

BCKLWN

CIL Governance and Spending Policy Document 2024

Approved by Cabinet 05 December 2023

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1 Introduction

1.0.1 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.

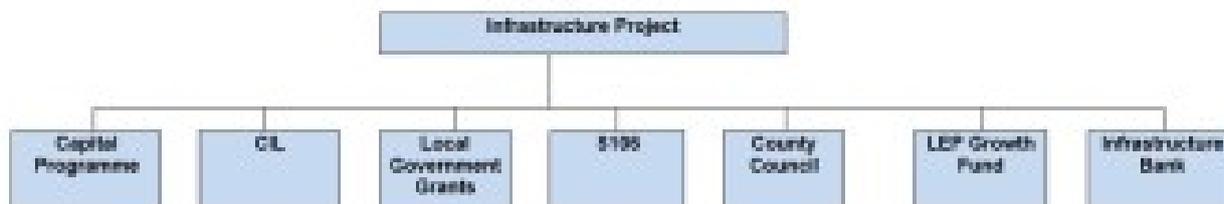
1.0.2 CIL is paid to the Borough Council by developers after their planning permissions are implemented.

1.0.3 CIL 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.

1.0.4 CIL is charged at a rate per square metre and varies according to land use.

1.0.5 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. Examples of how infrastructure projects can be funded can be seen in Figure 1.

1.0.6 Funding Streams



1.0.7 This document details the governance arrangements in place at the Borough Council of King's Lynn and West Norfolk, for the allocation and spending of CIL.

1.0.8 The original parameters for the governance arrangements of CIL were agreed at Cabinet on 17 August 2020.

1.0.9 The governance arrangements will be reviewed on an annual basis, to meet the Corporate Objectives and Priorities, by Cabinet.

1.0.10 This document is based on the 7 'Appendix 1 - CIL Annual List of Infrastructure Projects' and is applicable for the financial year 2024

1.0.11 The spending priorities (as aligned to the Corporate Business Plan) will be reviewed on an annual basis.

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1.1 Statutory Requirements

1.1.1 Under CIL, the Borough Council will act as the designated Charging Authority.

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

- Prepare and publish the CIL Charging Schedule
- Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area
- Report on the amount of CIL revenue collected, spent and retained each year.

1.1.3 The Council are required under [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#), to produce a statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.

1.1.4 This is referred to as the Community Infrastructure Levy List of Infrastructure Projects and replaces the Regulation 123 list (R123 list).

1.1.5 CIL money collected may only be allocated to and spent on these types of infrastructure.

1.1.6 The Borough Council's Annual List of Infrastructure Projects and Annual Infrastructure Funding Statement detailing CIL receipts, balances and expenditure for each financial year can be found on the Council's CIL webpages at https://www.west-norfolk.gov.uk/homepage/276/cil_financial_reports.

1.2 What can CIL be spent on

1.2.1 CIL Regulations set the context for the spending of CIL funds on infrastructure. The regulations encourage the accumulation of CIL funds into a 'pot'.

1.2.2 Unlike other obligations or charges, CIL spending does not need to be directly related to the donor development and can address infrastructure needs in general across the Borough Council's administrative area.

How CIL is proportioned and allocated

1.2.3 As per the CIL Regulations and Guidance, CIL is proportioned and allocated using the following approach:

- 5% is retained by the Borough Council of King's Lynn and West Norfolk to cover administrative costs (including consultation on the levy charging schedule, enforcing CIL, legal costs and reporting on CIL activity)
- 15%, known as the Neighbourhood Allocation, is established for spending within the neighbourhood of contributing development (up to a maximum of £100 per existing

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Council Tax dwelling). This allocation can either be transferred to the relevant Parish Council or retained by the Borough Council to be spent on neighbourhood projects where the development is not in a Parish. This allocation rises to 25% when a Parish has a Neighbourhood Plan in place.

- 80%, known as the CIL Infrastructure Fund, is retained by the Borough Council, to allocate to projects in accordance with the Council's Infrastructure List, which is reviewed annually, and in line with the agreed CIL Governance arrangements.

For example:

If £1,000 is received it would be distributed as follows:

- Where 1% = £10
- 5% Admin = £50
- 15% (without Neighbourhood Plan) = £150 **or** 25% (with Neighbourhood Plan) Parish Payment = £250
- the remaining sum is placed in the CIL Infrastructure fund 80% = £800 or 70% (with Neighbourhood Plan) = £700

It is very unlikely that CIL will generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development. As such, there will be competing demands for this funding. With this in mind, it is important to ensure that there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way.

1.2.4 The sections that follow set out the Governance Arrangements and approach for how decisions are made on the prioritisation and spend of the CIL Infrastructure Fund.

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2 What is Infrastructure

Definition of Infrastructure

2.0.1 The infrastructure of a country, society, or organization consists of the basic facilities such as transport, communications, power supplies, and buildings, which enable it to function.

CIL Regulation Key Points

2.0.2 The key points set out by the CIL Regulations and Guidance relating to CIL funding are:

- CIL should be spent on infrastructure including: roads and other transport, schools and other education, community facilities, health, sport / recreation and open spaces
- The infrastructure funded **must support the development of the area**
- CIL can be used to increase the capacity of existing infrastructure or to repair failing infrastructure, if needed to support development
- CIL and Section 106 should not be secured to fund the same infrastructure project e.g. Social/Affordable Housing

Government Guidance

Government have provided additional information: Extract from: <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>:

2.0.3 *The levy can be used to fund a wide range of infrastructure, including transport, flood defences, schools, hospitals, and other health and social care facilities. This definition allows the levy to be used to fund a very broad range of facilities such as play areas, open spaces, parks and green spaces, cultural and sports facilities, healthcare facilities, academies and free schools, district heating schemes and police stations and other community safety facilities.*

2.0.4 *Local authorities **must spend the levy on infrastructure needed to support the development of their area**, and they will decide what infrastructure is needed.*

2.0.5 *The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.*

2.0.6 Non-CIL Projects

2.0.7 The following applications will **not** be considered for CIL Funding:

- Projects in areas with no development, which will not benefit the wider community or support new development
- Improvements to private enterprises/charitable or community facilities, which will not increase capacity

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2.0.8 What is NOT Infrastructure

2.0.9 The following projects will not be considered for CIL Funding, as they do not fall within the definition of infrastructure to support new development:

2.0.10 The Provision of Services:

2.0.11 Service is described in the Oxford English Dictionary as *“the action of serving, helping, or benefiting; conduct tending to the welfare or advantage of another;*

2.0.12 Examples of services which will not be considered as infrastructure are:

- Payments to individuals/businesses which will not specifically related to new development
- Staffing costs
- Ongoing costs, to maintain the project, once it has been completed

2.0.13 Non_Infrastructure Projects:

- Projects that do not increase the capacity of a facility/building or structure
- Projects that relate to sundry items - miscellaneous small items or works that do not fit within the definition of infrastructure

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3 Governance Arrangements

3.0.1 The estimated annual income of CIL is 1 million pounds.

All projects must:

- **start within 1 year, from when funding is formally allocated AND be completed within 5 years**
- **or as stated on the funding application.**

3.0.2 In order to aid the organisation, checking and decision making, the Borough Council has set up a CIL Spending Panel.

CIL Spending Panel

3.0.3 The CIL Spending Panel is formed from elected Councillors and assisted by Officers and reports to Cabinet.

3.0.4 The CIL Spending Panel are required to:

- review the funding applications received
- make recommendations for suitable project spending
- monitor project spend and progress.

Criteria for Funding Selection

3.0.5 The Spending Panel will review each application and base their decision on the following:

3.0.6 Project Scoring

- filter the projects based on BC Officers' scoring
- take into consideration Management Team recommendations
- prioritise the projects with the highest scoring;

3.0.7 When there are more project applications, than CIL Funding available, the Spending Panel will take into consideration:

- the amount of development in the relevant area, based on planning application history, **to identify need for infrastructure**
- the amount of CIL Neighbourhood Parish money retained and unallocated
- the amount of CIL Funding already received relating to the area and/or project, to allow funding to be allocated to areas with less funding

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3.0.8 The Panels role in the Governance Framework, is shown in Appendix 2 - 8 'Appendix 2 - CIL Governance Framework'

3.0.9 The current list of eligible spending is detailed in Appendix 17 'Appendix 1 - CIL Annual List of Infrastructure Projects', and may change in subsequent years.

3.0.10 Cabinet will review and decide on amended priorities, as appropriate, on an annual basis.

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4 Applying for CIL funds

4.0.1 Annually, the Borough Council will publicise the amount of CIL funding collected.

4.0.2 The Council will encourage the submission of Expression of Interest Forms, requesting CIL funding.

4.0.3 Key internal and external stakeholders responsible for delivering the infrastructure identified in the Council's Infrastructure List will receive direct notification of the opportunity to request CIL funding.

4.0.4 The stakeholders automatically notified will be:

- Internal Departments within BCKLWN
- Norfolk County Council
- Parish and Town Councils within the Borough
- All BCKLWN Councillors

4.0.5 Information about the opportunity will also be available on the Council's website.

4.0.6 The allocation of these funds will be made through an 'Expression of Interest' process.

4.0.7 A diagrammatic summary of the decision making process for CIL is set out in 8 'Appendix 2 - CIL Governance Framework', which shows the spending and reporting arrangements that are in place.

4.0.8 Expression of Interests will be made on a standard online template, prepared by the Borough Council.

4.0.9 The application form will request key information about the project, including:

1. Description and details of the project
2. Purpose of the project and its benefit to the community
3. Financial details:
Expected expenditure which must include:
 - a. summary of proposed costs
 - b. details of quotes, to demonstrate that the funding request has been researched
 - c. Amount of CIL funding requested - £
 - d. Details of any match funding
4. Any other supporting information e.g. Project Report and Timescales.

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The Borough will set a timescale for the submission of applications, which will be published on our webpages.

The decision making process, as detailed in Appendix 2, will commence after the application deadline has ended, to:

- ensure that all projects are reviewed fairly and transparently
- give each project the same opportunity for funding

BCKLWN Linked Funding Applications

To ensure transparency, any application made on behalf of the BCKLWN or subsidiary organisation, will be passed to the Cabinet for scrutiny as part of the decision making process. This will apply to all funding applications from any project group.

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4.1 Application Essential Requirements

4.1.1 Bodies applying for funds, will need to demonstrate that they are properly constituted, and reflect appropriate national policies e.g. Equality, Safe Guarding and Discrimination.

4.1.2 It is expected that project sustainability has been considered, prior to applying for funding, to ensure the continued success of the project on completion.

4.1.3 In order for a project to be considered for CIL funding, the following eligibility criteria needs to be met:

- The project is clearly defined as 'Infrastructure', in accordance with the CIL Regulations; and
- The Application Form has been completed satisfactorily; and
- The project must meet at least one of the criteria, as detailed in the 7 'Appendix 1 - CIL Annual List of Infrastructure Projects'; and
- The organisation **must** have the legal right to carry out the proposed project; and
- The proposed project **will not provide a financial advantage, to benefit a commercial or private business.**

The Project must:

commence within 1 year of being allocated CIL; AND be completed within 5 years.

Applications must NOT include a schedule of ongoing costs, to maintain the project, once it has been completed.

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4.2 Consultation Requirements

4.2.1 As part of the application process, it is essential to consult with local community groups.

4.2.2 Areas in the Borough with a Local Council (Town or Parish Council):

Applications **must** be made in liaison with the relevant Local Council, this is to ensure:

- that the project meets the communities needs,
- they are given the opportunity to offer their support to the project,
- may provide an opportunity of match funding from either the Parish Precept or CIL Parish payment, where appropriate.

4.2.3 Unparished areas within the Borough:

- **Where no Local Council is present**, it would be beneficial for applicants to liaise with the local community group, usually identified as 'Parish Meeting'.
- **Where there is no community group**, applicants are advised to seek support from their local elected member(s).

4.2.4 Applicants may also wish to liaise with local elected members.

4.2.5 Details of local councils and elected members can be found on the BCKLWN Democratic Services website.

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5 Infrastructure Project Funding Applications

5.0.1 Projects will be selected, in line with the CIL Governance arrangements, **with more weight given to areas with significant development taking place.**

5.0.2 Allocations for spending on infrastructure, will be made to projects in accordance with the Council's adopted CIL Infrastructure List.

These Projects must:

- **commence within 1 year of being allocated CIL**
- **and be completed within 5 years.**

5.0.3 The Infrastructure list will be reviewed annually and updated to reflect the changing needs within the Borough.

The current list of Infrastructure Projects eligible for funding are:

Green Infrastructure Projects

Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development..

- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental protection such as flood defence or absorption of air pollution.

Leisure Time Activities Infrastructure-

Infrastructure projects, to support accessible leisure time activities such as: new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area.

The Project selection criteria are in line with the Borough Councils Corporate Business Plan.

The Project Criteria meet the Corporate priorities and objectives:

5.0.4 Promote growth and prosperity to benefit West Norfolk - Encourage housing development and infrastructure that meets local need and promote West Norfolk as a destination.

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5.0.5 Protect our environment - To create a cleaner, greener, and better protected West Norfolk by considering environmental issues.

Question 1

Do you want to apply for CIL Infrastructure Project Funding?

5.0.6 If you wish to apply for CIL Project Funding, please click on the link below and it will take you to the online form.

5.0.7 [CIL Online Application Forms](#)

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5.1 The Decision Making Process for Infrastructure Projects

5.1.1 Once the Project Application Forms, requesting CIL funding, have been validated by a Council Officer, initial scoring of the projects will then take place.

5.1.2 The factors that these Projects will be assessed against include:

- evidence of Local Council, Community meeting and elected member(s) support
- evidence to demonstrate community need and support
evidence to demonstrate a commitment to the project, including details of match funding project timescales and deliverability
- details of expenditure, how the money will be spent
- details of new and proposed development, in the project area

5.1.3 Projects will be viewed favourably if they lever in other funds that wouldn't otherwise be available, particularly where those funds may not be available in future years.

5.1.4 Ideally, bids should include significant sums of match funding

5.1.5 The Application forms, scoring sheets and officer comments, will then be taken to the BCKLWN Management Team to review.

5.1.6 The Management Team are required to:

- review the funding applications, to identify whether the projects may be linked to Corporate Projects
- consider whether there could be links to other areas of corporate or partner spending e.g. spending on habitats (Natura 2000 sites) mitigation works.
- make recommendations to the Spending Panel, on which projects they consider eligible for CIL funding

5.1.7 The funding applications will **not** be filtered, based on Management Team recommendations.

5.1.8 Once Management Team have made their recommendations, as appropriate, the Council Officer will produce a full list of all project applications received, which will be published as an agenda item, for the CIL Spending Review Meeting.

5.1.9 CIL Spending Panel - Review Meeting

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5.1.10 All Councillors, including Portfolio Holders, will be notified of when the CIL Spending Review Meeting will take place.

5.1.11 Any elected member may attend the CIL Spending Review meeting under Standing Order 34.

5.1.12 The recommendations will be reviewed, by the CIL Spending Panel.

5.1.13 The CIL Spending Panel is required to:

- reach a balanced judgement over which projects to select; and
- agree on which projects will receive CIL funding up to £50k
- agree and make recommendations to Cabinet, relating to the allocation of funding over £50k

5.1.14 CIL payments up to £50,000 will then be signed off by a Senior Council Manager.

Project Funding over £50k

5.1.15 All project funding over £50k, must be agreed by Cabinet.

5.1.16 Once Cabinet have agreed which projects should receive CIL funding, the application stakeholders will be informed and funds will be allocated.

5.1.17 CIL payments up to £1,000,000 will then be signed off by a senior Council Officer.

5.1.18 CIL will be paid on completion of the project.

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6 Once the funding decisions have been made

6.0.1 Once funding decisions have been made, in line with the CIL Governance process, all applicants will be notified of the outcome.

6.0.2 Successful applications will be sent, via email, a Funding Offer Letter and formal legal agreement.

6.0.3 **The completed Agreement Form must include 2 signatories.**

6.0.4 To enable funding to be formally allocated to the project, the signed agreement **must be returned** and formally acknowledged by the Borough Council.

6.0.5 Where an agreement has not been returned, the funding offer will be withdrawn and the sum reallocated as part of the next round of applications.

6.0.6 Successful applicants of CIL funding will be expected to maintain communication with the Borough Council, on the progress of their project, after a decision has been made to provide funding.

6.1 Project Progress Reports

6.1.1 We require the following information, during the progress of the project, which must include:

1. **Notification when the project starts:**

A project may be started in several ways, such as the commencement of physical works, starting the tender process or securing contracts relating to the project.

2. **An annual report must be submitted at the end of each financial year, and no later than 01 May:**

The annual report will need to provide information on the progress of each scheme that funding has been allocated to, until such time that the project is completed.

3. **Regular updates** on the progress of the project, until it is completed.

4. **Notification of potential delays.**

As funding is allocated based on the scoring of project timescales, it is important to let us know if the project is not expected to be completed as stated on the application. If the project is going to take longer, there is a requirement to request a variation to the original timescale. Any requests will be reviewed by the CIL Spending Panel.

6.1.2 The requirement to submit this information, forms part of the agreement that the successful applicant is required to sign between themselves and the Borough Council of King's Lynn and West Norfolk.

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6.1.3 If an applicant does not spend CIL money within five years of receipt, or does not spend it as agreed then the Borough Council may require the applicant to repay some or all of those funds.

6.2 Project Completion

6.2.1 Where funding has been allocated 'in principle' or where staged payments are agreed, the scheme applicant will be expected to provide information to justify funding being transferred. The evidence of completion must include:

- Original Invoices- to demonstrate expenditure
- Photographs of completed project - to demonstrate completion and also for publicity purposes
- In some cases, to enable the project to progress, planning permission may be required. If this is the case, other relevant evidence may include:
- Written Statement of completion
- Planning Approval/Building Control Completion Notices - to demonstrate adherence to statutory obligations

6.2.2 Applicants should continue to provide information, until the scheme has been completed and all CIL funding has been spent.

6.3 Monitoring and Review

6.3.1 The Borough Council of King's Lynn and West Norfolk is committed to ensuring the use of CIL is open and transparent.

List of CIL Funded Projects

The Borough Council will publish a list of all projects that have been allocated CIL funding on our website.

Annual Infrastructure Funding Statement

In line with the CIL Regulations, as amended in September 2019, the Borough Council will publish an Annual Infrastructure Funding Statement.

This report will provide details of CIL and also S106:

- receipts
- balances
- expenditure
- allocations.
- will be published on our website annually, for each financial year, no later than 31 December.

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6.3.2 The published reports can be found on the CIL Financial Reports webpages at: https://www.west-norfolk.gov.uk/homepage/276/cil_financial_reports

Annual List of Infrastructure Projects

6.3.3 The Council are required under [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#), to produce a statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.

6.3.4 This is referred to as the Community Infrastructure Levy 7 'Appendix 1 - CIL Annual List of Infrastructure Projects' and replaces the Regulation 123 list (R123 list).

6.3.5 CIL money collected can only be allocated to and spent on these types of infrastructure.

The CIL Spending Panel

6.3.6 The CIL Spending Panel will:

- review the uptake of projects within the project categories, after each application deadline has been met
- monitor the operation and implementation of CIL funding
- review the List of Infrastructure Projects, on an annual basis
- recommend amendments to the project selection criteria
- produce a Draft List of Infrastructure Projects

6.3.7 Recommendations from the CIL Spending Panel, will then go forward to Cabinet.

Cabinet

6.3.8 Cabinet will:

- review the recommendations
- approve the Annual List of Infrastructure Projects,

6.3.9 The Annual List of Infrastructure Projects will be published on the [CIL Governance and Funding webpages](#).

6.3.10 If you have any questions about this guidance, or CIL generally, please contact the Borough Council's CIL Monitoring and Compliance Officer at CIL@west-norfolk.gov.uk.

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7 Appendix 1 - CIL Annual List of Infrastructure Projects

7.0.1 The Council are required under [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#), to produce a statement of the infrastructure projects or types of infrastructure which the Council intends will be, or may be, wholly or partly funded by CIL.

7.0.2 This is referred to as the Community Infrastructure Levy List of Infrastructure Projects and replaces the Regulation 123 list (R123 list).

7.0.3 CIL money collected can only be allocated to and spent on these types of infrastructure.

Green Infrastructure Projects

- Projects relating to public open spaces such as new or improved footpaths and cycleways to support new development
- Installation & improvement of public play areas and equipment
- Open spaces used for education, to support environmental initiatives.
- Improvement of habitats for wildlife and nature, to alleviate the effects of new development.
- Environmental services such as flood defence or absorption of air pollution.

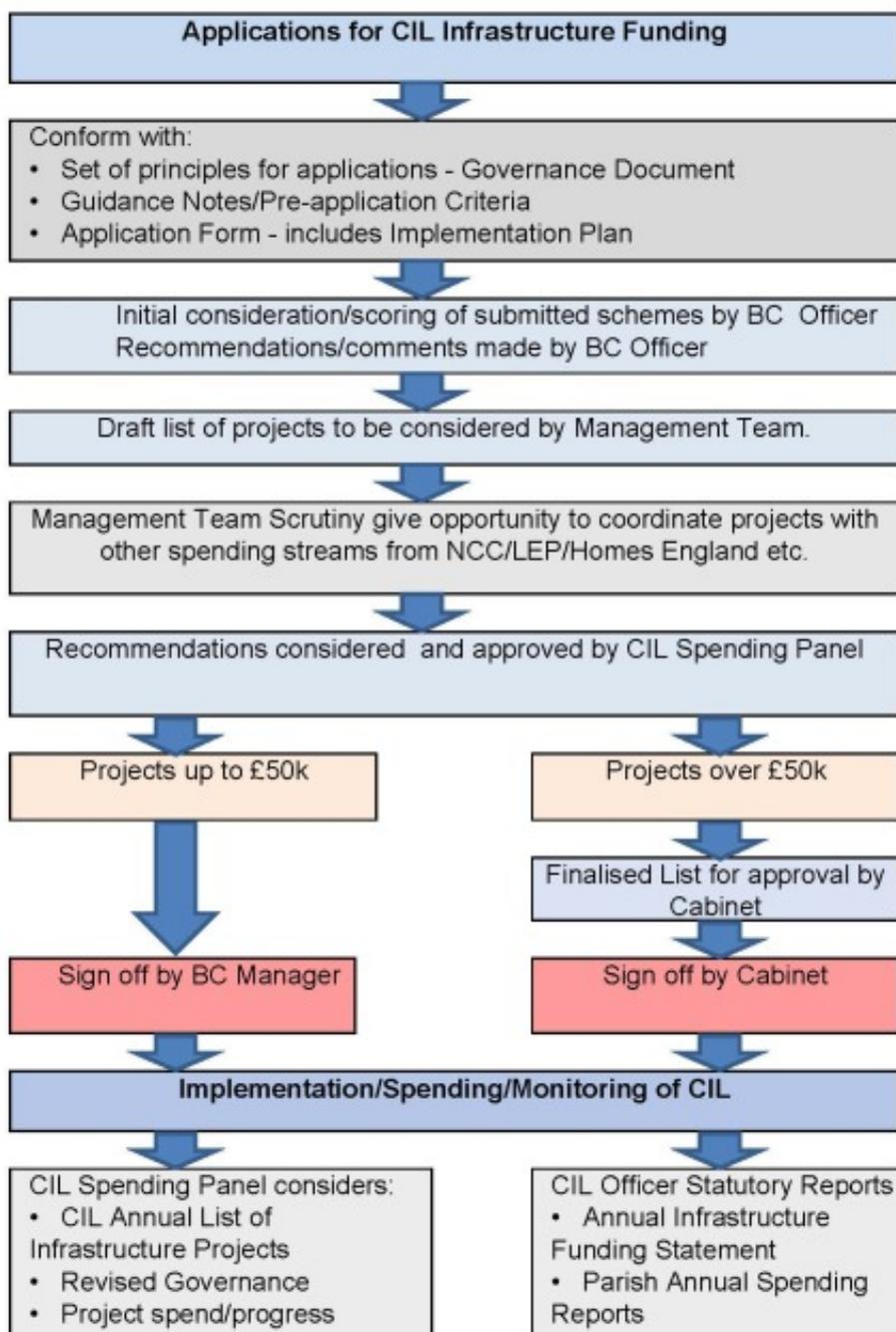
Leisure Time Activities Infrastructure-

- Infrastructure projects, to support accessible leisure time activities such as new facilities, improvement of existing facilities or upgrade of facilities to enable an increase of usage, to support new development of an area.

7.0.4 This list will be continually reviewed, to meet the changing needs and aspirations of the Borough to support future infrastructure.

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8 Appendix 2 - CIL Governance Framework



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9 Appendix 3 - Infrastructure Projects Application Scoring Criteria

Infrastructure Project Application Form

To view and submit the CIL Funding Application, please use the online form at: https://west-norfolk.objective.co.uk/portal/cil_folder/cilappsfy/

Scoring Criteria

9.0.1 There is a maximum of 15 points available based on the information provided.

Any Infrastructure Project Application must meet all criteria below:

- Is this project necessary to support local growth?
- Has match funding and financial commitment been secured?
- Is the project deliverable within 1-5 years?

Each project will be scored on the following:

Evidence of Need - What evidence that local people support the project - Maximum 5 points

- Support from Local Council (Parish/Town Council) or Community Group (Parish Meeting), as appropriate
- Support from Local Elected Members (Ward Councillors)
- Support from Community Groups
- Letters of support from new/existing users
- Support from County Council/Professional Bodies

9.0.2 **Finance and Deliverability**

- Amount of CIL funding requested
- Details of proposed expenditure
- Quotes **must** be submitted - 1 quote for funding up to £5k and 3 quoted for project funding over £5k
- Amount of funding committed to the project by applying any match funding - **maximum 5 points:**
 - 0 = 0 Points
 - 1% - 20% = 1 Point

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- 21% - 40% = 2 Points
- 41% - 60% = 3 Points
- 61% - 80%= 4 Points
- 80+% = 5 Points

9.0.3 Project Timescale

All projects are expected to start, within 1 year from the date the CIL Funding is formally allocated.

9.0.4 **Once started, how long the project is expected to take, to be completed - maximum 5 points:**

- 0 – 6 months = 5 Point
- 6 – 9 Months = 4 Points
- 9 – 12 Months = 3 Points
- 12 – 18 Months = 2 Points
- 18 Months - 5 Years = 1 Point

The Spending Panel will consider the amount of development within each Parish making an application, and also how much CIL Infrastructure funding has already been allocated to that Parish/Ward.