocated to the project, in the event of cost increases affecting the work.

Communication and monitoring

- 50. The Council's project lead must communicate with the CIL Team, by providing details of CIL expenditure, until such time that all of the allocated funds have been spent.
- 51. The Project Lead Officer(s) must provide an annual return no later than 01 May each year, with information on the progress of the Project, within the previous financial year This will ensure the Council is able to fulfil its monitoring requirements under the CIL Regulations 2010 (as amended Sept 2019).
- 52. Details of all CIL funds allocated and spent will be recorded in the Council's Annual Infrastructure Funding Statement.

Miscellaneous

- 53. The Council reserves the right to vary these terms and conditions. Such a right will be exercised by the Council acting reasonably.
- 54. No provision of these terms and conditions shall be enforceable or intend to confer any contractual benefit on any person under the Contracts (Rights of Third Parties) Act 1999.

55. Insofar as any clause or clauses of these terms and conditions are found (for whatever reason) to be invalid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of these terms and conditions.
56. All notices and other communications in relation to these terms and conditions shall be in writing and shall be deemed to have been given if personally delivered, emailed or mailed (first class postage prepaid) to the address of the relevant party, as referred to above or otherwise notified in writing. If personally delivered or if emailed all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5.00 pm on any working day they shall be deemed received on the next working day) and if mailed all such communications shall be deemed to have been given and received on the second working days following such mailing.
57. These terms and conditions shall not create any partnership or joint venture between the Council and the Applicant, nor any relationship of principal and agent, nor authorise any party to make or enter into any commitments for or on behalf of the other party.
58. No waiver (whether expressed or implied) by the Council or Applicant of any breach or default in performing or observing any of the covenants, terms, or conditions of these terms and conditions shall constitute a continuing waiver and no such waiver shall prevent the Council or Applicant from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.
59. These terms and conditions are governed by and interpreted in accordance with the laws of England and Wales



BCKLWN

Community Infrastructure Levy (CIL) Spending Strategy

Formally approved by Cabinet xxxxxxxx – Author: Amanda Driver, Senior CIL Officer

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Introduction

1. This document details arrangements by the Borough Council of King's Lynn and West Norfolk, for the allocation and spending of Community Infrastructure Levy (**CIL**).
2. This document will be read in conjunction with the Council's CIL Policy, which provides the Council's Policy requirements, relating to the allocation and spending of CIL
3. The Borough Council of King's Lynn and West Norfolk approved the introduction of the CIL in December 2016 and started charging on 15 February 2017.
4. CIL is:
 - a) charged on residential and retail developments, which add one or more new dwelling(s) or more than 100sqm of floor space.
 - b) charged at a rate per square metre and varies according to land use.
 - c) paid to the Borough Council by developers after their planning permissions are implemented.
 - d) just one funding stream that can be used, in conjunction with others, to fund infrastructure projects.
 - e) governed by the CIL Regulations 2010 (amended). In the Borough of King's Lynn and West Norfolk.
5. Alongside CIL, S106 obligations will still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing.
6. The Planning Practice Guidance¹ on the GOV.UK website further explains how CIL should be managed under the revised CIL Regulations.
7. The original parameters for the governance arrangements of CIL were agreed at Cabinet on 17 August 2020.
8. This CIL Spending Strategy aims to put in place processes and controls to ensure the effective management and transparency around reporting on CIL, and all developer contributions.
9. The governance arrangements will be reviewed periodically, to meet the Corporate Objectives and Priorities, by Cabinet.
10. The spending priorities (see below) are aligned to the Corporate Business Plan and will be amended accordingly to meet the infrastructure needs of the Council.

¹ <https://www.gov.uk/guidance/community-infrastructure-levy>

Background

11. CIL is paid on commencement of planning permissions that are CIL liable development, where exemptions or relief from CIL has not been granted.
12. Payments are usually made in instalments and can take up to 3 years to be received in full. Once received, the CIL payments are automatically split down into their statutory “pots” or funds:
 - a 5% Administration,
 - b 15% or 25% to parish councils (**Neighbourhood CIL**), and
 - c the remainder to the Borough CIL Fund (**Borough CIL**).

Neighbourhood (Parish) CIL

13. Under the CIL Regulations, the Neighbourhood CIL is passed to the town and parish councils every 6 months; on the 28th of April and the 28th of October. Only Neighbourhood CIL amounts received in the previous 6 months can be passed on, so areas where there is no new development commencing and thus paying CIL will not receive any Neighbourhood CIL.
14. Parish councils have 5 years from the date of receipt to spend the Neighbourhood CIL. Where there is not a parish council, then the funds are held and spent in consultation with the community, under the same terms as the town and parish councils spend.
15. Parish councils can choose to fund projects collaboratively where local infrastructure priorities are shared with other parish councils or other infrastructure providers, such as Health, Police, Highways, or Education. The CIL Regulations state that parish councils can spend their Neighbourhood CIL on:
 - 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.
16. Where town and parish councils have a Neighbourhood Plan made in their area, the expectation is that Neighbourhood CIL is prioritised and spent to deliver the projects identified in the Neighbourhood Plan.
17. This may mean that in some areas where the Neighbourhood Plan has identified health or education, or other strategic infrastructure as a priority infrastructure requirement, there will be the opportunity to collaboratively fund projects of this nature.
18. For those town and parish councils receiving 15% Neighbourhood CIL, they should consider the infrastructure needs of their area using a Parish Infrastructure Investment Plan (PIIP) to help understand, evidence and prioritise their infrastructure needs, and to focus Neighbourhood CIL spend.

Borough CIL

19. The Borough CIL:

- a) needs to be focused on infrastructure projects linked to the Local Plans.
- b) may take a number of years to collect enough funds for projects, as they come forward if they come forward ahead of the growth. There is no spending deadline for Borough CIL.

The key element to support delivery of timely infrastructure is monitoring commencements and sharing data with infrastructure providers.

20. The Borough CIL **must** be proportionate in the way that infrastructure projects are funded:

- a) where new housing and retail growth has commenced in areas; **and**
- b) infrastructure needs have been identified in the Local Plan, Neighbourhood plan and through the planning process.

20. The list of projects that have been allocated Borough CIL is reported within the Annual Infrastructure Funding Statement, together with information on their progress.

21. The previous CIL spending process related to the formative years for CIL and was an open opportunity to fund local projects, especially during a period where not much Neighbourhood CIL had yet been paid out to town and parish councils.

There is a risk that the past practice of funding local projects diminishes the projected funds and would leave developments without necessary infrastructure.

The CIL Expenditure Review

22. CIL expenditure processes have been under regular review since changes in the CIL Regulations that affect CIL collection, spending and reporting came into effect from 1 September 2019.

23. The current CIL expenditure review began by looking at the Revised CIL Legislation and the emphasis placed within the National Planning Policy Framework (NPPF) and the updated Planning Practice Guidance.

24. There is greater flexibility for parish councils' spending as detailed within the CIL Regulations, although any unspent Neighbourhood CIL still held after 5 years from the allocation date must be returned to the Council. Under the CIL Regulations, the Council would then spend this CIL to support new development in the area of the local council(s).

25. CIL should be viewed as a method to mitigate and support growth, and therefore its collection and spending is linked to a plan-led approach. There is a golden thread linking the requirements for how CIL can and should be spent, with the infrastructure identified within the Local Plan.

The 2019 changes in the CIL Regulations, supported by the NPPF and Planning Practice Guidance, emphasise the need to spend developer contributions (CIL and s106) to ensure that development is sustainable in planning terms.

26. There is now a legislative requirement for the Council to produce and publish an Annual Infrastructure Funding Statement which details those projects the Council is collecting CIL toward and planning to deliver, together with details of the expenditure for the financial year in relation to both s106 and CIL.
27. The Annual Infrastructure Statement is published by 31 December each year (relating to the previous financial year).
28. Previously, this Council has produced an Annual Infrastructure List, which detailed the types of infrastructure Borough CIL would support, not directly linked to the Local Plan or Corporate Project requirements.
29. The Infrastructure Funding Statement places a greater emphasis towards the projects identified from the growth detailed in the Local Plan. This means more focus on working with statutory infrastructure providers to identify projects needed to be delivered, as indicated through the Local Plan, Neighbourhood Plans and identified through planning applications.
30. The new CIL Spending Strategy will prioritise the allocation of CIL funds;
- a to infrastructure projects that will make development within the local plan sustainable in planning terms; **and**
 - b to projects that are demonstrably deliverable and are ready to be included on the Annual Infrastructure Funding Statement.

**If we do not do this,
the risk is that the development coming forward
will not be sustainable in planning terms**

The New CIL Spending Process

31. Borough CIL spend will need to initially focus on the infrastructure already identified through the local plan and communicated within the planning process.
32. The spending process will ensure:
 - a. Borough CIL funding is secured or ringfenced to deliver selected projects in a timely manner; **and**
 - b. Priority projects for Borough CIL funding are identified; **and**
 - c. Project progress will be communicated within the Infrastructure Funding Statement, which is a requirement in the CIL Regulations 2010 (as amended).
33. The first Infrastructure Funding Statement ² was produced and published by 31 December 2020. Towards the end of each year a new Infrastructure Funding Statement will be published.
34. Town and parish councils will be encouraged to look at their local infrastructure needs, and to plan delivery of local projects using their Neighbourhood CIL.
35. Where local priorities have been identified and Neighbourhood CIL has been received in the area, Neighbourhood CIL should be directed to these projects and used as match funding for any application submitted for infrastructure funding.
36. It should be noted that the CIL Regulations give town and parish councils 5 years from the date of receipt in which to spend Neighbourhood CIL.
37. As well as being clear about what CIL could be used for, it is equally as important to be clear about the project costs that Borough CIL cannot fund.

**The new CIL Spending Strategy
will prioritise and safeguard Borough CIL Strategic and Local funds,
for recognised infrastructure to support growth.**

² https://www.west-norfolk.gov.uk/info/20223/cil_financial_reports/687/cil_infrastructure_funding_statements

The allocation of CIL to infrastructure projects should not be viewed as ‘money to support local projects’ or as an even share of funding.

CIL will NOT fund

38. The following will no longer be considered as appropriate spend from Borough CIL:
- a Up front funding for feasibility studies and professional fees, where there is no guarantee that the infrastructure would be delivered; **or**
 - b Infrastructure replacement or improvements in areas where there are no major developments commencing and there is limited growth; **or**
 - c Infrastructure that is not supported by lead statutory bodies, for example, traffic calming or pedestrian crossings if these are not considered as required infrastructure by the Highways Authority, projects within education settings (including Academy and other school or early years settings) that are not supported by Norfolk County Council; **or**
 - d Ongoing operational or maintenance costs; **or**
 - e VAT where this can be reclaimed.

Priorities for Funding Infrastructure Projects

39. In order to understand which infrastructure should be prioritised for funding from the Borough CIL, the Spending Panel will need to use a prioritisation framework.
40. In this way the council will be able to consider those projects that have not been captured in the Local Plans or Neighbourhood Plans.
41. Where town or parish councils have a ‘made’ Neighbourhood Plan and they receive 25% of the CIL collected from commenced development, this funding should be prioritised towards the infrastructure highlighted within the Neighbourhood Plan.

By releasing Borough CIL funding, we can achieve infrastructure provision through collaborative spend (i.e. other grant funding, Community Partnership/Locality funding, government funding, neighbourhood CIL and crowd funding/donations)

To ensure transparency, it will be essential, to demonstrate links with the demands of a growing population and the need for the infrastructure project.

Borough CIL Allocations

42. The Borough CIL Fund is separated into 2 specific project types for the following reasons:

- a to enable the funding to meet wider borough infrastructure requirements,
and
- b to support local community infrastructure needs

Each project group is allocated a percentage of the CIL income as follows:

Local CIL Fund 20% - Local Infrastructure Projects

- identified through an application process
- project funding between £10k and £100k
- applications reviewed and selected by the CIL Spending Panel

Strategic CIL Fund 80% - Large Scale Infrastructure Projects

- no application process
- officers from across the council will work with Cabinet members to review the list of identified infrastructure projects, to ensure that the CIL Spending Strategy operates accordingly.
- projects selected from the Council's Corporate Project Programme, in line with Corporate Objectives and Local Plan
- spending panel will have delegated responsibility to select and allocate CIL funding up to £100k to any project(s) from the prepared list.
- spending panel may make recommendations of projects over £100k to Cabinet.
- any Strategic Project above £100k - decision making will rest with Cabinet.

Support for £0 CIL Rated Strategic Sites

43. In areas where there is significant growth from strategic sites and these sites are zero-rated for CIL as detailed in the adopted Charging Schedule³, the Borough Council will work with the affected town and parish councils to understand infrastructure needs/priorities, and help them to access Borough CIL for relevant priority projects.
44. Where infrastructure projects accord with the CIL Regulations, the Council is aware this could mean that a project may not be 'match funded' with existing Neighbourhood CIL or other funds.
45. Where several parishes are affected by zero-rated strategic sites, all councils should work together to support and fund the delivery of local infrastructure projects.
46. Parishes/Town Councils and Parish Meetings will be encouraged to produce an Parish Infrastructure Investment Plan (PIIP), to identify infrastructure to support new development.
47. Where projects accord with a PIIP or a Neighbourhood Plan, and direct links between the infrastructure and the strategic growth can be demonstrated, and the project accords with CIL Regulations, there will be a presumption in favour of supporting the project. This will need to be tracked alongside housing delivery and the cumulative spend in each area will be reviewed and form a key consideration.

Local Infrastructure Projects

Infrastructure Projects - seeking funding no less than £10k, but no more than £100k

- 48 The Council will publish details of when the application window will open and close.
- 49 Applications will be reviewed and allocated funds by the CIL Spending Panel.
- 50 20% of the Borough CIL amount is allocated as a ceiling level of funding, to put into the Local CIL Fund;
 - a the 20% ceiling value of Local Infrastructure funding will be reviewed annually.
 - b where the Local CIL Fund has not all been allocated in that funding period, any remaining funds will be ringfenced and added to the 20% available for the next bid round.

It is important that applications for CIL funds are robust, relate to projects that are deliverable, and that all avenues for collaborative funding have been explored.

³ https://www.west-norfolk.gov.uk/info/20201/cil_charges_and_payments/543/charging_schedule

Principles of Local CIL Allocations

51. There are a few key principles to bear in mind when considering applying for funding from CIL:
- a The infrastructure supports new housing and/or employment growth
 - b Timeliness - has the new housing for which the infrastructure is required started?
 - c The benefits of the infrastructure are clear
 - d The infrastructure is capable of being used by the wider community
 - e The infrastructure proposed represents value for money
 - f The infrastructure should be new or if being enhanced there must be some additionality in what facilities and/or services are being provided
 - g Deliverability can be demonstrated
 - h The project has community support, demonstrated through evidence of meaningful engagement
 - i Feasibility studies will only be funded when they form part of a fully costed project that is ready to be immediately delivered – feasibility studies alone do not produce infrastructure
 - j Where the infrastructure is provided by a statutory partner, they must agree the project is required and have the project tabled into their delivery plans
 - k Borough CIL Funds may be applied for by the infrastructure provider where this is delivered by or through a statutory partner such as Highways, Education, Health or Police
 - l A suitable package of measures has been identified, which allows for funding of ongoing maintenance of the infrastructure, in order to secure continued use
 - m The timing of delivery of the project is clear and payment stages are defined
 - n Costings must be clearly defined, and evidence based
 - o Submission of at least 3 quotes (from different providers) or quantity surveyors costings in accordance with the Contract Standing Orders and the Request for Quotation processes
 - p Where VAT can be claimed back, this should be clear and discounted from costings
 - q All avenues for collaborative spend have been explored – e.g. grants, other government funding, County Council, District, Parish, Neighbourhood Parish CIL, community fundraising, crowd funding
 - r There is certainty around other funding sources.

Local CIL applications **MUST**

52. Local Infrastructure applications will be considered on a case-by-case basis and **MUST** meet **ALL** of the following:
- a be located in or close to areas where new developments are coming forward (granted permissions have commenced or are about to commence); **and**
 - b increase the provision, capacity or function to benefit a growing community; **and**
 - c take into consideration inclusivity and accessibility; **and**
 - d be deliverable in the short term (within 2/3 years); **and**
 - e be supported by the submission of evidence to confirm the finance arrangements (quotes or procurement process and match funding); **and**
 - f have written support of the Ward Member(s).
53. The CIL Local Funding Application is an online process— details relating to how to apply will be published on the CIL webpages.

Local CIL Applications **SHOULD**

54. Local Infrastructure applications will be considered on a case-by-case basis and **SHOULD** meet the following:
- a be partly funded through Neighbourhood Parish CIL or have a minimum of 50% match funding guaranteed
 - b be identified through a Parish Infrastructure Investment Plan (PIIP), Neighbourhood Plan or provide equivalent evidence to demonstrate feasibility

CIL Funding Application Review

55. Only valid Local Funding applications will be considered by the CIL Spending Panel.
56. Where applications are made by statutory infrastructure providers, such as Police, Health, Highways and Education, these should not require further evidence of value for money since procurement frameworks are reviewed, ensuring best value is achieved. The expectation is that the project will form part of the relevant organisations' Capital Programmes. These bodies are required to report on the use of developer contributions, for transparency.
57. Where applications are made by local councils and other community or charitable bodies, these will have greater information requirements. This will ensure best value is obtained, clarity on funding sources, and to further understand subsidy implications.
58. The CIL Spending Panel may recommend that applications submitted by statutory partners be given an approval "in principle" decision, to allow CIL funding to be allocated to the project until such time as the project can then progress. This would only apply to applications where planning permission or other minor barrier prevents the application from being valid, and where the project will commence within 6 months of the "in principle" decision.

CIL Funding Applications - Validation Process

59. Local Project CIL Funding Applications will not be validated if the project does not meet **ALL** of the '**MUST**' criteria as detailed above.
60. All Local Project application forms must be completed in full, with at least 3 quotes from different suppliers. All quotes must relate to the same specification of works/materials (like-for-like).
61. If the project requires sourcing of different materials/contractors, 3 quotes for each material/contractor will be required.
62. If further information is required, a failure to provide this in a timely manner will delay the application from validation.
63. Where information is not provided by deadlines set within this process, the likelihood that the application will be rejected will be increased.

Local CIL Funding Notifications

64. If your application has been confirmed as being valid by the CIL Team, the CIL Spending Panel will review and allocate funding at their calendared meeting.
65. Once the CIL Local Fund has been allocated, the results will be published on the Council public facing digital platform (Exacom).
66. All applicants will be notified in writing, via email, of the Spending Panel's decision.

There are no grounds of appeal, as all decisions are final.

Strategic Project Identification

67. Projects will be selected from the Council's Capital Projects Programme from Tiers 1 to 3.

Capital Tiering (May 2025)

Tier 1 – Major Projects/schemes that are approved by Cabinet/Council to go live/are in progress.

Tier 2 – Operational Projects that are approved by Cabinet/Council to go live/are in progress.

Tier 3 – Projects and schemes awaiting detailed consideration by Cabinet or Council before transition to go live under either Tier 1 or 2.

68. A list of eligible Capital Projects that meet the definition of 'infrastructure to support development' will be produced and presented to the CIL Spending Panel.
69. Officers from across the council will work with Cabinet members to review the list of identified infrastructure projects, to ensure that the CIL Spending Strategy operates accordingly.

Strategic Infrastructure Projects – Allocation of funding

Projects already identified as infrastructure to support development

70. 80% of CIL Borough Funds will be allocated to Strategic Infrastructure Projects.
71. Projects will be identified and classified into 3 categories, as detailed below.

Essential Infrastructure

72. The Spending Panel may select projects up to £100k and Cabinet will select projects over £100k from any/all of the criteria as follows:
- a Infrastructure is necessary to support an approved development (proposed developments with planning permission granted) in order that development carried out is sustainable
 - b Is identified in the Infrastructure Delivery Framework of the Local Plan, is identified in a Neighbourhood Plan or Corporate Strategy as a priority
 - c Represents key infrastructure as identified in the Local Plan, Neighbourhood Plan or Infrastructure Delivery Plan (IDP)
 - d The identification of need must demonstrate that the time of delivery for funding is correct.

Desirable Infrastructure

- a The provision of this infrastructure addresses a current inadequacy in infrastructure terms and the benefits of the infrastructure are clear
- b The infrastructure is identified as 'desirable' or a 'priority' in the Local Plan or Neighbourhood Plan or recent Parish Infrastructure Investment Plan (PIIP)
- c Neighbourhood CIL funding has been formally allocated to fund the project

Beneficial Infrastructure

- d It would allow infrastructure to be delivered through collaborative funding with Borough CIL.
- a. By provision of infrastructure, would unlock **further opportunities** within the Borough for housing and employment growth – e.g. the relocation of a Community Centre or similar infrastructure to a new building which would be mostly funded through the sale/re-use of the land as residential or business use and there are adequate facilities in the area to serve the development.
- b It is infrastructure which has not previously been identified as essential, or desirable in the Local Plans or within a Neighbourhood Plan, but a clear link can be identified in supporting the sustainability of the Local Plan.
- c It is infrastructure which addresses a recently unexpected shortfall in infrastructure or community provision accounted for as having an influence on the sustainability of a community in the Local Plan. - e.g. *closure of a pre-school facility and the need for a replacement, or the more rapid adoption of the use of electric vehicles or other beneficial environmental infrastructure or technologies.*

Borough CIL Funding - Decision Making Processes

73. The CIL Spending Panel have delegated powers to allocate funding up to £100k.

74. Meetings will be held at least once per year:

- a **Strategic CIL funded projects**
 - i Up to £100k - will be selected by the CIL Spending Panel, from projects already identified by the Council as necessary infrastructure to support development. Over £100k projects may be recommended by the Spending Panel to Cabinet.
 - ii Over £100k - will be selected by Cabinet.
- b **Local CIL Applications** – will be reviewed and funding allocated by the CIL Spending Panel.

75. The CIL Spending Panel is not a forum for presentations from potential funding applicants, or promotion of local projects by members of the group, substitutes, or other invited member attendance.
76. The CIL Spending Panel is not a forum for appeals against Borough CIL funding decisions.
77. **All CIL Spending Panel funding decisions are final.**

<p>It is important to recognise that large infrastructure projects may require CIL to be built up over a period of time.</p>

Exacom – Developer Contribution Digital Solution

78. The Revised CIL Regulations place new demands in relation to recording developer contributions and reporting on both S106 and CIL. As a result, information and services must be provided more digitally.
79. The Council have implemented a digital solution, using Exacom software, in order to provide an efficient and effective service, and to meet statutory requirements.
80. The digital solution for managing developer contributions will:
 - a enable the council to safeguard West Norfolk CIL Funds,
 - b give an opportunity to the public, developers, infrastructure providers, local councils and other key stakeholders who will be able to understand the infrastructure that is being delivered through developer contributions,
 - c publicly present the amount of unspent or uncommitted CIL that the council holds.
81. The allocation of funds in this way will require periodic review and annual reporting on the “approved projects” that will be the focus of the Infrastructure Funding Statement.



Terms of Reference: CIL Spending Panel

The CIL Spending Panel is a sub-committee of Cabinet.

1. Community Infrastructure Levy (CIL) Spending Panel will be required to work with officers to review and select projects for CIL Infrastructure Funding;
 - a **Local Infrastructure Funding Applications** - to consider the relevance of applications in terms of the objectives of CIL through making development sustainable in planning terms. Approvals are at a maximum CIL funding of £100k per project.
 - b **Strategic Infrastructure Projects** – to consider the wider infrastructure requirements to support growth in West Norfolk.
2. Consider the findings of evidence-based documents to inform funding decisions.
3. Act as a focal point for knowledge and information about the application of CIL to infrastructure projects.
4. Receive progress updates on the delivery of CIL funded infrastructure projects, as appropriate.
5. Scrutinise and have input into the review of the CIL Spending Strategy, to ensure compliance with regulatory requirements and the continued delivery of infrastructure to support growth in West Norfolk.
6. The CIL Spending Panel will meet at least 3 times a year, subject to business.
7. Vice Chair to be elected at the first meeting of the municipal year.
8. The CIL Spending Panel maintains a standing invite to relevant officers responsible for the delivery of infrastructure and other local authority or representatives, and organisations will also be invited as and when appropriate.



Stage 1 - Pre-Screening Equality Impact Assessment

For equalities profile information please visit [Norfolk Insight - Demographics and Statistics - Data Observatory](#)

Name of policy/service/function	Community Infrastructure Levy Funding Policy (Existing) & CIL Spending Strategy (New) -- Planning					
Is this a new or existing policy/service/function? (<i>tick as appropriate</i>)	New	<input checked="" type="checkbox"/>	Existing	<input checked="" type="checkbox"/>		
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.	Amendment to CIL Governance Document to meet legislation changes and to align with the Corporate Objectives. CIL spend is constrained by CIL Regulations 2010 (as amended) Reg 59.					
Who has been consulted as part of the development of the policy/service/function? – new only (<i>identify stakeholders consulted with</i>)	Planning Advisor Service, CIL Spending Panel, Exec Director Planning, Planning & Policy Officers, Legal and Audit.					
Question	Answer					
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group. NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p> <p><i>*For more information on health inequalities please visit The King's Fund</i></p>		Positive	Negative	Neutral	Unsure	
	Age	<input checked="" type="checkbox"/>				
	Disability	<input checked="" type="checkbox"/>				
	Sex			<input checked="" type="checkbox"/>		
	Gender Re-assignment			<input checked="" type="checkbox"/>		
	Marriage/civil partnership			<input checked="" type="checkbox"/>		
	Pregnancy & maternity			<input checked="" type="checkbox"/>		
	Race			<input checked="" type="checkbox"/>		
	Religion or belief			<input checked="" type="checkbox"/>		
	Sexual orientation			<input checked="" type="checkbox"/>		
	Armed forces community			<input checked="" type="checkbox"/>		
	Care leavers			<input checked="" type="checkbox"/>		
	Health inequalities*			<input checked="" type="checkbox"/>		
	Other (eg low income, caring responsibilities)			<input checked="" type="checkbox"/>		
<p>Please provide a brief explanation of the answers above:</p> <p>80% of funding will be allocated to Corporate Projects, that should have already been through the EIA Process.</p> <p>20% will be allocated by the CIL Spending Panel through an application process. The new CIL Spending Strategy requires decisions to be made, taking into consideration inclusion & diversity.</p>						



Every application must meet specific criteria, which relates to supporting new development as required within CIL Reg 59 and each project must increase provision/capacity or provide additionality of function.

Each application will also include details of how need has been identified and how the project will benefit the community. The Spending Panel will make their funding decisions based on this information.

Applications will positively impact age and disability, as applications will be viewed favourably if they include improvements to or creation of accessible facilities including open space play areas and community buildings.

Question	Answer	Comments
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	Legal & Audit have been consulted to ensure the CIL documents align with the Council's Procedures. Any constituted body may apply for CIL Funding, if their project will support new development.
3. Could this policy/service be perceived as impacting on communities differently?	No	Projects should have a positive effect by improving or enlarging facilities for all.
4. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	N/A	Actions: Actions agreed by EWG member:
If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary: Decision agreed by EWG member:		
5. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	Please provide brief summary:
Assessment completed by:		
Name	Amanda Driver	
Job title	Senior CIL Officer	
Date completed	05/08/2025	
Reviewed by EWG member	Amy Pearce	Date 07/08/2025

✓ Please tick to confirm completed EIA Pre-screening Form has been shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)

Document is Restricted

REGENERATION AND DEVELOPMENT PANEL WORK PROGRAMME 2025/2026

DATE OF MEETING	TITLE	TYPE OF REPORT	LEAD OFFICER/ ATTENDEE	OBJECTIVES AND DESIRED OUTCOMES
4th June 2025 at 6pm	Appointment of Vice Chair for the Municipal Year	Operational	Democratic Services Officer	
	Appointments to Task Groups and Informal Working Groups	Operational	Democratic Services Officer	To review and select Members to sit on groups established by the Panel
	Work Programme and Cabinet Forward Decisions List	Standing Item		
	Report from Transport Informal Working Group	Update Report	Duncan Hall	To receive feedback from the Transport Informal Working Group
1st July 2025 at 6pm ADDITIONAL MEETING	Cabinet Report – The Guildhall and Creative Hub	Cabinet Report		To consider the report and make any appropriate recommendations to Cabinet.
9th July 2025 at 6pm	EXEMPT Cabinet Report – Sale of Land	Cabinet Report	Jason Birch	To consider the report and make any appropriate recommendations to Cabinet.
	Work Programme and Cabinet Forward Decisions List	Standing Item		
	Custom and Self Build Policy Development Task Group	Operational	Duncan Hall	As requested by the Panel at the meeting in June a report to decide if the Task Group should be disbanded.
9th September 2025 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			

	Work Programme and Cabinet Forward Decisions List	Standing Item		
	Draft King's Lynn Transport Strategy	Cabinet Report	Jemma Curtis	To consider the report and make any appropriate recommendations to Cabinet.
	King's Lynn Enterprise Park	Cabinet Report	Duncan Hall	To consider the report and make any appropriate recommendations to Cabinet.
	CIL Governance	Cabinet Report	Amanda Driver Hannah Wood-Handy	To consider the report and make any appropriate recommendations to Cabinet.
	STARS Gyratory Plus scheme	Update	Ian Parkes	To provide an update to the Panel
	Hardwick Road Bus Lane	Update	Ian Parkes Niki Parks	To provide an update to the Panel
14th October 2025 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			
	NORA Access Road			
	Anglian Water		Stuart Ashworth/ Anglian Water Representative	As requested by the Chair
	Work Programme and Cabinet Forward Decisions List	Standing Item		
18th November 2025 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			
	Work Programme and Cabinet Forward Decisions List	Standing Item		
	Tourism Action Plan Annual Update	Annual Update		Last update was in November 2024

13th January 2026 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			
	Work Programme and Cabinet Forward Decisions List	Standing Item		
10th February 2026 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			
	King's Lynn Transport Strategy	Cabinet Report	Jemma Curtis	To consider the report and make any appropriate recommendations to Cabinet.
	Work Programme and Cabinet Forward Decisions List	Standing Item		
10th March 2026 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			
	Work Programme and Cabinet Forward Decisions List	Standing Item		
31st March 2026 at 6pm	Cabinet Reports which fall within the remit of the Panel – to be confirmed			
	Work Programme and Cabinet Forward Decisions List	Standing Item		

To be scheduled

- Heacham Beach Development opportunities
- Hunstanton Masterplan Update including Car Parking
- Housing Delivery Strategy
- King's Lynn Transport Strategy
- Update on Section 106 Agreements – request from Councillor Bubb.
- Southgates Masterplan – June 2025
- Guildhall Project Progress Update
- Styleman Court – Post Project Evaluation
- Florence Fields Tenure Mix

- Anglian Water - press/media coverage that they are objecting to Planning Applications because of the inability to cope with new development
- Downham Market Railway Station and use of Council Owned Land for additional parking.
- Update on STARS
- Review of the recommendations put forward by the Markets Task Group.

1-Sep-25


FORWARD DECISIONS LIST

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
16 September 2025	CIL Governance	Non	Cabinet	Planning and Licensing Asst Dir – S Ashworth		Public
	Q1 2025-2026 Performance Management Report	Non	Cabinet	Leader Chief Executive		Public
	LGR Business Case	Key	Council	Leader Chief Executive		Public
	Adoption of Playing pitch and Sports facilities strategy	Non	Council	Deputy Leader and Business Asst Dir – R Allan		Public
	Review of Constitution	Non	Council	Leader Monitoring Officer		Public
166	Cemeteries	Key	Cabinet	Parking and Open Spaces Asst Dir - Operational & Commercial		Private
	Recommendations from the Regeneration and Development Panel – Transport Informal Working Group	Non	Cabinet	Planning and Licensing and Leader of the Council Assistant Director Duncan Hall		Public
	Quarter 1 Budget Monitoring Report	Non	Cabinet	Finance Asst Dir – Finance		Public
	Heacham Beach Huts	Non	Cabinet	Business Asst Dir – Property		Exempt

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 November 2025						

1-Sep-25

	Plan for Neighbourhoods Fund	Non	Council	Leader Asst Director – Regeneration, Housing and Place		Public
	Local Nature Recovery Strategy (Adoption)	Non	Council	Climate Change and Bio Diversity Asst Dir – S Ashworth		Public
	Safeguarding Policy	Non	Council	Corporate Services People & Communities		Public
	NORA Access Road	Non	Cabinet	Deputy Leader Asst Director – Regeneration, Housing and Place		Public
	Padel Tennis	Non	Council	Deputy Leader and Business Asst Dir – R Allan		Public
	Scrutiny Review	Non	Council	Leader Monitoring Officer		Public

 Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
9 December 2025						
	Q2 2025-2026 Performance Management	Non	Cabinet	Leader Chief Executive		Public
	King's Lynn Enterprise Park	Non	Cabinet	Business and Culture Asst Dir – D Hall		Public
	Risk Strategy and Policy Report	Non	Cabinet	Leader Monitoring Officer		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
3 rd February 2026 (BUDGET)						

1-Sep-25

	Budget	Key	Council	Leader S151 Officer Asst Dir Resource		Public
	Capital Programme	Key	Council	Leader S151 Officer Asst Dir Resource		Public
	Treasury Management Strategy	Key	Council	Leader S151 Officer Asst Dir Resource		Public
	Capital Strategy	Key	Council	Leader S151 Officer Asst Dir Resource		Public

Date of meeting	Report title	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
4 th February 2026 (NON- BUDGET)						
168	Q3 2025-2026 Performance Management	Non	Cabinet	Leader Chief Executive		Public
	King's Lynn Transport Strategy	Key	Council	Planning and Licensing Asst Dir D Hall		Public

Items to be scheduled

	Custom and Self Build Site – Stoke Ferry	Non	Cabinet	Regeneration and Development Assistant Director - D Hall		Public
	Overnight Campervan parking in Hunstanton	Non	Cabinet	Leader Asst Director – M Chisholm		Public
	Florence Fields – Tenure Mix	Non	Council	Deputy Leader		Part Public and part Private- Contains exempt Information under para 3 – information relating to the business affairs of

						any person (including the authority)
	Article 4 Direction	Non	Cabinet	Regeneration and Development Assistant Director – S Ashworth		Public
	Empty Homes Strategy Review	Key	Council	People and Communities Asst Dir M Whitmore		Public
	King's Lynn Town Football Club	Non	Cabinet	Property		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
169	Housing Assurance Strategy	Non	Council	People and Communities Asst Dir M Whitmore		Public
	Domestic Abuse Tenants/Residents Policy and Domestic Abuse Intersectionality Policy	Non	Council	People and Communities Asst Dir - D Hall		Public
	IT Hardware Refresh	Key	Cabinet	Finance Assistant Director - Corporate Services		Private

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