

# Norfolk Local Access Forum

Item No.

<b>Report title:</b>	<b>Community Infrastructure Levy (CIL) for new access</b>
<b>Date of meeting:</b>	<b>18 July 2018</b>
<b>Responsible Officer:</b>	<b>Steve Miller, Assistant Director, Culture and Heritage</b>
<b>Strategic impact</b> The Community Infrastructure Levy (CIL) was introduced by the Government to ensure that when land is developed, it comes with the necessary infrastructure to support it.	

## Executive summary

The Norfolk Local Access Forum requested clarification on the use of the Community Infrastructure Levy (CIL) funding for the creation of new public access.

Pooled CIL (Greater Norwich Infrastructure Investment Fund CIL) should not be considered for funding permissive access. However, community (or neighbourhood) CIL directed/allocated to parishes could be used for this purpose if considered a local need and priority.

## 1. Proposal

- 1.1. Recommendation: that NLAF ensures that the potential to use community (neighbourhood) CIL for the creation of permissive access at a parish level is communicated to parishes (for example at the forthcoming Parish Seminars event).

## 2. Evidence

- 2.1. There are 2 routes to gaining developer funding for supporting infrastructure associated with new development: (i) the use of Planning Obligations S106 legal agreements (ii) the use of the Community Infrastructure Levy (CIL).
- 2.2. CIL differs from S106 legal arrangements in that whilst both gain developer funding towards supporting infrastructure associated with new development, CIL takes away the need to make a link between the development and the proposed mitigation.
- 2.3. The Community Infrastructure Levy (CIL) was introduced by the Government to ensure that when land is developed, it comes with the necessary infrastructure to support it such as schools, public transport and leisure facilities.  
<https://www.gov.uk/guidance/community-infrastructure-levy>
- 2.4. The Community Infrastructure Levy (CIL) raises funds from developers and individuals who are undertaking building projects to support growth in the Greater Norwich area.
- 2.5. CIL is charged on almost all new buildings to ensure that development contributes towards the infrastructure needed to support growth in an area.
- 2.6. Not all district councils in Norfolk charge CIL on developments: within Norfolk, CIL has been implemented in the Greater Norwich area (ie covering Norwich City; Broadland and South Norfolk Council) and across King's Lynn and West Norfolk.

- 2.7. Where CIL is collected, the money is allocated as follows (data from South Norfolk Council):  
Parish: 15% or 25% if parish has a Neighbourhood Plan  
Administration: 5% (to be retained by charging district council)  
Remaining 80% or 70% passed to the Greater Norwich Infrastructure Investment Fund
- 2.8. **Neighbourhood or parish CIL**  
Parishes receive CIL every 6 months. They can use the money to ‘fund the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demands that development places on an area.’ The compliance officer at South Norfolk Council considers “that the creation of permissive access would be an acceptable spend of the parish money if they chose to spend the money on this.”
- 2.9. **Greater Norwich Infrastructure Investment Fund CIL**  
Money that goes to the GNIIF must be used for ‘funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.’ These uses are taken from the CIL legislation Part 7, paragraph 58A – 62A.
- 2.10. The NCC team advises against the presumption that pooled CIL could be used for the creation of permissive access (i) because the access would not be in perpetuity (ii) there are many competing infrastructure projects for the CIL such as schools, which NCC has a statutory responsibility to build.
- 2.11. Please see the briefing note in Appendix 1 setting out the opportunities for seeking developer funding towards new and / or improved public right of way / new access to the countryside and Appendix 2 (Neighbourhood funding), both from Principal Planner, NCC.

### **3. Financial Implications**

- 3.1. None for NCC.

### **4. Issues, risks and innovation**

- 4.1. None.

### **5. Background**

- 5.1. Please see ‘evidence’

### **Officer Contact**

If you have any questions about matters contained in this paper or want to see copies of any assessments, eg equality impact assessment, please get in touch with:

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