

CIL Working Group Report

Produced for Finance & General Services committee dated 15th December 2022.

Prepared by Cllr Rob Barry. Submitted for publication 09/12/22.

The CIL WG last met at Jubilee House on Thursday 7th November 2022 and online on Thursday 24th November 2022.

Update on current funded CIL projects

1. *Cycleway over St John's Bridge* – A start date for the works had been given as 28th November and is expected to take two weeks to complete. However, it has now come to light that the railway bridge crosses a railway(!) and as a result Network Rail need to inspect and approve the planned works. This will delay works to sometime in the new year. Cllr Milton may be able to give any additional updates on this project at this F&GS meeting.
2. *Design work to better integrate the Pavilions Development into the town including changes to the highway configuration* – Cllr Spencer reported to the CIL WG that this project has 3 features; 30 mph limit (KTC funded*), street lighting (developer funded) and a cycle route (S106 funded). This split is also reflected in the costs for the project feasibility and design work. So, it is expected that the cost to KTC for this work will be significantly under the 'up to £10K' that KTC has previously approved. WCC has invoiced for the £10K but it is anticipated that we shall receive some change from this payment for the feasibility work. A proposal regarding the implementation costs for the extension of the 30 mph limit area is being brought to this F&GS meeting. This proposal has been received by the CIL WG and approved for consideration by the committee.
Cllr Spencer may be able to give any additional updates on this project at this F&GS meeting.
3. *Skate Park (& Pump Track)* – The contractor has been appointed for the design of the skatepark at Castle Farm. Cllr Milton is looking to arrange a site visit which suits all involved including user groups. It is anticipated that a further proposal for KTC CIL funding may arise to implement this project. Cllr Milton may be able to give any additional updates on this project at this F&GS meeting.

Other Town Council CIL Priorities

1. *Traffic Strategy for the Town* – No further update at this point in time.
2. *Abbey Fields Cycleway* – the group has not been informed on any progress on this project from WDC.
3. *Safe routes to schools* – the group has not been informed on any progress on this project from WCC.
4. *Station Road Pedestrianisation* – this is awaiting notification from WCC whether Station Road is to become a permanent closure.

Other matters:

Note that for the WWT and Kenilworth School CIL applications, briefings with the applicants and council members has been arranged for Monday 12th December 2022 and therefore these will have taken place prior to the F&GS meeting.

Community CIL application from Finham Brook (Kenilworth) Flood Action Group working with Warwickshire Wildlife Trust (WWT)

The CIL WG discussed this application for CIL funding in their role to ensure that the bid presented to the F&GS committee was eligible for CIL funding. The WG does not have a role in judging whether the bid should be successful in its application. That is for the F&GS and full KTC.

Note that the WG discussed the requirement for the application to be interviewed prior to consideration by F&GS. Given the importance of the allocation of the CIL receipts it was felt that external CIL applicants should provide a briefing to members which would allow for Q&As.

The WG, through our town clerk, has suggested that the applicant considers the following matters before the application is finalised for consideration by KTC:

- An application would need to come from a constituted group as payments could not be made to an individual's bank account.
- That the application should include a schedule of staged funding requirements. This would allow the council to consider the option of an initial award based on a detailed breakdown of project costs.

An application has now been submitted incorporating changes to accommodate the matters raised.

Therefore, the application from WWT before the F&GS on 15/12/22 is considered eligible by the CIL WG.

The WG does not have a role in recommending whether the bid should be successful in its application. That is for the F&GS and full KTC.

Kenilworth School – Athletics Track

The CIL WG considered the bid on 24/11/22 and concluded that the bid was eligible for CIL funding in that it met the criteria as set out by KTC.

The WG does not have a role in recommending whether the bid should be successful in its application. That is for the F&GS and full KTC.

WALC Advice

As a result of our meetings in November, the WG felt that it would be useful to seek legal advice from WALC regarding the following matters: -

- whether conditions can be set on applicants when an award is made.
- KTC granting a CIL award based on future CIL receipts i.e. greater than the CIL receipts already received.

The response received by email on 06/12/22 is as follows: -

“The Town Council can put conditions on the Grant and should do so to ensure that the Grant is used for the particular project. It would be normal for there to be a Funding Agreement between the parties.

CIL funds should be used for infrastructure projects. The Town Council can only commit itself to funds that it does not have if there is a binding agreement with the District Council to the effect that the monies will be made available and also the timing of such funds being available. There is a concern that developments could be postponed due to the market conditions.

However worthy the cause, the Town Council cannot commit itself to funding without being certain as to the receipt of funds from a third party."

Projection of future CIL receipts

It is felt that as KTC considers CIL applications we need to have a projection for future CIL receipts in terms of the size of the receipt and the expected date of receipt.

Our Town Clerk has contacted Phil Clarke at WDC to request a CIL receipts projection. This has been hard to get from WDC previously but seems a critical piece of information for KTC as it considers future CIL spend.

Some information was received on 8th December from WDC which provides the following calculation for one of the planning applications in the East Kenilworth development site.

W/22/1811 (620 dwellings)

From the Warwick District CIL Charging Schedule (1 Jan 2022) the CIL Charge £/sq.m. for the East Kenilworth developments is £27.39.

For 'dwelling housing' the chargeable gross internal area gain is given as 39306.9 m2.

This gives a total **overall** CIL payment requirement of £1.1M (to the nearest £100K).

Given that KTC receives 25% of the CIL payment this would mean that KTC would receive £270K (to the nearest £1K).

This does not seem to align with the expectation of some that KTC will be in receipt of around £3M from CIL payments that are detailed in the local plan.

For comparison and with the warning that these are based on my own calculations, the hybrid application W/20/2020 which includes a detailed application for 98 dwellings gives a floor area of 2468.99 m2 which would mean a CIL Payment of ~£68K and KTC CIL receipt of ~£17K. This application is also outline for a further 452 dwellings but no CIL information is provided on the application at this stage.

Kenilworth Town Council CIL Receipts

Date Compiled: 08/12/2022

Totals

Amount Received	£425,841	(formulas to table below)
Amount Spent	£31,452	
Balance	£394,389	

Actuals				
Amount Received	Date Received	Development	Spending Deadline	Amount Spent
£2,500.00	01/10/2019	W/18/1372	01/10/2023	£2,500.00
£1,964.00	01/04/2020	W/18/1372	01/04/2024	£1,964.00
£48,160.00	01/04/2020	W/19/0322	01/04/2024	£26,987.51
£12,500.00	01/04/2020	W/19/0784	01/04/2024	
£108,346.66	01/10/2020	W/19/0784	01/10/2024	
£216,693.32	01/04/2021	W/19/0784	01/04/2025	
£12,110.00	01/04/2021	W/19/1226	01/04/2025	
£5,350.00	01/10/2021	W/17/1828	01/10/2025	
£886.60	01/10/2021	W/20/0629	01/10/2025	
£4,830.00	01/10/2021	W/19/0477	01/10/2025	
£12,500	01/10/2022	W/20/2020	01/10/2026	
£425,840.58				£31,452

Development References:

W/17/1828	121-123 Warwick Road
W/18/1372	Corner of Princes Drive
W/19/0322	East of Warwick Road Phase 1
W/19/0477	Land adjacent to Ashfield House, Brooke Road
W/19/0784	East of Warwick Road Phase 2
W/19/1266	7 & 8 Pears Close
W/20/0629	127 Warwick Road
W/20/2020	Land at Thickthorn

Expenditure Committed/spent				
Details	Amount	Paid	Balance Held	Balance after commitments
Consultation fees	£4,625.00	£4,625.00		
Consultation flyers	£1,238.00	£1,238.00		
Consultation banners	£134.00	£134.00		£407,343.00
Award Talisman Theatre	£90,909.09	£15,454.51		£316,433.91
WCC Feasibility Study	£10,000.00	£10,000.00		£306,433.91
WCC Clarkes Rd Bridge	£27,500.00			
Skate Park	£5,000.00			-
Talisman award	£35,000.00			-
Talisman Contingency	£9,090.91			-
	£183,497	£31,452	£394,389.07	£242,343.58