

Strategic CIL Bidding Prospectus 2022-2025

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	William Cornall
Lead Officer and Report Author	William Cornall, Rob Jarman and Carole Williams
Classification	Public
Wards affected	All

Executive Summary

On 8th January 2019, SPI Committee agreed governance arrangements for the allocation of CIL monies towards infrastructure across the Borough. Part of the agreed governance arrangements were for a bidding process to be on the submission of a comprehensive bidding form from prospective infrastructure providers. This report introduces a bidding prospectus to promote and launch the Council's CIL bidding process to allocate the strategic portion of CIL receipts to enable the delivery of infrastructure projects, and support development set out in the adopted Local Plan.

Purpose of Report

The purpose of the report is for approval of the bidding prospectus to launch the CIL bidding process.

This report makes the following recommendation to this Committee:

1. That the Strategic CIL Bidding Prospectus 2022-2025 be published in order to invite bids for the CIL monies collected to date and those sums expected to be collected by March 2025.

Timetable

Meeting	Date
Strategic Planning and Infrastructure	11 January 2022

Strategic CIL Bidding Prospectus 2022-2025

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>• We do not expect the recommendation will by itself materially affect achievement of corporate priorities. However, it will support the Council’s overall achievement of its aim of enabling infrastructure to be delivered.</p>	Rob Jarman Head of Planning & Development
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the cross-cutting objectives.</p>	Rob Jarman Head of Planning & Development
Risk Management	<ul style="list-style-type: none"> • Refer to paragraph 5.1 	Rob Jarman Head of Planning & Development
Financial	<ul style="list-style-type: none"> • Budgetary provision has been made for the administration of CIL. The process of inviting bids as described in the report will help to ensure that CIL monies are disbursed appropriately. 	Paul Holland, Senior Finance Manager (Client)
Staffing	<ul style="list-style-type: none"> • We will deliver the recommendation 	Rob Jarman Head of

	with our current staffing.	Planning & Development
Legal	<ul style="list-style-type: none"> Accepting the recommendation will fulfil the Council's duties under The Planning Act 2008. Failure to accept the recommendation without agreeing suitable alternatives may place the Council in breach of The Planning Act 2008. 	Jo Smith, Lawyer - MKLS (Planning)
Privacy and Data Protection	<ul style="list-style-type: none"> Accepting the recommendation will increase the volume of data held by the Council. We will hold that data in line with our retention schedules. 	Policy and Information Team
Equalities	<ul style="list-style-type: none"> We recognise the recommendation may have varying impacts on different communities within Maidstone. Therefore, we have completed a separate equalities impact assessment. 	Nicola Toulson Equalities & Communities Officer
Public Health	<ul style="list-style-type: none"> We recognise that the recommendation will have a positive impact on population health or that of individuals. 	Public Health Officer
Crime and Disorder	<ul style="list-style-type: none"> There are no crime and disorder implications. 	Rob Jarman Head of Planning & Development
Procurement	<ul style="list-style-type: none"> There are no procurement implications 	Rob Jarman Head of Planning & Development & Section 151 Officer
Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and are:</p> <ul style="list-style-type: none"> Any new Infrastructure will consider longer term impacts of Climate Change and Biodiversity Enhancement and Protection. 	James Wilderspin Biodiversity and Climate Change Officer

2 INTRODUCTION AND BACKGROUND

2.1 Community Infrastructure Levy Governance

2.1.1 On 8th January 2019, SPI Committee agreed governance arrangements for CIL including a steering group be established for assessing bids and making recommendations to SPI for approval (subject to sufficient CIL funds being available). Part of the agreed governance arrangements for assessing bids would be the submission of a comprehensive bidding form from prospective infrastructure providers.

2.2 Infrastructure Delivery Plan

2.2.1 The Council's Infrastructure Delivery Plan (IDP) is a key supporting document for both the Local Plan and the CIL, as it identifies the individual priority infrastructure schemes required to deliver the Local Plan and also identifies what CIL will be expected to contribute towards together with other funding sources. The IDP will inform potential bidders of Council priorities. These are also identified within the Council's Infrastructure Funding Statement 2020-21.

2.3 CIL Steering Group

2.3.1 A CIL Steering Group was formed in 2020 chaired by the Director of Regeneration and Place and includes, the Head of Planning, a strategic policy officer, a MKLS officer, a financial officer and the CIL officer. The group was tasked with preparing the bidding brochure, application form and scoring assessment for project bids.

2.3.2 A CIL grant legal agreement has been produced, which the Council will expect the successful bidder to enter into with the Council in order to safeguard that CIL funds will be used for the purpose for which they were awarded, and to place responsibility on the recipient to report on the milestones agreed for the development. It also includes provision for the money to be clawed back in the event the funds are not used in accordance with the agreement.

2.4 Available Funds for Bidding

2.4.1 Since CIL was implemented on 1 October 2018 Maidstone Council has accrued (from April 2019 to 31 March 2021) a total of £1.4 million in Strategic CIL receipts.

2.4.2 The Council forecasts that circa £12m of CIL will have been accumulated by 31 March 2025 (*see Appendix C of the brochure*). The Council intends to provisionally allocate its predicted CIL income for the period 2022-25 in this bidding round. This would assist developers in forward planning for larger and priority infrastructure projects, but final allocations will be subject to actual annual receipts.

2.5 The Bidding Programme

2.5.1 The latest draft IDP (elsewhere in these papers) provides evidence of infrastructure priorities. Consultation to inform infrastructure

delivery partners of the bidding process will take place beforehand.

2.5.2 The following timetable will apply for the 2021/22 Strategic CIL bidding cycle:

- 1 April- 31 May 2022 - CIL Bidding cycle opens
- June – July 2022 - Officers validate and score the bids received against the Strategic CIL Bid Scoring Criteria
- August – September 2022 - Valid bids reviewed by the CIL Steering Group
- October 2022 - Decisions made by Strategic Planning & Infrastructure Committee

2.6 Reviewing Bids

2.6.1 Funding bids will be evaluated in accordance with statutory requirements (CIL reg 59) and local development and infrastructure priorities. CIL must be spent on the provision, improvement, replacement, operation, or maintenance of infrastructure to support development across Maidstone borough.

2.6.2 The applications will be sifted and validated before assessment of the projects for CIL funding are undertaken by the Steering Group. The Steering Group will compare and score projects and make recommendations as to the prioritisation of funds for this bidding round. In more complex applications, there may be the need for further analysis of deliverability and accuracy of costings, to ensure that the bids are robust and viable.

2.6.3 The funding recommendations will then be put forward for decision at the Strategic Planning Infrastructure Committee in the autumn.

3. AVAILABLE OPTIONS

3.1 It is important to note that CIL funding decisions are subject to the receipt of monies from liable development. Whilst projections can be made for the forthcoming years, infrastructure that requires funding in future years will be dependent upon projections from CIL income that are subject to the rate of new development. The SPI January 2019 report references an annual bidding process, however under these circumstances, it is proposed the committee considers the option of extending the annual bidding round to the following year to allow more time for funds to accrue.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 For the reasons set out in 3.1, the option to allow more time for further CIL funds to accrue for the following years bidding is recommended.
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5. RISK

- 5.1 This report is presented for approval in line with the CIL governance arrangements as agreed and has no risk management implications.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Bidding Prospectus 2022/25 will be uploaded onto this Council's web site preceding the opening bidding date of 1 April 2022.
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7. REPORT APPENDICES

- 7.1 The following document is to be published with this report and form part of the report:

Appendix 1: Strategic Community Infrastructure Levy Bidding Prospectus 2022-2025
