

# Public Document Pack

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**Our reference:**  
**Your reference:**  
**Date:** 9 July 2024

To all Members of the Growth and Development Scrutiny Group

Dear Councillor

A Meeting of the Growth and Development Scrutiny Group will be held on Wednesday, 17 July 2024 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
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Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

1. Apologies for Absence
2. Declarations of Interest  
[Link to further information in the Council's Constitution](#)
3. Minutes of the Meeting held on 6 March 2024 (Pages 1 - 8)
4. Review of Rushcliffe Oaks Crematorium (Pages 9 - 18)  
Report of the Director for Development and Economic Growth
5. Infrastructure Delivery (Pages 19 - 32)  
Report of the Director for Development and Economic Growth
6. Work Programme (Pages 33 - 34)  
Report of the Director for Finance and Corporate Services



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## Membership

Chair: Councillor P Matthews

Vice-Chair: Councillor L Way

Councillors: K Chewings, S Dellar, C Grocock, D Mason, H Parekh, D Soloman and R Walker

### **Meeting Room Guidance**

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**MINUTES  
OF THE MEETING OF THE  
GROWTH AND DEVELOPMENT SCRUTINY GROUP  
WEDNESDAY, 6 MARCH 2024**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford  
and live streamed on Rushcliffe Borough Council's YouTube channel

**PRESENT:**

Councillors P Matthews (Chair), L Way (Vice-Chair), R Butler, K Chewings,  
J Cottee, S Dellar, C Grocock, N Regan and G Wheeler

**ALSO IN ATTENDANCE:**

Paul Goldsmith – Environment Agency  
Stephen Marwood – Environment Agency  
Ian Stoddart – Nottinghamshire County Council

**OFFICERS IN ATTENDANCE:**

C Evans	Service Manager - Economic Growth and Property
T Coop	Democratic Services Officer

**APOLOGIES:**

Councillors D Soloman and R Walker

**17 Declarations of Interest**

There were no declarations of interest.

**18 Minutes of the Meeting held on 3 January 2024**

The Minutes of the meeting held on 3 January 2024 were approved by the Group and were signed by the Chairman.

Councillor Chewings expressed his disappointment that the issues discussed at the meeting of Growth and Development Scrutiny in January 2024 in respect of the management of open spaces on new housing developments would not be scrutinised by the Group until Spring 2025 and felt that postponing for this length of time would not be helpful to residents living on these developments and Ward Councillors when dealing with issues raised by residents.

The Chairman explained that an update had been provided with responses to points raised at the last meeting and Councillors could direct their specific questions to the Service Manager – Economic Growth and Property after the meeting.

**19 Sewerage Infrastructure and Discharge within Rushcliffe**

At the meeting of Growth and Development Scrutiny in September 2022 Councillors were interested to obtain a response from Severn Trent Water and

the Environment Agency to establish an action plan for preventative measures in respect of new developments to assist Officers and Councillors when applying conditions to planning applications.

The meeting was attended by two representatives from the Environment Agency. However, the Group noted that Severn Trent Water had advised that they could not attend meetings at an individual district level due to the size of the area they covered.

### **Strategic and Development Control Planning**

Mr Paul Goldsmith, Sustainable Places and Planning Specialist at the Environment Agency (EA) delivered a presentation to update the Group on the Environment Agencies response to strategic and development control planning consultations when commenting on planning applications.

These include:

- Fluvial Flood Risk (river flood risk)
- Groundwater and Contaminated Land
- Land and Water (surface water quality)
- Fisheries, Biodiversity and Geomorphology
- Regulated Industry (power stations, anaerobic digestion plants etc)

The Group were informed that the EA are asked to comment on all applications within flood zone 3.

As well as the above specialisms the EA are also asked to comment on strategic planning documents that form part of a Local Authorities local plan, for example:

- Water Cycle Strategy
- Strategic Flood Risk Assessment (SFRA)
- Surface Water Management Plans
- Strategic Infrastructure Plans
- Environmental and/or Blue and Green Infrastructure Studies
- Strategic Housing and Employment Land Availability Assessments

Mr Goldsmith highlighted the EA's support in respect of the Greater Nottingham Strategic Plan and the support and advice they have provided and continue to provide across a wide range of disciplines including the Greater Nottingham Strategic Flood Risk Assessment update, water cycle study and site allocations to name a few.

With regards to planning applications, Mr Goldsmith advised that the EA are consulted as statutory consultees where application sites are located within areas with constraints which fall within the remit of the EA. The advice provided is given as advice and it is ultimately the decision maker, Rushcliffe Borough Council as the Local Planning Authority who can choose to overrule the EA's comments.

With regards to flood risk Mr Goldsmith advised the Group that the EA works closely with other key partners at Severn Trent Water (STW) and the Lead Local Flood Authority (LLFA), with the primary remit for flood risk being fluvial

flood risk from both the River Trent and River Smite and ordinary watercourses where a site falls within flood zone 3.

The Group noted that the EA are the regulator for the sewerage sector (STW) and ensure that the required permits are applied for and adhered to.

Mr Goldsmith commented on the recent storms, 'Babet' and 'Henk' and the impact they had on local communities within the Borough. The Group noted the EA's work was currently in the recovery phase, which involves investigating the causes of flooding some communities experienced.

Mr Goldsmith informed the Group that to date the EA has undertaken the largest number of community visits and intel gathering across all its' regional divisions as part of their role and commitment to their responsibilities under section 19 of the Flood Water Management Act 2010, thus allowing for better relationships with partners by sharing information and building more flood resistant communities.

Councillor Grocock asked what defines a water course and are rivers and watercourses in the Borough regularly inspected and maintained to help eliminate the level of impact caused by flooding. Mr Goldsmith explained that a watercourse can be defined as the tributary of a main river and where water could potentially spread in the event of flooding, adding that an over spill from a tributary watercourse may have some impact on a new development. Mr Goldsmith highlighted the importance of sharing information with other partners such as the Lead Local Flood Authority (LLFA) to get a greater understanding of flood mapping to increase greater resilience for future planning.

Councillor Grocock asked whether the Council had overruled any flood risk advice the EA had provided when determining a planning application. Mr Goldsmith advised that he was not aware of any issues and complimented the Council's Planning department, expressing that officers were excellent to work with, in order to meet a solution.

### **Sustainable Growth**

Mr Stephen Marwood from the Environment Agency delivered a presentation to inform the Group of the EA's Adaptive Investment for Growth document which had been produced alongside Nottinghamshire County Council's Inward Investment Framework. The EA document is to provide an engagement platform with District and Borough Council's on environment constraints and creating sustainable growth.

Mr Marwood explained that the EA commissioned a piece of work to develop the key concepts and provide the methodology for the agencies Adaptive Investment Prospectus which Mr Marwood had circulated to the Group for further information and reading.

The Group were advised that the methodology that was created could be utilised as a national dataset of indicators around environment inequalities and constraints, including flood risk and extreme heat which will become a more frequent issue in the future. A Countywide overview gave the EA a good

representation that could be broken down to create District and Borough scorecards looking at common shared constraints in respect of quality of life and future sustainable economic prosperity across districts.

With regards to the Adaptive Investment for Growth Prospectus, Mr Marwood asked the Group to consider climate risk and the compounding threats from:

- Heatwaves – the increase in frequency, drought and wildfires
- Increased Health Vulnerabilities and exposure to poor air quality
- Increase in summer flash and winter rainfall events
- Water scarcity and threats to intensive agriculture and competitiveness

Lastly, Mr Marwood explained that if adaptive opportunities could be realised sooner and preventative interventions were put in place early enough this could outweigh any future costs.

The Group commented on the Rushcliffe Borough Scorecard and were surprised at the poor score given to the environmental inequality relating to plants and wildlife and asked why this was the case given that Rushcliffe is predominantly rural. Mr Marwood explained this is due to the Borough having a lower number of areas of plant and wildlife significance or protection. The Chairman suggested that biodiversity net gain could be addressed during future planning processes and possible interventions at Rushcliffe Country Park.

Cllr Butler asked a specific question in relation to the recent storms where some residents have been affected by flooding on one or more occasions and can the Council be confident that information is being fed back to residents. Mr Marwood advised that the EA is doing all it can to alleviate immediate flood risk when events happen, adding that residents need to make immediate contact with the agency as the flood is happening so agency officers can map and gather as much intelligence where and when flooding events happen. Mr Marwood advised that after a flooding incident inspections and surveys are conducted and help and advice is provided for residents on how to protect their properties and how to apply for grant funding. The Group noted that the EA are working on future comms and a community App.

The Group expressed their disappointment that Severn Trent Water (STW) had said they could not attend the meeting of Growth and Development Scrutiny. The Group asked what mechanisms are in place to regulate whether the mains network can cope with the increase in sewerage capacity due to housing development and whether the sewerage infrastructure needs to be updated. Mr Goldsmith explained that the regulation process is complex involving legal processes to impose any fines and EA cannot force STW to update the mains network. Mr Goldsmith offered to provide further information after the meeting to the Group about the regulatory process for connecting to mains and issues of capacity. He also advised that there is information on STW's website about capacity across the network. Mr Goldsmith offered to return to a future meeting with technical specialists to provide further insight into particular areas of concern, for example flooding and sewerage. The Group were advised that STW, working with the EA, had recently built a new urban SUD at Mansfield and requested the Group be provided with further details of this scheme.

With regards to planning and development control, at the Growth and Development meeting in September 2022 there was some contradictory information. EA had advised that developers had to ensure there was capacity in the network, however STW stated that developers have a right to connect to the mains which cannot be refused. Mr Goldsmith advised he was under the understanding that a connection to the mains could not be refused, however there is the opportunity for STW to raise strong concerns if there is a concern about capacity. It was suggested STW are invited back to a future meeting of Growth and Development Scrutiny to provide further information on capacity issues, connecting to the mains and best methods of contacting them as members have struggled with this.

Councillor Grocock referred to the Environmental Equality indicators and expressed the Council were doing well compared to other similar authorities and County and regional level and suggested the Council look at an Environmental Improvement Plan in partnership with other agencies, Districts and Boroughs to explore other mechanisms and interventions to create the most impact and also improve the Council's overall biodiversity net gain.

The Service Manager – Economic Growth and Property advised the Group of work being done by the Nottinghamshire wide economic growth group and other partnerships.

It was **RESOLVED** that the Growth and Development Scrutiny Group:

- a) Reviewed the scrutiny matrix and noted the previous meeting (21 September 2022) and asked questions of the expert witnesses.
- b) Identified areas where further work or further updates are required e.g. communications or engagement between organisations
- c) Requested that Severn Trent Water and the Environment Agency be invited back to a future meeting of Growth and Development Scrutiny.

## 20 **Connectivity and Communications**

Councillor Combellack had submitted a scrutiny matrix which had been circulated with the report for this item. Councillor Combellack addressed the Group expressing her concerns around broadband and mobile network coverage across the Borough and wanted to understand what opportunities and challenges there are to achieving 100% coverage.

Mr Ian Stoddart, Digital Connectivity Manager at Nottinghamshire County Council delivered a presentation on Nottinghamshire County Council's 'Better Broadband for Nottinghamshire' a multi contract programme that delivered over £31m of broadband network investment across the County, of which Rushcliffe received 16,099 connections. Over 87,000 premises were connected to a fibre

service between 2014-2021 and 83.37% of all Nottinghamshire premises receive gigabit-capable service, with premises in Rushcliffe receiving 80.96% able to access gigabit-capable services and 53.17% able to access a full-fibre broadband service and although behind the County as a whole, the Group were advised these coverage figures are extremely positive.

Mr Stoddart informed the Group of the latest £5bn national programme 'Project Gigabit', a programme to deliver 85% gigabit broadband coverage, with an initial scope of 20,000 premises in Nottinghamshire, 3,412 in Rushcliffe. Mr Stoddart explained that given the nature of civic engineering projects related to broadband delivery it is not expected that delivery will begin until early 2025 and are subject to network design verification and a detailed survey process, including design change and cost confirmation.

Mr Stoddart highlighted the D2N2 'GigaHubs' Project, a Nottinghamshire County Council led project funded by the Department for Levelling Up, Housing and Communities (DLHUC), which aims to connect public sector buildings to fast, reliable internet connection.

The Group noted the 4 sites selected for Rushcliffe at:

- Bingham Library
- Cotgrave Library/Cotgrave Hub
- Keyworth Library
- Radcliffe on Trent Library

Mr Stoddart confirmed that a supplier contract for delivery is in place and the survey and design process is underway with services expected to be delivered by March 2026.

With regards to mobile network coverage Mr Stoddart advised the Group of a Digital Pathfinders project which Nottinghamshire County Council have partnered with Birmingham University to collect mobile data in reference to coverage and signal strength across Nottinghamshire by deploying equipment to Nottinghamshire County Council's waste collection vehicles to detect 'not-spots', where coverage is poor. The Group noted that Nottinghamshire County Council would utilise the findings to engage with mobile network operators regarding not-spots and intervention opportunities. Nottinghamshire County Council also has a license agreement in place to provide the use of streetlighting to mobile operators to install 'small cell' equipment with the aim to increase the capacity of their networks.

Mr Stoddart advised the Group that if they are aware of any businesses approaching the Council to discuss mobile infrastructure opportunities that Nottinghamshire County Council would welcome the opportunity to support businesses and provide access to data to highlight any opportunities.

In concluding Mr Stoddart informed the Group of the Public Switched Telephone Network (PSTN), which BT have announced will be switched off and by the end of 2025 their plans to migrate the old analogue telephone network to a fully digital one. In addition, the Group were advised that the Government has committed to work with Ofcom to ensure consumers and affected sectors are protected and prepared for the switch.



The Group asked Mr Stoddart what Rushcliffe Borough Council could be doing to support residents and Nottinghamshire County Council to minimise any disruption and what alternative solutions are available for residents in the meantime. Mr Stoddart explained that full fibre options are the best option going forward and Nottinghamshire County Council will be lobbying hard for improvements, however this will involve huge amounts of capital to make the digital switch cost effective and fit for future use. In respect of alternative back up for residents Openreach (BT) does have a universal service obligation where premises/households can apply directly to Openreach, but data suggests cost to connect to full fibre are high for an individual connection in remote locations.

Councillor Butler asked a specific question relating to mobile networks and its dependency on mobile masts and whether mobile companies would consider sharing masts. Mr Stoddart explained technically this can be done, but the competition between mobile providers does not allow it.

The Chairman thanked officers at Nottinghamshire County Council for the extensive work being done to improve connectivity and communications across the Borough and Nottinghamshire and reminded the Group of the invitation from Nottinghamshire County Council to refer residents broadband and mobile enquiries to the County Council.

It was **RESOLVED** that Growth and Development Scrutiny Group:

- a) reviewed the scrutiny matrix and ask questions of the expert witnesses
- b) identified that there were no areas where further work or further updates are required.

## 21 **Work Programme**

The Group considered its work programme which is subject to scrutiny matrices being submitted by Councillors and Officers.

It was **RESOLVED** that the Work Programme detailed below be approved by the Growth and Development Scrutiny Group:

### **July 2024 (TBC)**

- Review of Rushcliffe Oaks Crematorium
- Infrastructure Delivery
- Work Programme

### **October 2024 (TBC)**

- Accessible Housing
- Work Programme

### **January 2025 (TBC)**

### **March 2025 (TBC)**

**Action Table – 6 March 2024**

<b>Min No.</b>	<b>Action</b>	<b>Officer Responsible</b>
19	The Group asked for further clarity on STW's ability to connect to the main sewerage network and the regulatory powers and process that EA have on this should the mains network not have the capacity and this becomes an issue	Service Manager – Economic Growth and Property and Paul Goldsmith (EA)
19	The Group requested details on the Urban SUD STW have installed in Mansfield	Service Manager – Economic Growth and Property and Paul Goldsmith (EA)
19	The Group welcomed the offer from EA for them to return to a future meeting with technical experts to focus on specific areas	Service Manager – Economic Growth and Property and Paul Goldsmith

The meeting closed at 9.04 pm.

CHAIR



## Growth and Development Scrutiny Group

Wednesday, 17 July 2024

### Review of Rushcliffe Oaks Crematorium

## Report of the Director for Development and Economic Growth

### 1. Purpose of report

- 1.1. Rushcliffe Borough Council's ambition to build an environmentally conscious crematorium that offers a different choice for the residents of the Borough has been realised and Rushcliffe Oaks opened on 3 April 2023.
- 1.2. This report follows the update to Growth and Development Scrutiny in July 2023. It reviews the first operational year of Rushcliffe Oaks and provides an update on the various opportunities and areas for further exploration identified by the Scrutiny Group at the meeting in July 2023.

### 2. Recommendation

It is RECOMMENDED that the Growth and Development Scrutiny Group:

- a) Review the actions taken in response to the Group's suggestions in July 2023
- b) Identify new opportunities to further promote and develop the offer at Rushcliffe Oaks.

### 3. Supporting Information

#### Background

- 3.1. In November 2018, Cabinet identified the opportunity for the construction of a Crematorium in the Borough and a potential site for this. Catchment areas of existing crematoria in Rushcliffe and neighbouring boroughs were analysed and demonstrated a geographical gap in Rushcliffe which was not being served by access to a crematorium within a 30–45-minute drive time (acceptable industry and compassionate standards). This, alongside future demand linked to population growth and trends in death care (i.e. preference for burial or cremation), led to the conclusion that there was a compelling business case to be made for the development of a new crematorium in Rushcliffe.
- 3.2. Wilford Hill was previously the only crematorium in the Borough and is run by Nottingham City Council. Drive-time catchment analysis undertaken indicated that a new crematorium in Rushcliffe could expect to do in excess of 1000 cremations annually, without accounting for the projected population increase both nationally and in the Borough. Therefore, a new crematorium in the

Borough was considered both a necessary piece of community infrastructure and a financially viable proposition.

- 3.3. Planning permission for the development was approved in September 2019 and the land purchase completed in early 2020.
- 3.4. As set out in the report to Cabinet in July 2020, Rushcliffe's carbon neutral targets are embedded in all aspects of the Crematorium. This included a recommendation at that time for officers to investigate new technologies to enable the delivery of a greener crematorium within the project budget. One area of focuss was the cremator itself and following investigations the decision was made to install an electric cremator rather than the more traditional gas option, reducing CO2 emissions by up to 85%.
- 3.5. At that time there was only one other crematorium in the UK with an electric cremator. By the time of opening, Rushcliffe Oaks was the fourth in the UK and the decision to go with electric rather than the traditional method of gas has played a huge part in the facility being operationally carbon neutral. The excess heat from the cremator is used to heat the building and water.
- 3.6. The construction of Rushcliffe Oaks began in November 2021 and was expected to take 48 weeks with a view to opening in the Autumn of 2022. There were however several delays to this timeline with supply chain issues, Covid-19 still being present and unexpected issues that came up during the process including the supplier of the cladding having a factory fire and no longer being able to fulfil the order. However, these barriers were overcome, and the Crematorium opened on 3 April 2023.
- 3.7. The total budget for the build including land purchase and provision of the cremator was £8.5m, although the final account is currently being finalised, and it is anticipated that the project will generate a saving of £1.24m.
- 3.8. As well as reports to Cabinet throughout the build process, a cross-party Member Working Group was also established. This enabled the team to update Councillors and get a steer on key decisions throughout the programme delivery.

### **Review of year one**

- 3.9. Rushcliffe Oaks carried out 506 cremations in year one which generated a total income of £485,640. This means that in year one a surplus of £61,000 was achieved. This is incredibly positive for a first year of business.
- 3.10. The Manager of Rushcliffe Oaks recently met with all funeral directors who have been regular users of the Crematorium over the past year to obtain feedback. Feedback received was outstanding from all, without exception, commenting that they were finding it hard to identify any areas for improvement. Stand out comments were about the team and the care for families throughout the process and in particular finding ways to accommodate all requests, even those that are out of the ordinary. Funeral Directors have offered a few ideas for

enhancing the site for example, showing the hymn words on the television screen (this has now been done). The walk from the flower court to the family cars can be too far for people who are disabled or elderly (the team are looking at quotes to extend the path from the flower court to the drive and add a gap with a dropped kerb to make this distance much shorter). All feedback is being reviewed and implemented where appropriate. The outcome will be fed back in the quarterly newsletter that the team send to Funeral Directors.

- 3.11. Along with all the local funeral directors that you would expect to use Rushcliffe Oaks i.e. AW Lymn, Coop, AM Buckingham funeral services. There are several funeral directors who travel a distance and actively encourage families to come to Rushcliffe Oaks, in some circumstances travelling past other Crematoriums. For example, G Gamble and Son at Quorn are 5 minutes from Loughborough Crematorium and Butterfly Funeral Services of East Goscote who are closer to Loughborough and Gilroes.
- 3.12. The Manager has been approached by the NAFD (National Association of Funeral Directors) to ask if our venue can be used for a future meeting which has been agreed and will be a great opportunity to showcase the facility to more funeral directors.
- 3.13. The Ministry of Health and Welfare in Korea brought 34 delegates to visit Rushcliffe Oaks on 26 June (during the week the Crematorium is closed for maintenance). They are all civil servants related to welfare for the elderly and funeral culture. They chose Rushcliffe Oaks after looking at the website and said how beautiful it looked. They would like to learn about the concept and how the operation works, as well as the technologies used and a full tour of the crematorium and grounds. Their hope is this will help with learning for the Korean Cremation Culture.
- 3.14. It is very early into year two but growth on the previous year can already be seen. In April 2023, 22 services took place. As a comparison, in April 2024, 52 services took place. Projected income for 2024/25 is £710,556 and the team are working with colleagues in finance to profile this over the year to reflect the trend identified in the first year e.g. lower numbers of cremations in summer months. The following table shows the income generated each month since opening to the end of May 2024:

Month	Crematorium Income generated	Target income
April 23	£18,924	£51,300
May 23	£31,951	£57,000
June 23	£38,954	£62,700
July 23	£45,657	£59,850
August 23	£37,034	£62,700
September 23	£33,607	£59,850
October 23	£28,955	£62,700
November 23	£43,777	£62,700
December 23	£40,126	£49,400
January 24	£65,622	£62,700

February 24	£61,149	£52,250
March 24	£55,805	£57,730
April 24	£59,339	£53,730
May 24	£49,189	£58,705

### **Memorialisation income and sales to date.**

3.15. In addition to income from services, there are also a range of memorialisation options available. For the purposes of budgeting, an assumption is made that income generated from memorialisation will equate to 4% of income from cremations. This is based on information from The Cremation Society which shows that around 4% of families choose memorialisations at the Crematorium where the service took place. There may also be families who choose memorialisation options at Rushcliffe Oaks who did not have a service there. In year one, the following memorialisations were sold:

- Stone Orbs x 4
- Plaques x 3 – bench and slate
- Oak Avenue kerbstone x 2
- Memory tree memorial leaf x 1.

3.16. The sale of these generated £15,920 in year one against a target of £19,425 (based on cremation income of £485,640). As Councillors will appreciate, it can take time for families to decide what they would like to do with the ashes and therefore it was anticipated that sale of memorialisations would increase over time. In the first quarter of 2024/25, £8,000 income has been received from memorialisation orders.

### **Marketing and communications**

3.17. A key area of discussion at the Growth and Development Scrutiny meeting in July 2023 was opportunities to further promote Rushcliffe Oaks. The team have been working incredibly hard over the last year on this and some key highlights include:

- Advert placed in the bereavement brochures at both QMC and City Hospital (only crematorium in the booklet)
- Funeral director/Celebrant newsletter (quarterly)
- Continual liaison with Funeral directors including one to one visits by the team and the Manager
- Open days and Christmas event
- Regular posts on social media
- Introduction of the first comfort dog at a crematorium
- Donations of £14,000 split across three charities raised from being part of the OrthoMetals scheme.

3.18. Relationship building with the funeral directors is ongoing. The Rushcliffe Oaks team want the funeral directors and celebrants to feel welcome and the team are keen to promote a one team approach. Building strong relationships is a key part of our strategy and will encourage funeral directors and celebrants to promote our service over another.

- 3.19. The introduction of Maisie as the first crematorium comfort dog has led to exposure via an interview on Radio Nottingham, a piece on East Midlands Today and ITV news central. Maisie has also been selected as a finalist for a BBC Make a difference award and the winner will be announced at an awards ceremony in September.
- 3.20. The Manager will be looking for future opportunities for communications and marketing that are in conjunction with partners. This is a good opportunity to raise awareness of Rushcliffe Oaks and what it has to offer in a more sensitive approach.

### **Customers of Rushcliffe Oaks**

- 3.21. At the July 2023 Growth and Development Scrutiny Group Councillors asked who is using Rushcliffe Oaks. The team keep a record of this data and the table below shows the number of residents using the facility, compared with customers outside of Rushcliffe:

Rushcliffe Residents	376
Out of area	130

- 3.22. As can be seen, the majority have been from the Borough, however those from out of the area reflects the location of the facility and proximity to neighbouring areas, as well as the reputation of the facility and the willingness of families and Funeral Directors to travel.
- 3.23. The team carried out a piece of work to identify all local funeral directors and those from further afield. Following identification, all the funeral directors identified were visited in person by a member of the team to introduce Rushcliffe Oaks and talk about what the offer is, invite them for a tour, to drop off brochures, funeral director packs, chocolates and pens.

### **Next steps**

- 3.24. To support the growth of the business the team have plans for this year including:
- Continued liaison with funeral directors including acting on the feedback provided
  - Social media posts
  - Advertising in bereavement brochure (as above)
  - Christmas service and open day later in the year
  - Opportunities to hold further relevant meetings (offered to ICCM, Obitus and NAFD)
  - Attend local community events as appropriate
  - Improvements to the bottom third of the site to improve drainage and enable use of the site with installation of footpaths. This will create an additional area for memorialisation
  - Developing memorialisation options
  - Installation of bee hives once work to site completed

- Review of fees ahead of 2025/26 to ensure right level compared to others (this is done every year)
- Continuing to learn about other faiths and how to ensure Rushcliffe Oaks can meet their needs
- Ensuring resilience in the team, particularly in the winter months.

#### **4. Risks and Uncertainties**

- 4.1. During the past year many funeral directors have commented that whilst the trends are following their general seasonal pattern, the death rate is still lower overall compared with the years pre-covid and they expect it will take some time for the numbers to revert to their usual levels. Rushcliffe Oaks will continue with the marketing strategy and expects that the number of people choosing Rushcliffe Oaks will grow in the coming year.
- 4.2. The target growth in income for 2024/25 is approx. £200,000. This is a stretching target and there is a risk that this will not be achieved however, as Councillors will see there is a lot of work taking place to build the business but there are factors outside of our control that will influence the delivery of this.

#### **5. Implications**

##### **5.1. Financial Implications**

The original business model has been revised to reflect what we now know about the legacy impact of Covid and industry trends e.g. quieter during school holiday periods. These revisions had a minimal impact on payback period which was extended from 14 years to 15 years. This now needs to be revised again with actuals achieved in year 1 which will be done over the coming weeks.

As already noted (paragraph 3.9) the Crematorium made a surplus in year one of approx. £61,000. The year two target of £710,556 (this figure includes memorialisation sales) represents approx. £200,000 growth on income achieved in year one.

##### **5.2. Legal Implications**

There are no legal implications associated with this report.

##### **5.3. Equalities Implications**

Rushcliffe Oaks is a fully accessible facility and open to all faiths.

##### **5.4. Section 17 of the Crime and Disorder Act 1998 Implications**

There are no crime and disorder implications associated with this report.

##### **5.5. Biodiversity Net Gain Implications**



Rushcliffe Oaks is net zero carbon, but continually looks for ways to improve. For example, bee hives are being added to the site later this year.

## 6. Link to Corporate Priorities

The Environment	Rushcliffe Oaks is an environmentally conscious crematorium using an electric cremator which reduces emissions by up to 85%.
Quality of Life	Rushcliffe Oaks provides a service for its residents at one of the most difficult times in life, in beautiful, tranquil surroundings.
Efficient Services	No links
Sustainable Growth	No links

## 7. Recommendations

It is RECOMMENDED that the Growth and Development Scrutiny Group:

- a) Review the actions taken in response to the Group's suggestions in July 2023
- b) Identify new opportunities to further promote and develop the offer at Rushcliffe Oaks.

<b>For more information contact:</b>	Rhonda Churchill Rushcliffe Oaks Manager Crematorium Manager <a href="mailto:rchurchill@rushcliffe.gov.uk">rchurchill@rushcliffe.gov.uk</a>  Tel: 0115 9148389
<b>Background papers available for Inspection:</b>	Cabinet report 13 November 2018 Cabinet report on 9 December 2019 Cabinet report on 14 July 2020 Growth and Development Scrutiny report on 19 July 2023
<b>List of appendices:</b>	

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# Rushcliffe Borough Council – Scrutiny Matrix

<b>Request for Scrutiny</b>		
Service Manager – Economic Growth and Property		
<b>Proposed topic of scrutiny ...</b>	A review of Rushcliffe Oaks Crematorium	
<b>I would like to understand ... (key lines of enquiry)</b>	<p>Rushcliffe Oaks is a new facility being built in the Borough which will be owned and operated by RBC. It is important councillors understand how this is operating, future plans and any risks/issues:</p> <ul style="list-style-type: none"> <li>• What has worked well?</li> <li>• Any areas for development?</li> <li>• How is income against forecast?</li> <li>• How many services are being done on a daily/weekly basis?</li> <li>• What is planned to increase/improve this if an issue?</li> <li>• What community engagement has been done or is planned?</li> </ul>	
<b>I think this topic should be scrutinised because ... (please tick)</b>	<input type="checkbox"/>	<b>Poor Performance Identified</b>
	<input type="checkbox"/>	<b>Change in Legislation or Local Policy</b>
	<input type="checkbox"/>	<b>Resident Concern or Interest</b>
	<input type="checkbox"/>	<b>Cabinet Recommendation</b>
	<input type="checkbox"/>	<b>Links to the Corporate Strategy</b>
	<input checked="" type="checkbox"/>	<b>Other (please state reason)</b> Totally new area of Council – scrutiny increases Councillor understanding and provides independent and constructive challenge
<b>Officer Consideration of Councillor Request for Scrutiny</b>		
<b>Officer Feedback (please tick)</b>	<input checked="" type="checkbox"/>	<b>Officer Comment</b>
- Issue already being addressed	<input type="checkbox"/>	
- Issue has already been considered in the last 2 years?	<input type="checkbox"/>	
- Issue is a legal matter	<input type="checkbox"/>	
- Issue of a complaint investigation	<input type="checkbox"/>	
- Issue is a staffing matter	<input type="checkbox"/>	
- There is an alternative way of dealing with the issue	<input type="checkbox"/>	

<b>Is there sufficient capacity ...</b>	Yes	
- <b>Scrutiny Work Programme?</b>		Growth and Development Scrutiny Group
- <b>Officer Resources?</b>		Catherine Evans and the Crematorium Team
<b>Recommendation</b>	Schedule for scrutiny	
<b>Lead Officer</b>	Catherine Evans	
<b>Proposed Timescale for Scrutiny and Scrutiny Group</b>	Growth and Development Scrutiny Group – July 2023	

 <p data-bbox="193 398 405 468"><b>Rushcliffe</b> Borough Council</p>	<p data-bbox="456 230 1086 264"><b>Growth and Development Scrutiny Group</b></p> <p data-bbox="456 304 842 338"><b>Wednesday, 17 July 2024</b></p> <p data-bbox="456 378 799 412"><b>Infrastructure Delivery</b></p>
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## **Report of the Director for Development and Economic Growth**

### **1. Purpose of report**

1.1. This committee previously considered reports presented to it on 4 October 2023 relating to Infrastructure Delivery via Community Infrastructure Levy (CIL) and Section 106 of the Town and Country Planning Act 1990 (s106). At the conclusion of that meeting further questions were raised by members, being:

- (1) Member requested further detail in respect of the infrastructure triggers within a development and what measures are in place to track and enforce developers to deliver the infrastructure agreed when the application was approved
- (2) The Group requested a follow up item regarding when infrastructure delivery programmes are delayed and how it engages and communicates with Town and Parish Councils
- (3) To review how, when and why changes are made and the role of the Borough Council in this process – what powers does it have to influence the changes and when are they used
- (4) To review how the Borough Council engages and communicates with local stakeholders, including Town and Parish Councils and consider what improvements could be made
- (5) Reflecting on lessons learned through delivery of existing infrastructure in the Borough as a result of housing growth and changes that could be applied to future housing developments.

1.2. This report sets out to provide a response to these additional queries.

### **2. Recommendation**

It is RECOMMENDED that the Growth and Development Scrutiny Group considers the contents of this report.

### **3. Reasons for Recommendation**

- 3.1. To enable members to understand the current process in place for monitoring the collection of s106 and CIL contributions, and the penalties or enforcement mechanisms available under both regimes where payment is not forthcoming.

#### **4. Supporting Information**

- 4.1. Five additional questions were raised by the Growth and Development Scrutiny Group which are identified in paragraph 1.1 numbers 1-5. These are each dealt with in turn below.

##### **(1) Infrastructure triggers within a development and what measures are in place to track and enforce developers to deliver the infrastructure agreed when the application was approved.**

- 4.2. This section is broken down into Community Infrastructure Levy (CIL) and Section 106 (s106) as these are different processes.

##### **Community Infrastructure Levy (CIL)**

- 4.3. CIL payments are towards a strategic package of infrastructure projects which can only come forward when the total money is in place, the payments for each application are not specifically tied to infrastructure to make a specific development acceptable in planning terms. How CIL is collected is governed by legislation which is set by government.

- 4.4. Every chargeable development pays CIL contributions in line with the same rules (Instalments Policy) with some variations based on the financial scale of the CIL liability as follows:

- **Where the chargeable amount is less than £50,000:** Full payment will be required within 90 days of the commencement date or on substantial completion of the liable development whichever is soonest;
- **Where the chargeable amount is £50,000 - £250,000:** First instalment representing 25% of the chargeable amount will be required within 120 days of the commencement date or on substantial completion of the liable development whichever is soonest; and, the second instalment representing 75% of the chargeable amount will be required within 300 days of the commencement date or on substantial completion of the liable development whichever is soonest
- **Where the chargeable amount is over £250,000:** First instalment representing 25% of the chargeable amount will be required within 120 days of the commencement date or on substantial completion of the liable development whichever is soonest; Second instalment representing 25% of the chargeable amount will be required within 210 days of the commencement date or on substantial completion of the liable development whichever is soonest; Third instalment representing 25% of the chargeable amount will be required within 390 days of the commencement date or on substantial completion of the liable

development whichever is soonest; and, The fourth and final instalment representing 25% of the chargeable amount will be required within 570 days of the commencement date or on substantial completion of the liable development whichever is the soonest.

- 4.5. There are events which can cause a default on the instalments policy, for example if a developer fails to notify us of commencement of development, then when we become aware the full amount (plus additional interest from the date of actual commencement) will be due immediately. These penalties do ensure that for CIL developments developers do almost always notify us in advance of trigger events such as commencement of development. As instalments beyond commencement are calendar based these future events can be diarised in advance through the EXACOM monitoring package which we use.
- 4.6. Being calendar based these future events can be diarised in advance through the EXACOM monitoring package which we use. Owing to late payment interest, and forfeiture of the instalment policy if commencement is not notified developers are generally good at notifying the council of impending commencement of development. Officers also work with colleagues in Planning Policy who also monitor the commencement/completions of dwellings for plan making/ monitoring purposes.
- 4.7. The CIL regulations set out a number of penalty and enforcement mechanisms for cases of failure to notify of events, failure to pay on time, or refusal to pay at all.
- 4.8. The most common issue is a failure to notify of an event, such as commencement of development. This results in a forfeiture of any instalment payment option, as well as penalty interest being due from the day that the notifiable trigger occurred. Beyond this interest there is also the potential to impose surcharges, although most are small and must be warned about in advance.
- 4.9. Where it appears that a developer is unwilling to make payments at all the regulations give a number of options. These include a CIL Stop Notice, these allow for development to be halted until the CIL payment issue is resolved. A CIL Stop Notice can only be served after a CIL Stop Warning Notice which must have been served at least 28 days prior to any CIL Stop Notice.
- 4.10. There is also the option of CIL Liability Orders obtained through the court followed by various recovery powers including control of goods orders and ultimately imprisonment for non-payment.
- 4.11. Further details of these enforcement and penalty mechanisms are set out in Appendix A.

## **Section 106 (s106)**

- 4.12. A s106 is a legal agreement which identifies necessary infrastructure to make a planned development acceptable. Each s106 is a bespoke document and the required infrastructure and payment towards enhancing providing additional infrastructure, including triggers, are negotiated on a case by case basis.
- 4.13. All infrastructure requirements within a s106 need to be necessary, in scale and kind and relatable to the development, in line with the CIL regulations (often referred to as the request being CIL compliant).
- 4.14. The triggers for when payments towards infrastructure improvements or the delivery of specific pieces of infrastructure are dependant upon a number of factors. These can include:
- When the infrastructure is necessary, for example a new road junction is necessary in terms of highways safety prior to the occupation of any dwellings, or a new school is need prior to the occupation of 500 dwellings
  - Cashflow, ensuring that a developer is able to extract some value from their development (profit) in order to fund the contributions they are due to pay. Requiring 100% payment of all contributions at commencement might make a development unviable
  - Viability issues which cause reasons for delay to the provision of infrastructure
  - Phasing of the development.
- 4.15. Some triggers will be based on events (commencement, percentage occupation completion etc), others might be based on calendar time periods (for example a bus service contribution might pay an instillment at first occupation, with subsequent annual instalments until the 5th anniversary).
- 4.16. S106 agreements do include lists of events (usually the events which form triggers within the agreement) which the developer is supposed to notify us of, unfortunately some developers do not always provide this information.
- 4.17. For s106 monitoring as developers are often poor at notifying us when triggers are reached the planning team have adopted a practise of asking developers when they might expect the next trigger to be reached (for example when requesting contributions at commencement we might ask what their expected build rate is and when they might reach 10% occupation which is the next trigger). The Planning Contributions Officer keeps a log of these estimates to revert to developers if we have not heard anything further by the point where we had anticipated the next trigger to be reached.
- 4.18. Beyond that monitoring of s106 on site is aided by Planning Policy colleagues who undertake annual monitoring on delivery of affordable homes which can also help us to determine what level of occupation a site has reached; we also



undertake a bi-monthly update through Council Tax on major sites so that we can track occupations through council tax records.

- 4.19. Where triggers are based on anniversaries of events these can be diarised in EXACOM in the same way as CIL instalment dates.
- 4.20. Under s106 the enforcement method for non-compliance is a legal one by way of pursuing action for 'breach of contract'. The only alternative is engaging a mechanism for arbitration which most agreements contain, but this is mainly in relation to disagreements about what the agreement requires rather than a simple failure (or refusal) to comply with the requirement. There is no planning enforcement mechanism for non-compliance with a section 106 agreement, it would not be possible to serve a stop notice on a development, or a planning enforcement notice, in relation to failure to comply with s106 clauses, if it was important that works were halted then this could potentially be achieved via seeking an injunction from a court to that effect.
- 4.21. To maintain wider enforcement options wherever possible on-site infrastructure is best secured via planning conditions. There are cases where it is not possible to do so (for example footpath connections cannot be solely secured through a planning condition – their construction can, but securing a public right to access them can only be achieved through a legal agreement as planning conditions cannot require access to land to be granted to the public).

**(2) When infrastructure delivery programmes are delayed how planning engage and communicate with Town and Parish Councils.**

**s106**

- 4.22. For s106 agreements, as discussed above, there are triggers for the delivery of infrastructure on site or the payment of money to support the expansion or delivery of additional infrastructure.
- 4.23. If the delivery of infrastructure is to be on site there are clear requirements in the s106 which developers need to adhere to. If the delivery of infrastructure is to be facilitated by another body, such as the NHS, County Council then payment is taken to allow these bodies to undertake the works. When money is collected there is often a clause in the s106 which requires the money to be spent within a certain time period (often between 5-10 years). Therefore, it cannot be expected that the infrastructure required will be delivered in a similar timescale to the payment of the money by the developer to Rushcliffe.
- 4.24. On occasion there is a request from developers to change a trigger/timing of when that infrastructure can be delivered on site or payments made (more information on this is provided within the next section from paragraph 4.36). If changes to s106 are made which result in a delay to the infrastructure required on site, likely to be adopted by the Parish/Town Council, or off site highway works which are likely to affect the local community this change is shared with Town/Parish Councils and Ward Members. Additionally, if officers

are aware of delays due to unforeseen circumstances and a s106 has not been amended but it is known that there will be a delay Town/Parish Councils and local Ward Members are kept up to date on the situation until it is resolved.

## **CIL**

- 4.25. For CIL the way in which strategic infrastructure is delivered is through the priority funding list, this does set out timescales for these projects, but some of these are 10 years away and it is accepted that the timetable is subject to change. The priority funding list is a published document and is reviewed and updated every 3 years. The latest document can be found at [ifs-2022-2023.pdf \(rushcliffe.gov.uk\)](https://www.rushcliffe.gov.uk/ifs-2022-2023.pdf).

### **(3) To review how, when and why changes are made and the role of the Borough Council in this process – what powers does it have to influence the changes and when are they used.**

- 4.26. CIL delivery is updated through the funding statement, however it is not a specific agreement with developers and ‘amendments’ are not made.
- 4.27. Planning legislation allows for variations to s106 agreements and therefore Councils must consider them. A variation can be requested at any time, even if the development is completed, dependant upon what the s106 includes. This does not mean they have to be agreed. If an amendment to the s106 is requested this is something the Council must consider and determine if the amendment is acceptable. This request needs to be submitted to the Council, with appropriate justification, which will be considered by the planning and legal departments. If an amendment to the s106 is agreed this is often referred to as a ‘deed of variation’. If an amendment to a planning permission is sought (variation of a condition such as change to plans, materials, amendment to details) this will require a ‘deed of variation’ to ensure the s106 applies to the new planning permission which allows the amendments. Dependant upon the details approved through the amended planning permission this may require changes to the s106 to reflect any changes.
- 4.28. In terms of ‘why’ changes are made there are a myriad of reasons why an agreement might need to be renegotiated. Examples of s106 variations are given in the bullets below (n.b. this list is not exhaustive):
- change to the trigger (can be a number of reasons for this)
  - a key point in the agreement is unclear in its interpretation and a clarifying amendment is needed
  - changes requested by infrastructure providers as to how they will respond to meet demand or changes to demand (for example schooling or health provision)
  - where developments are brought forward over protracted periods there may be changes in context which affect provisions within the legal agreement.

**(4) How the Borough Council engages and communicates with local stakeholders, including Town and Parish Councils and consider what improvements could be made.**

- 4.29. S106 are the result of a planning application. During the planning application process all relevant stakeholders are consulted, including Town and Parish Councils. This is the opportunity for them to identify any local infrastructure needs which may be requested through a s106 for the development. This would then need to be assessed by planning officers to identify if this request meets the relevant tests for it to be classed as 'CIL' compliant to allow it to be requested through a s106.
- 4.30. It is often the case that a request would need to be justified with specific evidence as to costings and how the project would be delivered. If this is something a Town/Parish Council needs further information on how to achieve this planning officers can give further guidance on this.
- 4.31. Stakeholders which have a local influence but are also a wider organisation such as the NHS or Nottinghamshire County Council in respect of highways and schools are also consulted on applications. Regular meetings are also held with these stakeholders to discuss the issues relating to the delivery of these types of infrastructure, what their plans are and how (if at all) those plans might be changing and what money is available/has been received to deliver the infrastructure sought.
- 4.32. The Borough Council is the relevant stakeholder, in most instances, for sports and leisure facilities and even where such facilities are not directly provided by RBC the Communities Manager is aware of other needs and demands within the borough through the preparation of the Leisure Strategy and Playing Pitch Strategy.
- 4.33. S106 agreements are published on the Council's website as part of the planning file. Where there are any subsequent changes to the agreement that would impact stakeholders delivering the infrastructure those changes would be notified to them.
- 4.34. The council accepts that, particularly in cases where there are multiple amendments to an agreement these can become challenging to follow. It is not common practise for a 'revised agreement' to be produced, rather variations tend to be short documents with statements such as "delete paragraph 4.3 and in its place insert...".
- 4.35. Once there is more than one amendment it is necessary to have multiple documents open and to try and follow the changes, which may stack on top of each other. Whilst the Borough Council can advise of the changes and share the variation deeds it remains that they are not straightforward to interpret.

**(5) Reflecting on lessons learned through delivery of existing infrastructure in the Borough as a result of housing growth and changes that could be applied to future housing developments.**

- 4.36. In respect of CIL the mechanisms are set out in great detail in the CIL regulations with limited scope for departure.
- 4.37. The council does produce an annual infrastructure monitoring report which will, in time, provide some insight into how infrastructure funding is being spent and this could, in turn feed back into reviews of the local infrastructure funding list. It will be particularly interesting to see, for example, how local parishes spend their local proportion of CIL funding and whether there are specific types of locally in demand infrastructure which might be taken into account in reviews of the strategic funding list.
- 4.38. For s106 the main issues which arise is that the way in which infrastructure is to be delivered changes between the signing of the agreement and when it comes to be delivered. When consulted on an outline application for a major development an infrastructure provider is making a best guess as to how they might deliver infrastructure perhaps more than a decade into the future. Other pressures which arise in the interim might lead to decisions which change those plans, but external changes, such as changes in government policy or legislation might also impact upon how a provider had intended to use funds secured through a s106 agreement.
- 4.39. Officers have more recently set up regular meetings with the NHS, Nottinghamshire County Council and colleagues within the Communities Team. These ensure regular dialogue is happening between the Council and relevant stakeholder to identify infrastructure projects and also identify when money has been secured and paid how this will be spent and the timescales of this. This has resulted in a better working relationship and a better understanding of key infrastructure issues in the borough.
- 4.40. In addition the Borough has established Development and Community Boards at Fairham, Newton, Sharpill and Bingham (with one planned for Gamston in the future). These provide the opportunity for developers to keep the town/parish council and local ward members informed of the progress of the development on these large strategic sites.

## **5. Risks and Uncertainties**

- 5.1. The risk that housing and other growth is not adequately supported by infrastructure are reduced by the Council working closely with infrastructure and service providers and by identifying infrastructure requirements early in the plan preparation process.
- 5.2. The Levelling Up and Regeneration Bill seeks to replace the current system of developer contributions with a mandatory and locally determined Infrastructure Levy. The Infrastructure Levy would be calculated on a final gross development value of a scheme or phase of a scheme, above a minimum levy threshold. It is intended to replace CIL, S106 and affordable housing developer contributions with a single flat-rate levy based on the final sale values of a development. Although primarily a financial contribution, the

Levy could require the contribution of on-site infrastructure within a development. So as it stands, a levy (CIL), in-kind developer contributions (S106) and affordable housing would be replaced with a mandatory levy and in-kind developer contributions (which may or may not include affordable housing). The specific details and timings for introduction of the Levy remain uncertain ahead of finalisation of primary and secondary legislation and relevant national policy and guidance. It is uncertain if a new parliament following the July elections would continue this proposal.

## **6. Implications**

### **6.1. Financial Implications**

The workload required in working with infrastructure and service providers to identify and deliver infrastructure required to support housing and other growth is undertaken utilising existing Planning Policy and Development Management resources. Where work is associated with specific planning applications, this is supported financially by the planning application fees for the planning application. The fees associated with the drafting of s106 are paid for by the developer. S106 agreements often include monitoring fees to cover the costs of monitoring (both staff and software), and up to 5% of the total of received CIL payments can similarly be used for funding the administration of CIL. Where additional resources are required this is considered as part of the Council's budget review processes.

### **6.2. Legal Implications**

The Council, as local planning authority, is legally responsible for preparation of the Local Plan and determining planning applications (apart from matters including minerals and waste development over which the County Council has responsibility). The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, with the identification and coordination of the provision of infrastructure to support growth identified a key aspect of achieving this. The CIL Regulations 2010 (as amended) sets the legal tests for planning obligations, including for infrastructure provision to support new development. The regulations state that planning obligations are only appropriate to make development acceptable in planning terms.

### **6.3. Equalities Implications**

An Equalities Impact Assessment is prepared as part of the plan making process and due regard is given to the implications identified in it. CIL as a levy applies universally where chargeable development takes place, the rate of CIL was set based on evidence base advising on what level of levy would be viable. Our rate was set very conservatively so that there was no realistic prospect of CIL charging giving rise to viability issues.

### **6.4. Section 17 of the Crime and Disorder Act 1998 Implications**

There are no crime and disorder implications associated with this report.

#### 6.5. Biodiversity Net Gain Implications

There are no biodiversity implications associated with this report.

#### 7. Link to Corporate Priorities

The Environment	The provision of infrastructure alongside and in close proximity to housing and other growth supports environmental objects. New development that is supported by sustainable transport facilities and services (walking, cycling and public transport) lowers impact on the environment. Green infrastructure is capable of delivering a wide range of environmental benefits.
Quality of Life	Ensuring that new development is sufficiently supported by new infrastructure is essential for maintaining the quality of life for both existing and new Rushcliffe residents.
Efficient Services	The provision of efficient services includes ongoing appraisal and alignment of resources to growth aspirations.
Sustainable Growth	A fundamental principle of sustainable growth is that new housing and other growth is supported by adequate and timely infrastructure

#### 8. Recommendations

It is RECOMMENDED that the Growth and Development Scrutiny Group considers the contents of this report.

<b>For more information contact:</b>	James Bate Team Manager – Monitoring and Implementation  <a href="mailto:Jbate@rushcliffe.gov.uk">Jbate@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Report on wider Infrastructure Matters to Growth and Development Scrutiny Group 4 October 2023  Minutes from Meeting of Growth and Development Scrutiny Group 4 October 2023 giving rise to additional questions
<b>List of appendices:</b>	Appendix A – CIL Penalty and Enforcement Summary

## **Possible consequences of failing to follow the CIL payment procedure**

This note sets out the possible consequences of not following the CIL payment procedure.

### **Surcharge for failing to assume liability before commencement**

Failure to assume liability before the commencement of development may result in the CIL collecting authority imposing a surcharge of £50 per landowner subsequently discovered. This surcharge ensures that the costs of establishing the identities of landowners are borne by the liable parties.

### **Surcharge where apportionment is necessary**

Further, where CIL collecting authorities have to apportion liability between one or more owners of the land, they may also impose a surcharge of £500 per owner. This is to ensure the costs of this apportionment are borne by the owners in question. Both these surcharges are in addition to the loss of payment rights that result from failing to assume liability before the commencement of development.

### **What happens if a valid commencement notice is not submitted before development commences?**

Failure to submit a valid commencement notice before development commences may result in the CIL collecting authority imposing a surcharge of 20% of the CIL amount due, up to a maximum of £2,500.

### **Surcharge for failing to comply with an information notice**

Failure to comply with the any requirement of an information notice within 14 days of the notice being served, may result in a CIL collecting authority imposing a surcharge. This would be of 20% of the CIL amount due, up to a maximum of £2,500.

## **Late or non-payment**

### **Late payment interest**

Failure to pay CIL on time will result in the imposition of late payment interest by the CIL collecting authority at 2.5 percentage points above the Bank of England base rate.

### **Late payment surcharge**

Continued failure to pay CIL may result in the CIL collecting authority imposing one or more late payment surcharge. Such surcharges will be imposed in the following manner:

- Five per cent of the outstanding amount where payment is still overdue after 30 days, subject to a £200 minimum.
- Five per cent of the outstanding amount where payment is still overdue after six months, subject to a £200 minimum.

- Five per cent of the outstanding amount where payment is still overdue after 12 months, subject to a £200 minimum.

### **The CIL stop notice**

Sometimes collecting authorities may believe that interest and late payment surcharges will be ineffective in securing payment of the overdue CIL. In such circumstances, collecting authorities may decide to serve a CIL stop notice on the development in question. A CIL stop notice prohibits development from continuing until payment is made. Continuing to develop in the presence of such a notice is a criminal offence, punishable by potentially unlimited fines.

Before serving a CIL stop notice however, a collecting authority will first issue a warning to the person liable to pay the amount, the land's owners, occupiers and all those who the collecting authority will be affected by the notice. It will also post a warning on the site itself. This warning will state that continued non-payment may result in a CIL stop notice being issued. It will also set out the amount overdue and the number of days after which a CIL stop notice may be served if payment continues not to be made. If payment is not made by the end of this period, a collecting authority may serve a stop notice which will prohibit development with immediate effect immediately until payment of the outstanding amount is made.

### **Distrain on goods (asset seizure)**

When you fail to pay CIL a collecting authority may seek a court's consent to seize and sell your assets to recover the money due. These assets may include any land you hold. The collecting authority must send you notice of its intention to do so beforehand.

### **Committal to prison**

If you continue to evade paying CIL, the collecting authority can ask a magistrates' court to commit you to prison for no more than three months. To do this, the collecting authority must be able to demonstrate to the court that it has been unable to recover the CIL amount due by seizing and selling your assets and land.



## Councillor Request for Scrutiny

### Request from Growth and Development Scrutiny Committee

<b>Proposed topic of scrutiny ...</b>	<b>Infrastructure delivery</b>	
<b>I would like to understand ... (key lines of enquiry)</b>	<p>Councillors at Growth and Development Scrutiny Group heard how the Council works with partners to plan for the infrastructure required to support housing growth in the borough.</p> <p>The Group requested a follow up item regarding when infrastructure delivery programmes are delayed and how it engages and communicates with Town and Parish Councils.</p> <p>To review how, when and why changes are made and the role of the Borough Council in this process – what powers does it have to influence the changes and when are they used.</p> <p>To review how the Borough Council engages and communicates with local stakeholders, including Town and Parish Councils and consider what improvements could be made.</p> <p>Reflecting on lessons learned through delivery of existing infrastructure in the Borough as a result of housing growth and changes that could be applied to future housing developments.</p>	
<b>I think this topic should be scrutinised because ... (please tick)</b>		<b>Poor Performance Identified</b>
		<b>Change in Legislation or Local Policy</b>
		<b>Resident Concern or Interest</b>
		<b>Cabinet Recommendation</b>
		<b>Links to the Corporate Strategy</b>
	X	<b>Other (please state reason)</b>

		Request from scrutiny	
<b>Officer Consideration of Councillor Request for Scrutiny</b>			
<b>Officer Feedback (please tick)</b>			
- Issue already being addressed	x	Issue of a complaint investigation	x
- Issue has already been considered in the last 2 years?	✓	Issue is a staffing matter	x
- Issue is a legal matter	x	There is an alternative way of dealing with the issue	x
<b>Is there sufficient capacity ...</b>			
- Scrutiny Work Programme?	✓		
- Officer Resources?	✓		
<b>Recommendation</b>	Schedule for scrutiny		
<b>Consideration of Request for Scrutiny at COG</b>			
<b>Public Involvement / engagement?</b>			
<b>Expert witnesses?</b>			
<b>Portfolio holder?</b>			
<b>Lead Officer?</b>	Helen Knott, Service Manager – Planning and Growth		
<b>Proposed Timescale for Scrutiny and Scrutiny Group</b>	Growth and Development Scrutiny Group – November 2024		

 <p><b>Rushcliffe</b> Borough Council</p>	<p><b>Growth and Development Scrutiny Group</b></p> <p><b>Wednesday, 17 July 2024</b></p> <p><b>Work Programme</b></p>
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## Report of the Director for Finance and Corporate Services

### 1. Summary

- 1.1. The work programme is a standing item for discussion at each meeting of the Communities Scrutiny Group. In determining the proposed work programme due regard has been given to matters usually reported to the Group and the timing of issues to ensure best fit within the Council's decision making process.
- 1.2. The table does not take into account any items that need to be considered by the Group as special items. These may occur, for example, through changes required to the Constitution or financial regulations, which have an impact on the internal controls of the Council.
- 1.3. The future work programme was updated and agreed at the meeting of the Corporate Overview Group on 5 September 2023, including any items raised via the scrutiny matrix.

Members are asked to propose future topics to be considered by the Group, in line with the Council's priorities which are:

- Quality of Life;
- Efficient Services;
- Sustainable Growth; and
- The Environment

### 2. Recommendation

It is RECOMMENDED that the Group agrees the work programme as set out in the table below.

#### **17 October 2024 (Joint Scrutiny Group)**

- Accessible Housing Briefing
- Work Programme

#### **23 January 2025**

- Work programme

#### **3 April 2025**

- Work programme

### 3. Reason for Recommendation

To enable the Council's scrutiny arrangements to operate efficiently and effectively.

<b>For more information contact:</b>	Pete Linfield Director of Finance and Corporate Services 0115 914 8349 <a href="mailto:plinfield@rushcliffe.gov.uk">plinfield@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None.
<b>List of appendices (if any):</b>	None.