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**Angela Hutchings**  
**Chief Executive**

## **AGENDA**

**Committee: SCRUTINY**

**Date and Time: MONDAY, 11th September 2023, at 7.00pm**

**Venue: Council Chamber, Council Offices**

**N.B. This meeting will be webcast live on the internet.**

**Membership: Councillors Isaacs(Chairman),Bowker, Edwards Egan, Harvey, Jones, Thomas ,J.Thornton.**

**Officers attending: Amanda Parrott - Planning Policy Manager  
Maria Hennessy - Planning Policy  
Ann Horgan - Head of Governance**

**Enquiries: Ann Horgan , ext. 2413**

### **PART I (Business to be taken in public)**

#### **1. Apologies**

#### **2. Members' Interests**

#### **3. Community Infrastructure Levy (CIL) Governance Arrangements**

Scrutiny committee has been tasked by Council to review the proposed governance arrangements before consideration and approval by Cabinet. A report and supporting papers are attached.

**SCRUTINY COMMITTEE**

**11th September 2023**

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**Subject: Community Infrastructure Levy (CIL) Governance Arrangements**

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**1. Purpose of Report**

- 1.1 To provide the Committee with the opportunity to review and shape the governance arrangements for CIL. The outcomes of this committee will inform the governance arrangements for CIL presented to Cabinet for consideration and approval in November 2023.

**2. Background**

- 2.1 When the Council agreed to the submission of CIL at its meeting in February 2022, it also agreed to convene a meeting of the Scrutiny Committee to inform the governance arrangements for the spending of CIL.

**3. Present Position**

- 3.1 The Council commenced charging of CIL in May 2023. CIL is chargeable on developments approved since the 1 May 2023. CIL is payable upon the commencement of development. At this time very few developments have been approved and commenced since the 1 May 2023. Therefore, we are only in receipt of around £900 of CIL income. There is therefore time to put in place governance arrangements for CIL whilst income grows to a level where infrastructure projects can be funded.
- 3.2 CIL income must be spent in accordance with the CIL Regulations. It is ringfenced from other sources of income.

**4. Proposals**

- 4.1 The Council has been working with consultants from a company called DAC Planning to implement CIL. They are supporting several local authorities across the country in the implementation of CIL and have brought necessary expertise to Castle Point. DAC Planning has been funded to support the Council by Essex County Council for a fixed period.
- 4.2 In conjunction with officers of the Council the consultants from DAC Planning have prepared a report setting out proposed arrangements for establishing spend prioritisation and governance of CIL spending. This is attached as Appendix 1.

- 4.3 The Committee is tasked with reviewing the proposals at Appendix 1 and providing a steer as to whether they are appropriate, or if not, what amendments should be made to ensure that they are appropriate.

## **5. Corporate Implications**

### **(a) Financial Implications**

- 5.1 There is the potential to generate of the order of £5.75m in CIL income over the period to 2030. This is a conservative estimate that does not account for whatever proposals may arise from the Castle Point Plan, or any CIL income arising from appeals we unfortunately lose.
- 5.2 There are specific rules on what CIL can be spent on, and how CIL should be spent which means that it is ringfenced from the general fund.
- 5.3 However, where compliant with the CIL regulations, CIL funding may be used for Council capital projects, such as some open space and/or leisure facility projects. The proposed governance timetable would see decisions on CIL spend for subsequent years taken in November to allow for any Council projects to be added to the capital programme as part of budget setting.

### **(b) Legal Implications**

- 5.4 As set out previously, CIL spending must occur in accordance with the CIL Regulations. The governance arrangements proposed provide the framework necessary to ensure that this occurs.
- 5.5 CIL income will be passed to partner organisations such as Essex County Council and the NHS to deliver projects in the local area related to their responsibilities. There is therefore a need for strong contract arrangements to be put in place with these external organisations to indemnify the Council against any misspend, overspend or legal challenges associated with monies transferred to these other organisations.

### **(c) Human Resources and Equality Implications**

#### **Human Resources**

- 5.6 The Council is in the process of appointing a Regeneration and Infrastructure Delivery Officer who will be responsible for managing the CIL Governance process on a day-to-day basis.

#### **Equality Implications**

- 5.7 The governance arrangements in themselves do not require an Equality Impact Assessment. However, it will be necessary to assess the equality implications of the individual projects being funded to ensure that they fulfil the public sector equality duty.

**(d) IT and Asset Management Implications**

- 5.8 There are not IT implications arising from these proposals. CIL may be spent on Council assets in accordance with the spending rules set out in the CIL regulations. This will be determined when individual projects are identified for funding.

**6. Links to Council's Priorities and Objectives**

- 6.1 CIL has the potential to support all the Council's priorities. Good governance arrangements will ensure that we maximise the benefits through effective partnership working and careful management and scrutiny of the process.

**7. Timescale for Implementation and Risk Factors**

- 7.1 A recommended governance process will be reported to the Cabinet for approval in October 2023. Subject to approval, the recommended timescales for implementing the governance process are set out in background paper 2 at Appendix 3.

**Recommendation**

The Committee review the proposals at Appendix 1, and the supporting background papers at Appendix 2 and 3.

**Resolution Required**

The Committee make a recommendation to Cabinet as to the appropriateness of the governance process proposed, and as necessary any amendments to it which would address any concerns arising.

**Background Papers**

[CIL Charging Schedule](#)

**Report Author:** Amanda Parrott, Planning Policy Manager

## Castle Point CIL Spend Prioritisation and Governance Report

### 1. Background

1. The Castle Point Community Infrastructure Levy (CIL) Charging Schedule was published on 23 March 2023, and came into effect on 1 May 2023. From that point onwards, the Council became a 'CIL Charging Authority', and a 'CIL Collecting Authority'.
2. The Council now has the responsibility for the collection, monitoring and reporting of CIL receipts as well as the allocation of CIL income to infrastructure types and projects, via a CIL Spending Plan.
3. This report recommends governance arrangements for the prioritisation of infrastructure projects and for spending CIL; including the preparation of a CIL Spending Plan to cover a rolling three-year period.

### 2. S.106 and CIL Developer Contributions – how do they work differently?

4. The [Castle Point Borough Council's Developers Contributions Guidance Supplementary Planning Document \(SPD\) March 2023](#) explains that *CIL will be utilised by the Council to secure infrastructure projects which are necessary to support growth which cannot be secured through a Section 106 Agreement...Unlike Section 106 Planning Obligations, CIL receipts are not earmarked for particular infrastructure. Instead, CIL monies are pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area...*
5. In terms of the application of Section 106, the SPD states that *Section 106 Agreements will usually be used to secure developer contributions for residential developments of 10 units or more and other major development, therefore CIL will be the primary means by which the Council will seek contributions from developments below that threshold towards meeting the infrastructure demands of new growth.*
6. Given the threshold for the use of Section 106 developer contributions, CIL will be an important funding stream to deliver both mitigation from the impacts of small sites under 10 units, but also to 'top-up' funding for strategic infrastructure projects to mitigate the cumulative impacts of growth across the borough.

### 3. What can the Council Spend CIL on?

7. In accordance with the CIL Regulations 2010 (as amended), Part 7, CIL income must:
  - i. fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area;
  - ii. the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so would support the development of its area.
8. Given the strict requirements on spending CIL, it is important at this stage to emphasise that CIL can only be spent on projects that are shown to support the development of the

area. Therefore it is important to have a clear evidence base for CIL spend to support the prioritisation and reasons for spending of CIL of the project. Furthermore, it is also important that CIL spending decisions are considered against the Subsidy Control Act requirements, as set out in the update to the [Government's CIL Guidance in January 2023](#).

9. Appendix 1 of the above-mentioned Developer Contributions Guidance SPD provides an indicative split of developer contribution spending between Section 106 and CIL Contributions. This is an important starting point for understanding the Council's adopted approach to CIL spend, and covers the following:
  - Education contribution where not secured through S.106
  - Adult employment, skills and training facilities
  - Other Library provision and/or enhancements in Castle Point
  - NHS Estates Plan where not secured through S.106
  - Strategic level open space and enhancement
  - Green connectivity to and between open spaces
  - Playing Pitch Strategy – non football elements
  - Build Facilities Strategy where not secured through S106
  - South Essex Surface Water Management Plan Projects
  - Infrastructure projects in the Canvey Six Point Plan
  - Infrastructure projects in the Thames Estuary 2100 Plan
  - Strategic Transport Projects
  - Strategic Sustainable Transport Projects
  - Emergency Service Estate Improvements
10. In addition to the Council's SPD, it is importance to also consider the Council's Infrastructure Delivery Plan Addendum (April 2022) which was used to support the preparation of the Council's CIL Charging Schedule. In particular it explains that *the previous Infrastructure Delivery Plan (IDP) focused on the delivery of growth associated with the new Local Plan, and did not consider in detail potential development coming forward from other sources such as the Brownfield Land Review (BLR), Strategic Housing Land Availability Assessment (SHLAA) sites, and from windfall development. Following the Council's decision to not adopt the new Local Plan, this IDP Addendum will consider in greater detail other sources of growth where new housing may be delivered in the Borough.*
11. The IDP Addendum provides infrastructure requirements for all infrastructure providers against each development type (as listed above), that make up the Council's current housing trajectory. Therefore, this document is another piece of evidence to support the development of a CIL infrastructure spending programme.

#### **4. What is the CIL income forecast and how will CIL be distributed between spending 'pots'?**

12. The level of growth expected in the borough over the next fifteen years was set out at the examination for the CIL Charging Schedule within Appendix 1 of the [Infrastructure Delivery Plan Addendum \(May 2022\)](#). (The 'IDP Addendum'). For the purposes of further understanding the housing trajectory for CIL income and spend purposes, the trajectory has been adjusted due to the following factors:

- Removal of the New Local Plan Strategic Sites (due to the withdrawal of the Plan);
  - 1998 Local Plan allocation sites HO22 Land at Thames Loose Leaf (now used for industrial purposes); and HO30 Haystack (permission has now been implemented.
  - Although site HO25 remains in the trajectory, the allocation is for 230 new park homes, and therefore would not generate CIL or S 106; however, the site will result in growth which will impact infrastructure capacity, and therefore impact on existing infrastructure provision.
13. Considering these changes to the trajectory, it is expected that there will be an additional **1,646 new dwellings** built in the borough over the next 15 years. Importantly, a large portion of this growth will be from smaller sites, as set out in paragraph 10 above. This is an important factor in both understanding potential future CIL income and understanding the extent to which CIL is required to support the development of the area, by funding provision, improvement, replacement, operation or maintenance of infrastructure.
14. By understanding the housing trajectory over the next 15 years, it is possible to estimate, very roughly, the income that the Council may expect from CIL between 2023/24 to 2029/30. This is summarised in Table 1 below.

<b>Table 1 CIL Income Forecast 2023/4 – 2029/30</b>	
<b>CIL Income Period</b>	<b>Estimated Total Income per CIL Income Period</b>
2023/24	£114,583
2024/25	£364, 583
2024/26	£625,000
2026/27	875,000
2027/28	£1,270,833
2028/29	£1,250,000
2029/30	£1,250,000

15. Overall, it is forecast that the cumulative amount of CIL could reach approximately £5,750,000 by 2030. However, it should be noted that not all of this income will be available to spend on borough-wide infrastructure. This is because in accordance with the CIL Regulations (as amended), all CIL received by the Council will be separated into three 'pots' as follows:
- i. **CIL Administration** – 5% of CIL received will be applied to CIL administrative expenses incurred by the Council in connection with CIL.
  - ii. **Neighbourhood Portion** – (15%) in accordance with the CIL regulations (as amended) where all or part of a chargeable development is within the area of a town council but there is neither a neighbourhood development plan or neighbourhood development order, up to 15% of CIL receipts, capped to £100/council tax dwelling in the area, must be passed to the town council (Canvey Islands Town Council) in which the development took place.

The CIL Guidance also states that *communities without a parish or town council can still benefit from the neighbourhood portion. If there is no parish or town council, the charging authority will retain the levy receipts but should engage with the*

*communities where development has taken place and agree with them how best to spend the neighbourhood funding.*

The CIL Regulations allow the neighbourhood portion to be spent in a way that supports the development of the local council's area, or any part of that area, by funding:

- (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.

However, it must be noted that all CIL spend is limited within the statutory requirements of the Subsidy Control Act to ensure that public funding does not distort competition.

- iii. **Borough Portion** – (80%) to be spent in accordance with the CIL Regulations, as set out in paragraph 7 above.

## 5. Taking A CIL Spending Plan Approach for the Borough Portion

- 16. The purpose of the Council preparing a CIL Spending Plan is to ensure that all infrastructure projects identified are agreed by the council, in consultation, with the service providers who will be spending CIL to deliver projects. A spending plan approach provides certainty to infrastructure providers and spending managers, as well as a transparent approach for residents of the borough. A methodology for preparing the CIL Spending Plan can be found in Background Paper 1 and a summary of the method is provided in section 6 below.
- 17. Furthermore, a timeline and flow chart for the Governance process required to support the preparation of the plan is provided in Background Paper 2. It is proposed that due to the time it will take for the Council to raise a meaningful amount of CIL to spend, the Council's CIL Spending Plan will be prepared to commence from the financial year 2025/26. This timing will also allow infrastructure providers to give thought to the CIL regime, and consider developing feasible and costed infrastructure schemes to support growth.

## 6. The CIL Spending Plan Methodology

- 18. The overall preparation of the CIL Spending Plan will commence with officers opening a consultation/CIL bidding event. The event would first request that service and infrastructure providers comment on the original submission made to the Council as part of the development of the Infrastructure Delivery Plan, by providing additional supporting information such as costs and timescales for delivery; and also submit further applications for CIL funding to be considered as part of the CIL Spending Plan, as required.
- 19. Using the responses to this consultation, officers will consider the infrastructure projects against a series of assessment questions. The outputs of this initial assessment will then be reviewed and discussed by an informal cross organisation Castle Point CIL Spending Board which will include relevant Assistant Directors from the Council alongside representatives from Active Essex, the Education Authority, the Highway and Transport Authority, the Lead Local Flood Authority and from the NHS Mid and South Essex ICB



20. These meetings are useful for a number of reasons:

- It is important to discuss the proposed shortlist of CIL projects, in particular to confirm timings and schedule for the delivery of both CPBC and partner projects;
- To achieve joint agreement that those projects will be prioritised for spending within that three year period;
- To discuss 'query' schemes where there is a potential to save CIL money towards the next CIL Spending period, or to fund a scheme over a number of phases which overlap into the next plan period.

21. This report recommends that delegated decision is granted by Cabinet for this CIL Working Group to be established which will report to and make recommendations to Scrutiny Committee regarding the preparation of the CIL Spending Plan.

22. This meeting of the CIL Working Group will consider the outputs of the initial assessment, and discuss the list of projects identified as priority for the three year spend against the forecast CIL income for the Council. Proposed attendees of this meeting are listed below, and the group will meet in March and June each year (further meetings may be arranged, if required):

- Director of Place and Communities
- Assistant Director responsible for strategic planning
- Assistant Director responsible for economic development
- Assistant Director responsible for Public Health
- Assistant Director responsible for open spaces
- Assistant Director responsible for leisure services
- Representative from the Education Authority
- Representative from the Highway and Transport Authority
- Representative from the Lead Local Flood Authority
- Representative from Active Essex
- Representative from the NHS Mid and South Essex ICB

23. Following the initial Castle Point CIL Spending Board, feedback will be provided to officers to inform the preparation of the final draft CIL Spending Plan and this will return to the Castle Point CIL Spending Board in June to secure agreement from the board to be recommended to Scrutiny Committee. A meeting of the Scrutiny Committee will be convened to review the recommendations, and make a final recommendation to Cabinet.

24. Subject to approval by Cabinet, the final CIL Spending Plan will establish which infrastructure projects will be delivered between 2025/26- 2028/29. The adoption of the CIL Spending Plan 2025/26 would trigger the preparation of master contracts with the service providers responsible for the projects listed on the plan. These will be drawn up between Castle Point Borough Council, and the infrastructure provider (including the Canvey Island Town Council) that has a project identified on the approved CIL Spending Plan. The contract will clearly set out that CIL money will be passed to them, upon receipt of a formal application with regard to the scheme that is listed in the CIL Spending Plan and, subject to them meeting certain conditions. The contract will indemnify the Council in the event that the money is not used correctly, any overspends by the infrastructure provider or any legal challenge to the infrastructure provider.

25. It is proposed that the Neighbourhood Portion of CIL is not included in the first CIL Spending Plan due to the slow nature of CIL funds to build up to a meaningful amount which would allow neighbourhoods to bid for funding. However, the Council will start to prepare a governance and spending approach for the Neighbourhood portion for the year 2026/27.
26. Nevertheless, it should be noted that Canvey Island Town Council will receive the neighbourhood portion twice per year (October and April) (unless an alternative schedule of payments is agreed between the Town Council and Borough Councils in the meantime) and will need to spend CIL within 5 years of receipt, and produce monitoring reports to show how CIL has been spent in accordance with the CIL Regulations 2010 (as amended).

## **7. How will CIL money be passed to service providers?**

27. The method would require the infrastructure provider (representing a scheme listed on the approved CIL Spending Plan) to request the money for the CIL project. As set out above, the infrastructure provider will have entered into a CIL master-contract with the council already. Therefore, they would simply complete a proforma to request the CIL money, setting out the details of the project (including cost, project delivery timescales and evidence to show that a contract is in place/imminently in place for the works).
28. Once checked and approved, the proforma would be appended as a supporting document to the master-contract. Upon completion of the contract, the Assistant Director responsible for Strategic Planning would have authority to pass that CIL money to the service provider, in accordance with the CIL spending contract.
29. It is important to note that there is always a possibility that numerous requests for CIL money may be received at the same time for projects listed on the CIL Spending Plan. This highlights the importance of very careful preparation of the spending plan, including detailed consultation with service providers regarding timescales. Taking time to prepare the spending plan, will ensure that project delivery schedules align with CIL income, and do not overlap in a way that would make funding numerous projects simultaneously unachievable.
30. This spending process will require that the Assistant Director responsible for Strategic Planning, in consultation with the Assistant Director for Finance & Procurement, is granted authority to pass CIL to infrastructure providers where they have entered into a CIL spending contract (to include the master contract and appended proforma) with the council (the value would be unlimited, due to the fact that Full Council would have already approved the spend via the spending plan, and through the signing of master-contracts).

## **8. Next Steps**

31. Subject to agreement of the proposals set out above, in sections 5 to 7 above, and supporting background documents, a number of actions will need to be taken:
  - Establish the CIL Working Group
  - Undertake delegation, as necessary to the appropriate officers to approve the passing of CIL money to infrastructure providers upon completion of the required contractual paperwork.

- Prepare for initial consultation for the CIL Spending Plan to take place in early 2024.
  - Liaise with Legal on the preparation of a master contract template for CIL spending and CIL request proforma to append (this may take time to establish in terms of legal process).
32. Further reports may be brought before Scrutiny to consider further matters regarding CIL governance relating to more detailed processes.

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## Methodology for Preparing the CIL Spending Plan

1. The following document provides an overview of the methodology for preparing the CIL Spending Plan for Castle Point Borough Council. It is separated into key stages which are numbered 1 to 4.

### 1. Consultation on the baseline list and inviting CIL Spending Plan submissions

2. The starting point for preparing the CIL Spending Plan will be the identification of the baseline infrastructure list. This will be drawn from the Council's Developer Contributions SPD Appendix 1 infrastructure list and the Castle Point Borough Council's IDP Addendum.
3. As part of the development of this proposed CIL Spending Plan Method, officers have undertaken early engagement with infrastructure providers regarding CIL spend with the aim of updating infrastructure providers in the Borough on the future housing and growth trajectory for the borough for the next 15 years, and to signpost them to the latest evidence of infrastructure needs.
4. In addition, the engagement asked infrastructure providers to check that information and feedback on projects that they may wish to fund from CIL in the future. The infrastructure projects identified as part of that work is set out in the list below.
5. Understandably, as CIL is a new developer contributions regime, infrastructure providers have not prepared schemes to be funded by CIL therefore most projects on the list are uncoded and have no timescales at this time. However, it was a valuable exercise to develop a CIL spend indicative **baseline**, with alignment to growth in the borough. The baseline list is as follows:
  - Tennis facilities at John H Burrows
  - 3G Pitch at Waterside
  - Cricket facility improvements
  - Football facilities from the Football Facilities Plan
  - Open space improvements that arise through the Open Space Assessment underway
  - Surface Water Management improvements set out in the Canvey Six Point Plan and the South Essex SWMP 2020
  - Flood Defence Improvements at Bowers Marshes
  - Pre-school or nursery in the Benfleet, Hadleigh, Thundersley area
  - Library improvements amounting to about £120k
  - Local Cycling and Walking Improvement Plan
  - Integrated Care Board - funding towards extending the capacity of primary health care: approximately £850,000
6. In addition to this baseline list, the list of infrastructure, to be funded by CIL, as set out in Appendix 1 of the Castle Point Developer Contributions SPD will be added to this list, and covers the following (there is inevitably crossover with the infrastructure provider list due to the fact that the list in the SPD is a more generalised outline of types of infrastructure CIL might be spent on):

- Education contribution where not secured through S.106
- Adult employment, skills and training facilities
- Other Library provision and/or enhancements in Castle Point
- NHS Estates Plan where not secured through S.106
- Strategic level open space and enhancement
- Green connectivity to and between open spaces
- Playing Pitch Strategy – non football elements
- Build Facilities Strategy where not secured through S106
- South Essex Surface Water Management Plan Projects
- Infrastructure projects in the Canvey Six Point Plan
- Infrastructure projects in the Thames Estuary 2100 Plan
- Strategic Transport Projects
- Strategic Sustainable Transport Projects
- Emergency Service Estate Improvements

## 2. Consulting on the Infrastructure Baseline List and Inviting CIL Spending Plan Submissions

7. Infrastructure providers will be consulted on the baseline CIL infrastructure list, as shown above, and will be invited to respond by providing further information regarding those projects, if available. They will also be asked to include submissions for infrastructure projects to be included in the CIL Spending Plan, which were not identified through the baseline list.
8. The list below sets out who will be contacted:
  - CPBC Departments
    - Open spaces,
    - Leisure,
    - Public health,
    - Community safety and
    - Economic development
  - Neighbouring authorities – Southend City Council, Basildon, Thurrock
  - Canvey Island Town Council
  - ECC Key Infrastructure Contact
    - Highways and transport
    - Education including childcare and early years
    - Employment and skills development
    - Libraries
    - Waste Management
    - Local Lead Flood Authority
    - Child and Adult Social Services
  - National Highways
  - NHS Mid and South Essex Integrated Care Board
  - Essex Police
  - Essex County Fire and Rescue
  - East of England Ambulance Service

- Environment Agency
  - Natural England
  - Active Essex and relevant sports governing body representatives for Essex
9. The following questionnaire will be included in the infrastructure provider consultation. The information set out below will need to be provided for a project to be retained or added to the baseline infrastructure list for consideration for inclusion in the CIL Spending Plan.

<b>Submission of Infrastructure Projects – Survey for Stakeholders</b>
i. How does the scheme support the growth of the borough?
ii. What evidence do you have to show that the infrastructure will address impacts from development?
iii. How much will the scheme cost in total, and would you require CIL to pay for the scheme in whole or part? If in part, what other funding sources are available?
iv. Is the scheme identified on a forward planning document for the service provider?
v. Will the project require funding within this CIL Spending period? If yes, will funding be required in one year or phased across the plan period (or will it overlap into the next plan period?).
vi. If submitted by Canvey town council – will this funding assist with a Neighbourhood CIL project being delivered within the statutory five-year period (ie. through joint funding of Neighbourhood and Borough CIL)?

10. Upon receipt of consultation responses, the final baseline infrastructure list will be updated, and the infrastructure projects assessed. The assessment system is used to sort the long list into higher priority/deliverable projects and lower priority/undeliverable projects. Assessment will be carried out by officers, in discussion with service providers, where necessary (for example, there may be areas of clarification that require additional meetings/discussions), and accordance with the following assessment methodology.
11. Secondly, in preparing the CIL Spending Plan, it is important to identify projects that can be delivered within the timeframe covered by the plan (rolling three year period). The preparation of the IIP will therefore include CIL income trajectories which link up to service providers delivery timescales.

### 3. Assessment and Prioritisation Methodology

12. It is important to undertake an assessment of the baseline infrastructure list to ensure there is a clear evidence base to support the preparation of the three -year spending plan.
13. It is unlikely that in the first iteration of the CIL Spending Plan that many projects will be ready to be delivered within timeframe covered by the plan. This may lead to the decision that CIL will not be spent during the first three year IIP period, but saved towards future projects on the long list of CIL projects. This requires officers and members to take a 'long term' view of CIL spending, and to ultimately decide whether CIL money should fund small,



non-strategic projects, or larger, more costly projects. The assessment process will incorporate the following factors:

<b>Assessment Approach for Infrastructure Projects Submitted for Consideration in the CIL Spending Plan:</b>	
1.	<p>Does the scheme meet the requirements for spending CIL in the CIL Regulations (Regulation 59, paras 1, 3, 4 and 5 of the CIL Regulations 2010 (as amended):</p> <p><i>A charging authority must apply CIL to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure to support the development of its area.</i></p> <p><i>A charging authority may apply CIL to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure outside its area where to do so would support the development of its area.</i></p> <p><i>For the purposes of this regulation, any reference to applying CIL includes a reference to causing it to be applied, and includes passing CIL to another person for that person to apply to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure.</i></p> <p><i>This regulation is subject to regulations [59A, 59E, 59F,]60 and 61.</i></p>
2.	Is the scheme fully deliverable within the CIL Spending Plan timeframe 2025/26 – 2028/29?
3.	To what extent does the infrastructure project align with the Council's long term vision for the Borough, as set out in the Castle Point Corporate Plan
4.	<p>The Subsidy Control Act tests would be covered as the final assessment point. These include the following:</p> <ul style="list-style-type: none"> <li>• Would the payment be defined as a subsidy? If 'yes' go to state 2:</li> <li>• Review the subsidy against Schedule 1 subsidy principles of the Subsidy Control Act.</li> </ul>

## 4. Finalising the CIL Spending Plan – Governance and Decision Making

14. The results of the assessment process, set out above will result in a report setting out the shortlist of prioritised projects and the conclusions from the officer analysis of questionnaire responses.
15. This will be taken to a newly formed CIL Working Group, attended by the following:
  - Director of Place and Communities
  - Assistant Director responsible for strategic planning
  - Assistant Director responsible for economic development
  - Assistant Director responsible for Public Health
  - Assistant Director responsible for open spaces
  - Assistant Director responsible for leisure services
  - Representative from the Education Authority

- Representative from the Highway and Transport Authority
  - Representative from the Lead Local Flood Authority
  - Representative from Active Essex
  - Representative from the NHS Mid and South Essex ICB
16. The outcomes of this meeting will be noted and used by officers to prepare an update to the CIL Spending Plan which will then be circulated to stakeholders and infrastructure providers for final comment/feedback prior to the document being presented again in final form to the CIL Working Group to secure agreement from the board to be recommended to Scrutiny Committee. A meeting of the Scrutiny Committee will be convened to review the recommendations, and make a final recommendation to Cabinet.
17. It is expected that the first CIL Spending Plan will be a short list. This is due to the significant costs of infrastructure projects and due to the time it takes for projects to undergo feasibility stages, quotations and contract arrangements. However, the plan to be reviewed (on a 'light touch' basis) each year in case timings change for schemes which mean they may be deliverable in the plan period.



## Timeline and Governance Process for the CIL Spending Plan

(assuming first CIL Spending Plan will be for 2025/26 – 2028/29)

1. **January 2024** – undertake initial consultation on baseline and new infrastructure projects
2. **February 2024** – officers assess the consultation responses and prepare CIL Spending Plan report
3. **April 2024** – First meeting of the CIL Working Group to review the consultation responses and CIL Spending Plan Report. Discussions regarding prioritisation and feedback on the CIL Spending Plan report
4. **May 2024** – Final CIL Spending Plan and cover report prepared to be issued to the CIL Working Group for sign off.
5. **June 2024** – Second Working Group Meeting to review CIL Spending Plan (taking into account covering report and ensuring feedback has been considered). Key Output: Sign off and recommend to Scrutiny Committee.
6. **June/July 2024** – Officer preparation of report to Scrutiny Committee.
7. **September 2024** – Scrutiny Committee considers recommended CIL Spending Plan. Key Output: Decision to recommend to Cabinet for approval.
8. **October 2024** – Cabinet. Key Output: Approval of CIL Spending Plan 2025/26 – 2028/29.
9. **November 2024 – March 2025** - Master Contracts issued to infrastructure providers with schemes listed in approved CIL Spending Plan.
10. **April 2026 onwards** – CIL Spending Plan implemented.