

Southend-on-Sea City Council

Report of Executive Director of Neighbourhoods &
Environment and Interim Executive Director for Growth &
Housing
To
Cabinet
On

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Report prepared by:
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Agenda
Item No.

Proposed Community Infrastructure Levy (CIL) spending – Cycle Infrastructure Improvement Programme

Place Scrutiny Committee

Cabinet Members: Councillor Steven Wakefield and Councillor Carole Mulroney

A Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To seek agreement to spend up to £1million from the Community Infrastructure Levy (CIL) CIL Main Fund on enhancing cycle infrastructure within the city. The business case for agreeing this spend is set out in the proposed 'Cycle Routes & Path Improvement Programme – CIL Main Fund Application' (**Appendix A**) together with further details in **Appendix A1-A3**.
- 1.2 The Infrastructure Funding Statement 2021-22 (**Appendix B**) sets out the total amount in the CIL Main Fund as at the 31 March 2022. It is noted that at the [12 January 2023 Cabinet](#) members agreed to allocate £1million of this funding to a Parks Improvement Programme. However, it is confirmed that sufficient funds remain available for the proposed 'Cycle Routes & Path Improvement Programme – CIL Main Fund Application' also.

2. Recommendation

- 2.1 Note the 'Cycle Routes & Path Improvement Programme – CIL Main Fund Application' (**Appendix A**) together with further details in **Appendix A1-A3**.
- 2.2 Agree that up to £1million from the CIL Main Fund is spent on enhancing cycle infrastructure within the city of Southend.
- 2.3 Agree to delegate authority to the Director for Planning, in consultation with the Cabinet Member for Environment, Culture and Tourism, to take all necessary steps to ensure compliance with the objectives of the CIL

Governance Framework (Background Paper – 7.5) 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 B); 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) (Background Paper – 7.5).
- 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 ‘Local walking and cycling measures to upgrade network’.
- 3.6 Regulation 123 lists have now been replaced by Infrastructure Funding Statements, which are updated annually. The Southend Infrastructure Funding Statement (Appendix B) includes ‘public realm and environment’ as an infrastructure category that can be delivered through developer contributions, including those secured through CIL.
- 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 *‘measures to improve walking and cycling infrastructure connectivity to planned growth’* are required.
- 3.8 In Appendix A, the highway team state that *‘To support and reinforce work that is already in the process of being delivered through the Active Travel Fund, we have taken this opportunity to review the Cycling Delivery Report (Background Paper – 7.4) This report has been produced from the results of the holistic cycle audit, public consultation, and engagement with the cycling community. The report has a proposed programme of future phased (short, medium and long term) cycling measures to be delivered across the city. It should be noted that the*

*report looks at all opportunities for cycling provisions and that not all recommendations are agreed with. As an example, there is currently no intention to implement cycling measures on the A13 or Southchurch Road.’ Furthermore, ‘By utilising the CIL funding, it will be possible to expedite the delivery of the cycling measures within the report. These improvements will address a number of identified network deficiencies and also network improvement requests from the cycling community. Taken together, these two cycling improvement programmes will provide the added impetus to net zero by enabling our citizens who are able to travel around the city sustainably.’ This CIL bid is in three phases: short, medium and long-term projects (as set out in **Appendix A1-A3**).*

- 3.9 The Proposed Cycle Infrastructure Improvement Programme set out in **Appendix A** is considered sufficiently detailed to constitute a sound and reasonable business case for spending **up to £1million** of the CIL Main Fund on enhancing the cycle infrastructure 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 £1million from the CIL Main Fund on improving and enhancing cycle infrastructure. 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 Cycle Infrastructure Improvement Programme (**Appendix A**) fall within the definition of infrastructure that can be CIL funded in accordance with the CIL Regulations 2010 (as amended) and the provision of cycling measures 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 March 2023. They will deliver substantial improvements to our cycle infrastructure 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 Connected and Smart and Safe and Well, through promoting active travel and associated benefits.

6.2 Financial Implications

6.2.1 A proposed CIL main spend of £1million 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 improved cycle routes will ensure that revenue maintenance costs are minimised. Where revenue costs are required, this is to be funded by the Traffic and Highways maintenance budget.

6.2.2 Other common sources of income for improving cycle infrastructure, may be included through the capital programme, S106 and specific funding bids. However, apart from the identified Local Transport Plan funding there is no guarantee of funding through other sources.

6.3 Legal Implications

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

6.4 People Implications

6.4.1 Staff resources, particularly within the Neighbourhoods and Environment 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.

6.5 Property Implications

6.5.1 The Neighbourhoods and Environment Team may need to liaise with the Property and Estate Management Team as work goes ahead in relation to enhancing any council assets.

6.6 Consultation

6.6.1 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. In addition, the highway team state in **Appendix A**, that they have undertaken a '*city-wide holistic cycle audit, which included public consultation*'.

6.7 Equalities and Diversity Implications

6.7.1 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 cycle infrastructure as it is developed.

6.8 Risk Assessment

6.8.1 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 highways team should provide adequate mitigation for such risk.

6.9 Value for Money

6.9.1 Appropriate council procurement/tendering processes will ensure value for money in delivering the proposed cycle infrastructure improvements.

6.10 Community Safety Implications

6.10.1 Community safety can be improved and ensured through the appropriate detailed design of the cycle infrastructure as it is developed.

6.11 Environmental Impact

6.11.1 The proposed Cycle Routes & Path Improvement Programme will support increased cycling in the city, which in turn will help tackle some of the most challenging issues we face as a society including improving air quality, combatting climate change, improving health and wellbeing, addressing inequalities, and tackling congestion on our roads.

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

7.4 Cycling Delivery Report

7.5 [Southend-on-Sea City Council CIL Governance Framework 2015](#)

7.6 [Southend-on-Sea City Council Infrastructure Delivery Plan 2015](#)

8. Appendices

8.1 **Appendix A:** Proposed Cycle Routes & Path Improvement Programme

8.2 **Appendix A1:** Short-term scheme (Seafront Cycle Track)

8.3 Appendix A2: Medium-term scheme (Quietway's)

8.4 Appendix A3: Long-term schemes

8.4 Appendix B: [Infrastructure Funding Statement 2021-22](#)