



## Highways Committee

16 October 2017

### Report from the Strategic Director, Regeneration and Environment

For Action

Wards Affected: Sudbury

## Response to Petition - Upgrading of Pavements & Grass Verges In Sudbury Using Available CIL Funding

### 1. Summary

- 1.1 The Community Infrastructure Levy (CIL) is a charge applied to eligible developments to help fund strategic (borough-wide) and neighbourhood infrastructure and address deficits that might otherwise be caused by development. Brent's CIL was formally introduced on 1 July 2013.
- 1.2 The purpose of this report is to provide an update on the response to a petition submitted by Paul Lorber on behalf of residents in the Sudbury ward requesting the use of CIL funds to upgrade pavements and grass verges.

### 2. Recommendations

- 2.1 The Highways committee are asked to note the contents of this report.

### 3. CIL – Background

- 3.1 The Planning Act 2008, and CIL Regulations (2010) as amended, provided for local authorities to apply the CIL to support development. A list of all strategic infrastructure that CIL funds collected in Brent may contribute towards, is available on the Brent website. (The Regulation 123 list).
- 3.2 The CIL Regulations 2010 also stipulate that at least 15 per cent of CIL receipts generated must be spent on Neighbourhood Projects. Whilst the legislation does not prescribe a process for how Neighbourhood CIL is allocated, the expectation is that priorities for spend are agreed with the local community. A cabinet report outlining Brent's Neighbourhood CIL spend process was approved on 13 February 2017<sup>1</sup> and, as a result, Brent is divided into five 'CIL Neighbourhoods'; Kilburn, Kingsbury & Kenton, Wembley, Willesden and Harlesden. Priorities for spend in each area were agreed by Brent's Cabinet in May 2017.
- 3.3 A summary of the priorities for each CIL Neighbourhood is below:

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<sup>1</sup> <http://democracy.brent.gov.uk/ieDecisionDetails.aspx?AllId=24493>

CIL Neighbourhood	Community Space & Cultural facilities	Parks & Open Space	Schools & Education	Town Centre & High Streets	Transport & Roads
<b>Harlesden</b>	✓			✓	✓
<b>Kilburn</b>	✓		✓		✓
<b>Kingsbury</b>		✓		✓	✓
<b>Wembley</b>	✓	✓		✓ (joint 1 <sup>st</sup> )	✓ (joint 1 <sup>st</sup> )
<b>Willesden</b>	✓			✓	✓

#### 4. Update on response to petition received.

- 4.1 A letter, dated 26 July 2017 and addressed to Tony Kennedy, Head of Highways & Infrastructure was passed to Nkechi Okeke-Aru, Principal Development Funds Officer, concerning how the community infrastructure levy (CIL) is spent in Brent. The letter particularly requested that CIL funds collected in the Wembley area should be used to meet the cost of upgrading, maintaining and protecting pavements and grass verges.
- 4.2 A petition was also submitted signed by residents of Station Approach & Crescent, Priory Park Avenue, Priory Avenue and Close, Eton Avenue, Charterhouse Avenue & Repton Avenue. This was passed to Democratic Services to log.
- 4.3 A response was issued on 24 August 2017 acknowledging the letter and petition. The response explained that whilst public realm infrastructure and roads are eligible for CIL funding, the responsibility for how CIL is allocated does not sit with the Highways & Infrastructure Service. This is a strategic recommendation made by Brent Council's Capital Programme Board; balancing needs across services and types of infrastructure. The process of identifying and agreeing strategic infrastructure priorities and projects is currently underway, and will be agreed as part of the budget setting process, by Brent's Cabinet in February 2018.
- 4.4 The response also reiterated that as a process for allocating Neighbourhood CIL has been agreed by Cabinet, any request for funds will need to align to this process. The response letter explained that local residents are eligible to bid for Neighbourhood CIL funds and explained the process for doing this. Projects that demonstrate that they meet the shortlisting criteria are likely to be approved; provided there are enough funds available. The letter also explained that any materials chosen for repairs would need to be consistent with council policy. It was also explained that if residents wished to submit an application for Neighbourhood CIL, the petition may be used as evidence to support the proposal.
- 4.5 The next application round for Neighbourhood CIL funds will close on 1 December 2017. If residents wish to submit an application for Neighbourhood CIL funds, they may access the Neighbourhood CIL application form via the Brent website: [www.brent.gov.uk/cil](http://www.brent.gov.uk/cil) (scroll down to spending CIL).

#### 5. Financial Implications

- 5.1 At least 15 per cent of CIL receipts must be spent on local projects that mitigate the impact of development and are identified in consultation with local communities (capped at £100/dwelling each financial year). Where a

Neighbourhood Forum has an adopted Neighbourhood Plan, 25 per cent of CIL receipts may be spent on local projects. The remainder is used to fund strategic infrastructure in accordance with Brent's Regulation 123 list and aligned to Brent's capital programme priorities.

- 5.2 The value of CIL funds available to projects is dependent on the number and value of CIL liable developments in Brent. The Planning Policy & Projects Team maintains a profile of all upcoming CIL liable developments; however, the due date of CIL payments is dependent on when development commences. Therefore, the biggest risks to financial planning are that even though a development may be CIL liable, a development may be delayed, or CIL instalments may be late, or not paid by developers. However to mitigate this, the ongoing monitoring of income and spend will remain the responsibility of the Planning Policy & Projects Team, and a summary CIL monitoring report is produced annually.

## **6. Legal Implications**

- 6.1 The Planning Act 2008, and CIL Regulations (2010) as amended, provided for local authorities to apply the CIL to support development. The Neighbourhood element may be used 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 (Reg 59c).
- 6.2 CIL spend is governed by Part 7 of the CIL Regulations and for any financial year in which CIL receipts are received, a report outlining CIL receipts and expenditure must be prepared and published on the council's website. (Reg 62a). However the CIL Regulations do not prescribe a process for agreeing how the neighbourhood portion should be spent. Whilst there is an expectation that communities are involved in this process (see DCLG Planning Practice Guidance), the use of existing community consultation and engagement processes, proportionate to the level of CIL receipts and the scale of any proposed development, is anticipated. Brent's cabinet approved the process for allocating Neighbourhood CIL in February 2017.

## **7. Diversity Implications**

- 7.1 In compliance with the Equality Act 2010 and the Public Sector Equality Duty (PSED), the Council must, in the exercise of its functions, have "due regard" to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 7.2 The duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex and sexual orientation.
- 7.3 When considering, shortlisting and approving the use of CIL funds for projects, decision-makers must also ensure that due regard is given to PSED and each

project that receives CIL funding will need to be assessed separately for any potential / likely diversity implications.

## **8. Staffing/Accommodation Implications (if appropriate)**

8.1 None.

### **Contact Officers**

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