

Southend-on-Sea City Council

Agenda
Item No.

Report of Interim Executive Director for Growth &
Housing

To
Cabinet

On

12 January 2023

Report prepared by:
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Proposed Community Infrastructure Levy (CIL) spending – Parks Improvement Programme

Place Scrutiny Committee
Cabinet Member: Councillor Carole Mulroney

A Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To seek agreement to spend up to £1 million from the Community Infrastructure Levy (CIL) Main Fund on enhancing Children's Play equipment in public parks within the City. Details of the improvements are set out in the Parks Improvement Programme - CIL Main Fund Application (**Appendix 1**).
- 1.2 The Infrastructure Funding Statement 2021-22 (**Appendix 2**) sets out the total amount in the CIL Main Fund, but it is confirmed that sufficient funds are available.

2. Recommendation

- 2.1 Note the 'Parks Improvement Programme - Community Infrastructure Levy (CIL) Main Fund Application' (**Appendix 1**).
- 2.2 Agree that up to £1 million from the CIL Main Fund is spent on enhancing children's play provision in public parks within Southend City subject to sign-off of the process as set out in 2.3 below.
- 2.3 Agree to delegate authority to the Director for Planning, in consultation with the Cabinet Member for Environment, Culture and Tourism, to sign-off that the process has complied with the objectives of the CIL Governance Framework (**Appendix 3**) when spending the sum agreed under Recommendation 2.2 of this report.

3. Background

- 3.1 Southend City Council has an adopted Community Infrastructure Levy Charging Schedule ("CIL"), which came into effect on 27th July 2015.
- 3.2 At the end of the financial year 2021-22 the Council held **£2,766,558** in the CIL Main Fund (See **Appendix 2**); and these funds continue to accrue as development is implemented.
- 3.3 The spending and reporting arrangements for CIL are set out in the Council's CIL Governance Framework (July 2015) (**Appendix 3**).
- 3.4 The initial intention was to prepare an Infrastructure Business Plan (IBP), identifying the project(s) from the Regulation 123 Infrastructure List that would benefit from CIL receipts within the CIL Main Fund, for consideration by Cabinet each year. However, to date, an IBP has not been required because Cabinet has agreed to carry forward monies in the CIL Main Fund with a view to accumulating a bigger 'pot' that may be more effective in enabling the Council to meet strategic infrastructure needs. This position is reviewed annually when the Southend Infrastructure Funding Statement is presented to Cabinet.
- 3.5 The 2019 amendments to the CIL Regulations removed the requirement for authorities to publish a CIL Regulation 123 Infrastructure List. Regulation 123 lists previously set out the projects that may be funded through CIL and included a list of infrastructure required for the delivery of the Council's adopted Development Plan Documents. Although the requirement for the list has now been removed, it is noted that when Southend published its list it included 'Children's Play Areas' and 'Youth facilities' in parks.
- 3.6 Regulation 123 lists have now been replaced by Infrastructure Funding Statements, which are updated annually. The Southend Infrastructure Funding Statement (**Appendix 2**) includes 'leisure and recreation' as an infrastructure category that can be delivered through developer contributions, including those secured through CIL. It also noted, for the end of the 2021 to 2022 financial year, the main CIL fund was carried forward.
- 3.7 The purpose of the CIL Main Fund is for it to be spent on strategic infrastructure that is considered essential to deliver the growth identified in the City's Local Development Plan. This infrastructure was initially identified in the Infrastructure Delivery Plan (IDP) where it states that *'as the population expands, there is a need for more children's play facilities. Often this takes the form of improving the provision at existing play areas.'*
- 3.8 Although the 'Borough Play Strategy' was adopted in 2007 many of its findings are still relevant. As part of a recent audit process, a number of play areas in Southend have been found to be of relatively low quality. The need for enhancing play equipment has also been highlighted on various councillor ward walks. Recent refurbishments have included Shoebury Common North, Shoebury Park, Blenheim Park and Eastwood Park.

- 3.9 The Parks and Open Spaces Team are currently developing a 10-year plan for enhancing parks and open spaces in Southend. As part of this process, 8 parks have been identified to initially focus on.
- 3.10 The Proposed Parks Improvement Programme set out in **Appendix 1** is considered sufficiently detailed to constitute a sound and reasonable business case for spending **up to £1 million** of the CIL Main Fund on enhancing the children's play provision in public parks within the City. This aligns to the evidenced need for infrastructure as set out in the IDP and shows that the works are still relevant. While an IBP has not yet been prepared in the format fully envisaged in the original CIL Governance Framework, national legislation has since moved on and compliance with the objectives of the CIL Governance Framework will be met through subsequent work, as set out in paragraph 2.3 of the Recommendation in this report.

4. Other Options

- 4.1 Do not agree to spend up to £1 million from the CIL Main Fund on improving and enhancing children's play provision. Whilst other funding sources may become available at some point, there is no guarantee as to if this would occur, when it would take place and the sums provided.

5. Reasons for Recommendation

- 5.1 The proposed works set out in the Parks Improvement Programme (**Appendix 1**) fall within the definition of infrastructure that can be CIL funded in accordance with the CIL Regulations 2010 (as amended) and the provision of children's play equipment was evidenced as an infrastructure priority within the Southend IDP.
- 5.2 At a time when the financial position is particularly challenging and funding may not be available from other sources, CIL funding that has previously been secured from new development in the City, can make a significant difference to the well-being of our residents by delivering the infrastructure needed to support development in the area.
- 5.3 If the use of CIL funding is agreed, it is the intention to commence works by May 2023. They will deliver substantial improvements to our children's play facilities across the City over a relatively short implementation period.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

- 6.1.1 CIL income is to be spent on community infrastructure that supports development in the City. The proposed CIL spending will support the delivery of several of the Council's corporate priorities as identified in the Southend 2050 ambition, particularly those under the themes of Pride and Joy, Safe and Well and Active and Involved.

6.2 Environmental Impact

6.2.1 The proposed Parks Improvement Programme endeavours to create play areas with more natural settings so they make a positive contribution to our overall park areas in terms of sustainability, health, well-being and biodiversity.

6.3 Financial Implications

6.3.1 The proposed improvements to our children's play facilities across the City would use 36% of the CIL Main Fund as it stood at the end of the financial year 2021-22. It is considered that this is appropriate use of CIL funding. The provision of new play equipment will ensure that revenue maintenance costs are minimised.

6.3.2 Other common sources of income for improving play facilities may include through the capital programme which would include associated borrowing costs, S106 and specific funding bids, for example lottery funding. However, there is no guarantee of funding through these other sources, when it would be available and the sums provided.

6.4 Legal Implications

6.4.1 All procedures in relation to CIL implementation, collection, reporting and spending must adhere to the Planning Act 2008 (as amended) and the CIL Regulations 2010 (as amended). The proposed spending is fully compliant with the relevant legislation.

6.5 People Implications

6.5.1 Staff resources, particularly within the Parks and Open Spaces Team, will be required to liaise with procurement, stakeholders and to effectively project manage the proposed works to ensure the infrastructure is delivered in a timely manner and within the agreed budget. Planning staff resource will also be needed to administer the spending of CIL Main Fund monies.

6.6 Property Implications

6.6.1 The Parks and Open Spaces Team may need to liaise with the Property and Estate Management Team as work goes ahead in relation to enhancing Council assets.

6.7 Consultation

6.7.1 Spending of the CIL Main Fund does not require statutory consultation. The identification of necessary infrastructure to support growth identified in adopted Local Development Plan Documents as set out by Southend IDP was subject to stakeholder engagement.

6.8 Equalities and Diversity Implications

6.8.1 CIL funding contributes towards infrastructure and community needs across a wide spectrum of businesses and residents within the City. Any decisions in relation to CIL spending must be made taking into consideration issues of equality and diversity. Correct procurement procedures would need to be followed and

the infrastructure provided should be accessible to all. This can be ensured through the appropriate detailed design of the play infrastructure as it is developed.

6.9 Risk Assessment

6.9.1 There is a possible risk that spending the CIL Main Fund as set out above is not delivered in a timely manner. Appropriate management of the process by the Council Parks team should provide adequate mitigation for such risk.

6.10 Value for Money

6.10.1 Appropriate Council procurement/tendering processes will ensure value for money in delivering the proposed play park improvements.

6.11 Community Safety Implications

6.11.1 A key criterion covered by the recent audit carried out by the Parks and Open Spaces Team included 'Safety and Security'. It is essential that all our play park facilities are safe places to play and enjoy. The changes delivered through this spending should have a positive impact in this regard.

7. Background Papers/Reference Documents

7.1 The Community Infrastructure Levy Regulations 2010 (as amended)

7.2 Southend-on-Sea City Council CIL Charging Schedule 2015

7.3 National Planning Policy Guidance

8. Appendices

8.1 **Appendix 1:** Proposed Parks Improvement Programme dated 27/10/2022

8.2 **Appendix 2:** Infrastructure Funding Statement 2021-22

8.3 **Appendix 3:** [Southend-on-Sea City Council CIL Governance Framework 2015](#)

8.4 **Appendix 4:** [Southend-on-Sea City Council Infrastructure Delivery Plan 2015](#)