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Our reference:
Your reference:
Date: Monday, 2 July 2018



To all Members of the Cabinet

Dear Councillor

A Meeting of the Cabinet will be held on Tuesday, 10 July 2018 at 7.00 pm in Council Chamber Area B, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julian Crowle'.

Julian Crowle
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 12 June 2018 (Pages 1 - 6)
4. Opposition Group Leaders' Questions

To answer questions submitted by Opposition Group Leaders on items on the agenda.

5. Citizens' Questions

To answer questions submitted by citizens on the Council or its services.

- 1) "Why has outline planning permission for the land South of Clifton not yet been granted, despite the fact that authority to do so was delegated to the Executive Manager (Communities) on 25 January 2018? Delay on this site is negatively affecting the housing land supply calculations, meaning that East Leake is subject to explosive housing

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growth far in excess of the minimum level stated in the Core Strategy.”

Ms Carys Thomas

- 2) “Why is the Council taking so long to implement CIL? Are you aware that while you are delaying this, the pooling rules mean that East Leake is losing large amounts of developer S106 contributions which could be used for much needed infrastructure such as a new Health Centre and sports pavilion?”

Mr Conrad Oatey

- 3) “Could you advise how the Council ensures that it meets its Public Sector Equality Duty under the Equality Act across all Council departments, and has it ever failed to meet this requirement? In addition could you also advise how progress in this area is monitored and reported to Councillors.”

Mrs Vivien Strickland

6. Community Infrastructure Levy Draft Charging Schedule (Pages 7 - 60)

The report of the Executive Manager - Communities.

7. Bingham Leisure Centre - Feasibility Options (Pages 61 - 74)

The report of the Executive Manager – Communities.

8. Revised Contaminated Land Inspection Strategy (Pages 75 - 90)

The report of the Executive Manager – Neighbourhoods.

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MINUTES OF THE MEETING OF THE CABINET TUESDAY, 12 JUNE 2018

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillors S J Robinson (Chairman), D Mason (Vice-Chairman), A Edyvean,
G Moore and R Upton

OFFICERS IN ATTENDANCE:

D Banks	Executive Manager - Neighbourhoods
J Crowle	Solicitor
A Graham	Chief Executive
P Linfield	Executive Manager - Finance and Corporate Services
K Marriott	Executive Manager - Transformation and Operations
L Webb	Constitutional Services Officer

1 Declarations of Interest

There were no declarations of interest.

2 Minutes of the Meeting held on 15 May 2018

The minutes of the meeting held on Tuesday 15 May 2018 were approved as a correct record and signed by the Chairman.

3 Opposition Group Leaders' Questions

There were no questions.

4 Citizens' Questions

There were no questions.

5 Cotgrave Regeneration Scheme Phase 2

The Portfolio Holder for Economic Growth and Business presented the report of the Executive Manager – Transformation and Operations to provide a progress report on the Cotgrave regeneration project Phase 1, and to set out the potential next steps to progress Phase 2. The Portfolio Holder advised that he was pleased to note that Phase 1 of the Cotgrave Regeneration Project had been delivered on budget.

At its meeting in February 2018 Cabinet had approved the proposal for the

Council to acquire long leaseholds on the town centre units which were not currently in Council ownership (Minute No.48 2017/18). The Portfolio Holder advised that it was now proposed that these units be demolished rather than refurbished as the row was unsightly and that demolition would provide more flexibility for the future use and the development of the area. The Portfolio Holder advised that external market advice had been secured from independent property consultants, Box Property to consider future uses for the site. The officer's report provided details of their initial analysis of the future potential uses of the site. It was agreed that the £387,000 underspend from the Land North of Bingham budget from 2017/18 would be reallocated to Cotgrave regeneration Phase 2 to provide the funding required to secure vacant possession of the row, proceed with the demolition, and work up a proposal for the Council's further investment in the site.

In seconding the recommendations, Councillor Mason noted that she was pleased that Phase 1 of the regeneration project had been completed within budget. Councillor Robinson welcomed that there were already various options under consideration for the future use of the land once the units had been demolished. Councillor Robinson also stated that it was important that the units be demolished as soon as possible as they had created an eyesore in the town centre.

It was RESOLVED that:

- a) the row of shops including units 1 – 4c be demolished once the Council has achieved vacant possession.
- b) the capital programme be amended and the £387,000 underspend from the Land North of Bingham budget from 2017/18 be reallocated to cover additional costs associated with securing the vacant possession and demolition of units 1 – 4c and bringing forward Phase 2.
- c) Officers undertake detailed work on the investment opportunity for Rushcliffe Borough Council to develop the area of the shopping centre shown as Phase 2 in Appendix A.
- d) Concurrently, the Phase 2 area is red-lined and marketed to ascertain levels of private sector interest which could result in a capital receipt for the Council.
- e) a report be brought back to Cabinet later this year to detail the results of resolution c) and d)

Reasons for decisions

To support the long-term regeneration of Cotgrave and to facilitate the delivery of economic growth in the area and contribute to ensuring a sustainable, prosperous and thriving economy.

6 Financial Outturn 2017/18

The Portfolio Holder for Finance presented the report of the Executive Manager – Finance and Corporate Services which outlined the year-end financial outturn

position of the Council for 2017/18.

The officer's report outlined the year-end financial outturn position for 2017/18 which was linked to the closure of accounts process and previous financial update reports that had been submitted to Cabinet. The Portfolio Holder explained that the Council's net position was £317,000 and that this had been transferred into reserves, this was against an original plan to transfer of £655,000 from reserves, which showed a net revenue increase of £982,000. It was noted that the increase had partly arisen from revenue efficiencies throughout the year of £170,000, but the majority of the increase was due to additional grant income outside of the Council's control.

The Portfolio Holder explained that the Council's total in reserves had increased from £10.2 million to £10.5 million and that they would be an increase in demand for these reserves to use for future investment and internal borrowing. The Portfolio Holder commented on the Council's improved net worth and change in investment asset values. The Portfolio Holder thanked the Executive Manager and the finance team for producing the statement of accounts for 2017/18 a month earlier than last year.

Councillor Edyvean in seconding the recommendations thanked the finance team managing the Council's finances effectively and for delivering sound financial management. Councillor Robinson also noted the update in the officer's report on the loan to Nottinghamshire County Cricket Club and was pleased to note that the Council would receive £62,000 of interest payments as a result of the loan as well as welcoming the healthy financial position of the Club. Councillor Robinson thanked the finance team for producing the statement of accounts a month earlier than in previous years.

It was RESOLVED that:

- a) the 2017/18 revenue position and efficiencies as identified at Table1 of the officer's report, be noted, and that the associated changes to the earmarked reserves as set out at paragraph 4.5 and in Appendix B of the officer's report, be approved.
- b) the re-profiled position on capital, as outlined in Appendix C of the officer's report be noted, and that the capital carry forwards, as outlined in Appendix C of the officer's report be approved.
- c) the additional spend required for projects, as detailed at paragraph 4.8 of the officer's report, be approved.
- d) the update on the loan to Nottinghamshire County Cricket Club, as detailed at section 5 of the officer's report, be noted.

Reason for decisions

To accord with good financial governance and the Council's financial regulations.

7 Response to the West Bridgford Commissioners Report

The Portfolio Holder for Housing, Planning and Waste Management presented the report of the Executive Manager – Neighbourhoods that outlined the Borough Council's response to the West Bridgford Commissioners report that set out a vision which would shape the future of the town centre. The Portfolio Holder asked Cabinet to consider the Council's response to the West Bridgford Commissioners Report and recommendations. It was noted that West Bridgford was a vibrant town centre but was facing competition from online retailers and that the Council should not be complacent that the town centre would continue to maintain its vibrancy in light of the changing retail environment.

The Commissioners report, which had been published in November 2017 had identified six broad themes, which together had contained twenty-eight individual recommendations for West Bridgford town centre. It was noted that since the report had been published that work had been undertaken to consider and develop the Council's response which was intended to form the basis of a future vision and associated work programme, and that this vision was also supported by the West Bridgford Growth Board. The Portfolio Holder advised that the original six themes in the Commissioners report had been developed into two key strategic ambitions which were supported by five areas for action. It was noted that the Strategic Ambitions were with regard to Tudor Square and the Bridgford Road Car Park and that the Action Areas included improving brand identity, supporting local businesses who wished to progress their digitalisation journey, considering the physical environment and access of the town centre and to monitor the existing provision of street cleansing and litterbin management. Information and analysis of the Strategic Ambitions and Action Areas were included in the officer's report.

In seconding the recommendations Councillor Mason commended the actions outlined in the report and was pleased that the views of residents of had been included in the Commissioners' report. Councillor Mason also welcomed the proposals to improve the connectivity between Central Avenue and Gordon Road. Councillor Robinson advised that he was hopeful that the feasibility of the projects recommended, such as the redevelopment of Bridgford Road Car Park would be confirmed by the end of the year. Councillor Robinson also advised that the Council had to remain proactive in order for West Bridgford town centre to continue to thrive and maintain its position and thanked the Executive Manager – Neighbourhoods for his work in producing the response to the West Bridgford Commissioners Report.

It was RESOLVED that the Borough Council's response to the Commissioners report and recommendations be approved.

Reason for decision

To incorporate the vision of the West Bridgford Commissioners report within the Council's broader vision and ambitions within its future strategic framework, medium term financial strategy and supporting work programmes.

8 Limited Liability Partnership (LLP)

The Portfolio Holder for Economic Growth and Business presented the report of the Executive Manager – Transformation and Operations proposing that the creation of a Limited Liability Partnership (LLP) between RBC Enterprises Ltd and PSP Facilitating Limited (PSPF). At its meeting in November 2017 Cabinet had resolved that officers explore the possibility that the Council enter into a Limited Liability Partnership with PSPF, (Minute No.31 2017/18). It was also noted that at its February 2018 Cabinet had approved a corporate structure and governance arrangements for the formation of RBC Enterprises Limited that could oversee all Rushcliffe Borough Council companies in the future (Minute No.44 2017/18).

The Portfolio Holder advised an LLP between RBC Enterprises Ltd and PSPF would provide the Council with an additional option over and above those currently available to it with regard to the disposal, sale, or development or other use of its assets in order to maximise income and opportunity. It was also noted that as part of its medium term financial planning the Council was always looking for ways in which to maximise its property assets. In addition the Council and its communities had aspirations to redevelop or enhance parts of the Borough's towns and villages through the work of the growth boards, but that external funding may be needed to realise these ambitions. The Portfolio Holder advised that future projects were being considered such as redeveloping the site owned by the Council on Chapel Lane, Bingham that would enable the Council to uphold a vibrant economy within the Borough. The officer's report contained full details of the proposed Limited Liability Partnership including governance arrangements and its infrastructure.

In seconding the recommendations Councillor Moore advised that forming a Limited Liability Partnership with PSPF would enable the further commercialism of the Council. Councillor Robinson advised that the Limited Liability Partnership offered sufficient potential advantages to the Council for the development of the partnership to proceed. Councillor Upton thanked officers for producing the report and believed that PSPF had the required expertise and experience of delivering successful projects to be a good partner for the Council.

It was RESOLVED that:

- a) the creation of a limited liability company partnership (LLP) between RBC Enterprises Ltd and PSP facilitating Limited (PSPF) be approved.
- b) the final terms of the agreement be delegated to the Deputy Chief Executive in consultation with the Chief Executive and the Leader provided that all the due diligence checks had been carried out successfully.
- c) the LLP arrangement required to establish an LLP Partnership Board with equal Council and PSPF representation be noted. This will be supported by an Operations Board for officers.
- d) the Council representation on the Partnership Board will be determined by RBC Enterprises Ltd.

- e) Council officer representation on the Operations Board will be determined by the Chief Executive or his deputy.
- f) Insurance and indemnity be provided for Member and Officer representatives of the LLP.
- g) it be noted that the LLP will be an additional option for the Council to use to deal with its property portfolio.
- h) it be noted that further reports will be submitted to Cabinet in respect of relevant proposals to pursue property-related projects through the LLP.

Reasons for decisions

A Limited Liability Partnership between Rushcliffe Borough Council's holding company and PSPSF would provide the Council with an additional option over and above those currently available to it with regard to the dispose, sale or development or other use of its assets in order to maximise income and opportunity.

The meeting closed at 7.27 pm.

CHAIRMAN



Cabinet

10 July 2018

Community Infrastructure Levy Draft Charging Schedule

Report of the Executive Manager – Communities

**Cabinet Portfolio Holder for Housing, Planning and Waste Management:
Councillor R Upton**

1. Summary

- 1.1 The purpose of this report is to provide an update on the latest position in developing the Community Infrastructure Levy (CIL) in Rushcliffe Borough following consultation on the preliminary draft charging schedule in February – March 2017.
- 1.2 It also seeks Cabinet endorsement to consult the public for six weeks on the CIL draft charging schedule (Appendix A) and supporting documentation including the draft regulation 123 list before it is submitted for examination. The draft charging schedule has had regard to the comments received to the preliminary draft charging schedule.
- 1.3 The CIL should only be adopted if it will support the provision of infrastructure required to deliver the Local Plan and if it can be set at an economically viable rate. The rate set should have regard to evidence relating to viability, its relationship with Section 106 obligations and any Government reforms to the system of development contributions. These factors should be considered before deciding whether to proceed to examination and, ultimately, adoption.

2. Recommendation

It is RECOMMENDED that Cabinet

- a) approve the CIL draft charging schedule (**Appendix A**) and supporting documentation, including the draft regulation 123 list for a six week public consultation.
- b) authorise the Executive Manager (Communities) to make minor modifications to the draft charging schedule prior to public consultation, and to consult on the draft charging schedule in line with the statutory regulations.
- c) delegate to the Executive Manager (Communities), in consultation with the Portfolio Holder for Housing, Planning and Waste Management, the final decision as to whether to proceed with the submission of a draft charging schedule, representations made and evidence base, together with any proposed modifications, forward to public examination.

3. Reasons for Recommendation

- 3.1. To ensure that the impacts of development are mitigated as far as possible through improvements to infrastructure across the Borough.

4. Supporting Evidence

- 4.1. In 2010 the Government introduced legislation to enable local authorities to introduce a Community Infrastructure Levy (CIL) as part of funding new infrastructure required to support growth. CIL would be applied as a standard pre-set charge to almost all new developments that involves new buildings or extensions of 100 square metres or more of gross internal floor space or that involves the creation of an additional dwelling even when that is below the 100 square metre threshold.
- 4.2. CIL is intended to sit alongside Section 106 and other legal agreements in order to fund new infrastructure to support development. The two would operate together, on the basis that, generally, Section 106 agreements would be used to secure new infrastructure that is required to support individual development schemes (particularly on-site facilities) and CIL would be used to fund new infrastructure that is required to support a number of developments. There are now restrictions in force that limit the ability of councils to 'pool' those financial contributions secured through Section 106 agreements, which means, therefore, that use of CIL is the only option if there is a need or desire to combine infrastructure funding from multiple developments. It should be noted that Section 106 agreements would still be used to secure affordable housing where appropriate.
- 4.3. CIL is a charge levied on new buildings and extensions to buildings according to their floor area. The rate is based upon a charging schedule set by the local authority. The charging schedule is set only after a formal process, concluding in an Examination in Public. In setting and revising a charging schedule, it requires that local authorities monitor sales values, build costs and developer activity in order that CIL is set at a level that does not adversely affect the viability of development. The local authority cannot set a level of CIL that is so high it makes development unviable – i.e. prevents development from taking place. The final CIL charge is based on a simple formula linking the size of the charge to the floorspace, type and location of development.
- 4.4. Finance raised from development helps fund strategic and local infrastructure, such as local highways improvements, schools, leisure facilities and other community facilities. If CIL is introduced, these pieces of infrastructure are required to be listed on what is called a Regulation 123 list which is produced alongside the levy. The purpose of the list is to ensure that there is clarity on the types of infrastructure that the levy will contribute towards paying for and which infrastructure items will continue to be paid for by Section 106 contributions.
- 4.5. At its meeting of 11 October 2016, Cabinet supported the principle of introducing CIL within the Borough and, subsequently, the Council prepared and consulted upon its Preliminary Draft Charging Schedule (PDCS) from February to March 2017. As well as the PDCS, supporting information was also made available including a draft list of infrastructure CIL would pay for

(the Regulation 123 List), the likely costs associated with this infrastructure and the viability evidence that supports the PDCS.

- 4.6. The Council received responses from 20 organisations or individuals to the PDCS. A summary of the comments received and responses to them are available as a background paper.
- 4.7. In order to support the preparation of the both the CIL Draft Charging Schedule and the Local Plan Part 2, the CIL and Plan Wide Viability evidence has been updated. The main report for the Plan Wide Viability/Community Infrastructure Levy assessment is available as a background paper.
- 4.8. The overall conclusions of the updated viability study are similar to those contained within the original viability study, in that the types of development that are viable for CIL are residential development (with the exception of apartments) and retail development. In addition, Government Guidance recommends that strategic sites are tested for viability separately when considering whether they should be liable for CIL or not. With the exception of Land East of Gamston/North of Tollerton, all of the Borough's strategic sites have either commenced, have an extant planning permission or have a resolution to grant planning permission. As sites with an extant planning permission will not be liable for CIL, then the viability study only needed to test the strategic allocation to east of Gamston/north of Tollerton.
- 4.9. Based upon the evidence of viability, the report recommends the following CIL rates for the Borough.

Development type	Zone	CIL Rate per m²
Strategic Allocation East of Gamston/North of Tollerton	Strategic Allocation	£0
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 1.	Zone 1	£50
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 2 Leake, Keyworth and Bingham.	Zone 2 Leake, Keyworth and Bingham	£75
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 2.	Zone 2	£40
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 3.	Zone 3	£100
Apartments	Borough-wide	£0
General retail A1-A5 (excluding food supermarket)	Borough-wide	£50
Food supermarket A1	Borough-wide	£100
All other developments	Borough-wide	£0

- 4.10. Subject to Cabinet approval, the draft charging schedule, regulation 123 list and supporting documentation would be published for six weeks of

consultation. The comments received would then be reviewed, analysed and responded to. During the consultation period, any person may comment on the draft charging schedule, and may ask to be heard by the examiner at the public examination if they wish.

- 4.11. Where any changes are made to a draft charging schedule after publication, the council must set these out in a 'statement of modifications'. This should include any steps considered necessary to inform people who were invited to make representations on the draft charging schedule that this statement has been published and consulted for a further four week period.
- 4.12. The charging schedule would then be submitted and examined by an independent person. The CIL examiner, following consideration of the evidence and comments received, can recommend approval, or approval subject to modification, or rejection of the CIL charging schedule.
- 4.13. The examiner would need to establish that the Council has:
 - a) complied with the legislative requirements set out in the Planning Act 2008 and the Community Infrastructure Levy Regulations (as amended);
 - b) supported its draft charging schedule proposals with background documents containing appropriate available evidence on matters such as infrastructure provision and funding arrangements;
 - c) proposed rate(s) are informed by and consistent with the evidence on economic viability across the charging authority's area; and
 - d) set out evidence that shows the proposed rate(s) would not threaten the delivery of the Local Plan.
- 4.14. If the examiner recommends approval of the charging schedule (with or without modifications), a report would then be taken to Cabinet to obtain approval for the final adoption and set a date whereby CIL would come into effect in the Borough.

5. Other Options Considered

- 5.1. Cabinet considered a report on the 11 October 2016 and resolved to support the principle of establishing a Community Infrastructure Levy for the Borough.

6. Risk and Uncertainties

- 6.1. The legal restrictions that prohibit the 'pooling' of financial contributions from five or more developments means that there is a risk of a significant reduction in finance for the provision or improvement of infrastructure across the Borough without the introduction of a CIL.
- 6.2. Should the CIL be introduced, the income received is dependent on the state of the housing market and will vary year on year.

7. Implications

7.1. Finance

There will be ongoing preparatory costs and running costs that are still yet to be fully quantified, together with officer time. Once CIL is implemented there

will be management and administration costs. It is anticipated that, once CIL is fully generating receipts, these costs should be covered through the proportion of CIL receipts that the Borough Council is allowed to retain for such purposes.

7.2. Legal

As noted earlier in this report, CIL is a discretionary charge. Authorities intending to take up the CIL regime are required to prepare a charging schedule setting out the CIL rates applicable in their area (s.211 Planning Act 2008). The charging schedule must have regard to matters including the total cost of the infrastructure requiring funding from CIL, other sources of funding available and the potential effect of CIL on the viability of development in the area.

7.3. Corporate Priorities

The introduction of CIL will help support the Corporate Strategy themes of delivering economic growth to ensure a sustainable, prosperous and thriving local economy; and maintaining and enhancing our residents' quality of life through the provision of funding for infrastructure projects across the Borough.

7.4 Other Implications

None.

For more information contact:	Richard Mapletoft Planning Policy Manager 0115 914 8457 email rmapletoft@rushcliffe.gov.uk
Background papers Available for Inspection:	Cabinet 3 October 2016: Community Infrastructure Levy (item 5) https://democracy.rushcliffe.gov.uk/CeListDocuments.aspx?Committeeld=137&MeetingId=423&DF=11%2f10%2f2016&Ver=2 Comments and responses to Community Infrastructure Levy Preliminary Draft Charging Schedule http://www.rushcliffe.gov.uk/planningpolicy/cil/ Plan Wide Viability/CIL Viability Report http://www.rushcliffe.gov.uk/planningpolicy/cil/
List of appendices:	Appendix A: Community Infrastructure Levy. Draft Charging Schedule

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Appendix A: Community Infrastructure Draft Charging Schedule



Rushcliffe Community Infrastructure Levy

Draft Charging Schedule

xxx 2018

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1. Introduction

- 1.1. At its Cabinet meeting on 11 October 2016, Rushcliffe Borough Council agreed to start the process of introducing a Community Infrastructure Levy (CIL) within the Borough. This document sets out the Rushcliffe Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) for consultation.
- 1.2. CIL was introduced by the Planning Act 2008, and is a levy that local authorities can choose to charge on new development, which is used to fund infrastructure needed to support development.
- 1.3. The requirements for setting and implementing a CIL are set out in the CIL Regulations 2010 (as amended). Further guidance for the preparation and implementation of CIL is set out in the National Planning Practice Guidance <https://www.gov.uk/guidance/community-infrastructure-levy>
- 1.4. Before a CIL Charging Schedule is adopted, the Borough Council is required to undertake two formal rounds of consultation, followed by an independent examination. The Borough Council consulted upon a Preliminary Draft Charging Schedule (PDCS) during March and April 2017. Comments received to that consultation have been considered, and viability evidence updated in order to support the publication of this Draft Charging Schedule. The document should be read alongside the following evidence based documents:
 - Rushcliffe Local Plan Part 1: Core Strategy, December 2014. http://www.rushcliffe.gov.uk/media/corestrategy/planningpolicypage/adoption/Adopted%20Core%20Strategy_final_low%20res.pdf
 - Greater Nottingham Infrastructure Delivery Plan, February 2014. Version 4, Rushcliffe update. <http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf>
 - Rushcliffe Local Plan Part 2: Land and Planning Polices Publication Version, May 2018 http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/RBC%20LP2%20Publication_draft_web%20version.pdf
 - Rushcliffe Local Plan Part 2 Infrastructure Delivery Plan, May 2018 http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/Local%20Plan%202%20IDP%20for%20publication.pdf

Responding to the consultation

1.5. The consultation will end at **xpm on xxxx 2018**. If you would like to comment on the Draft Charging Schedule this can be done:

- By e-mail to: localdevelopment@rushcliffe.gov.uk
- By post to: Planning Policy
Rushcliffe Borough Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

A response form has been produced which can also be used to make representations and be posted or e-mailed to the Borough Council. The form can be downloaded from: www.rushcliffe.gov.uk/planningpolicy

2. Community Infrastructure Levy

What is the Community Infrastructure Levy?

- 2.1. CIL is a charge on new development that Local Planning Authorities can choose to introduce. It can replace in part the process of planning obligations commonly known as section 106 agreements.

What Development is Liable for the Community Infrastructure Levy?

- 2.2. The charge will be levied on developments of more than 100 square metres of new floorspace for non-residential uses. For residential uses, the charge would be levied on 1 or more dwellings irrespective of floorspace. CIL is not normally charged on conversions or change of use where they involve no net gain in floorspace, so long as the property or land involved have been in a lawful use for a given period of time.
- 2.3. Certain types of development may be exempt from CIL, subject to applying and securing an exemption before development commences. These include affordable housing, developments undertaken by charities and self-build dwellings.
- 2.4. Based upon viability evidence, the Borough Council can decide which types of development are liable for CIL. Any charge can also vary depending upon the location of the development within the Borough, the use of the development and the size of the development.

What can CIL receipts be spent upon?

- 2.5. CIL receipts can be used to fund infrastructure that is needed as a result of new development in the Borough. These costs must be related to the additional demands arising from new development, and not deal with existing deficits in provision, unless those deficiencies will be made more severe by new development.
- 2.6. Under the CIL regulations, Parish and Town Council areas where CIL liable development takes place will receive a proportion of CIL receipts to spend on infrastructure that they want. This is 15% of the receipts received for development that takes place within their parish area, capped at £100 per existing council taxed dwelling. Where a Neighbourhood Plan is in place, the proportion is 25% and uncapped.

- 2.7. CIL receipts may not be the sole funding source available to fund infrastructure needs. It will be combined with other funding sources to deliver infrastructure requirements where these are available, such as from public sector bodies, infrastructure and service providers.

3. Rate Setting

- 3.1. In order to set a CIL charge, the authority is required to have:
- An up to date development plan;
 - Evidence of an infrastructure funding gap (usually provided as a list of projects necessary to support the growth of the area, known as the 'Regulation 123 list'); and
 - Evidence of viability.
- 3.2. Rushcliffe Borough Council adopted the Local Plan Part 1: Core Strategy in December 2014; therefore the plan has up to date strategic policies. Work on the production of Local Plan Part 2 (Land and Planning Policies) is well advanced. The publication draft of the Local Plan Part 2 was consulted upon during May and June 2018 and it is anticipated that, following a public examination, it will soon be adopted.
- 3.3. The Core Strategy contains the strategic policies for the Borough, together with major housing allocations on land at Melton Road, Edwalton, to the north of Bingham, on the former RAF Newton, on the former Cotgrave Colliery, to the south of Clifton and to the east of Gamston/north of Tollerton. At present, all but the land east of Gamston/North of Tollerton have the benefit of a resolution to grant planning permission or planning permission and, therefore, only the land east of Gamston/north of Tollerton would potentially be liable for CIL should evidence prove that it would be viable.
- 3.4. Policy 19 of the Core Strategy makes a commitment to the introduction of CIL at some point during the plan period (to 2028) in order to mitigate against the effects of new development. In addition, Policy 19's supporting text lists the type of infrastructure that new development may need to make a contribution towards. The whole of the Core Strategy was supported by the Infrastructure Delivery Plan, February 2014¹.
- 3.5. In addition, the Borough Council has published its final draft of the Local Plan Part 2 prior to its examination, which is anticipated to commence during Autumn 2018. The publication draft of the Local Plan Part 2 is supported by its own Infrastructure Delivery Plan².

¹

<http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf>

²

http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/Local%20Plan%202%20IDP%20for%20publication.pdf

- 3.6. The Council needs to identify a selection of indicative infrastructure projects or types of infrastructure that are likely to be funded by the levy. A draft Regulation 123 list has been prepared in support of this Draft Charging Schedule. This includes the infrastructure types that are likely at this stage to be funded through CIL and highlights specific projects.
- 3.7. Reviews of the infrastructure list/Regulation 123 list are likely to be needed as priorities in the area change. CIL rates will also need to be revisited every few years, or if significant changes in the market occur.
- 3.8. Charging authorities need to strike an appropriate balance between the desirability of funding infrastructure from the levy and the potential effects of charging the levy on new development in terms of economic viability. There is a defined process for preparing the charge with an independent examination at the end of the process to test the robustness of the evidence.
- 3.9. The Council engaged independent consultants to carry out a CIL viability study in support of the PDCS. This study examined the economic viability of levying a charge on new development based on assumptions of costs and revenues across different parts of the Borough. The study has been updated in support of the DCS, having considered the comments received to the PDCS.
- 3.10. The scope of the study is threefold:
- To test plan-wide viability for Local Plan Part 2, having regard to the introduction of CIL;
 - To undertake high level site-specific testing for proposed allocations contained within Local Plan Part 2; and
 - To undertake site-specific testing for the remaining strategic allocation contained within the Core Strategy without the benefit of planning permission (land at East of Gamston/North of Tollerton) in order to establish whether the site is viable for CIL charging given the higher level of infrastructure required to deliver the site.
- 3.11. To be considered capable of being implemented, the CIL rate must not have a detrimental effect on development (taken as a whole) across the Borough. Regulation 14 of the CIL Regulations (as amended) identifies that the setting of CIL may put some development at risk, therefore a charging authority is required to look at the effects of a charge taken as a whole on the viability of development across its area. Evidence may show that the proposed rates may make particular types of development

unviable if CIL was to be levied. However, unless CIL threatens the delivery of the plan as a whole, the duty to strike an appropriate balance (as defined under regulation 14) is still likely to be met. The evidence supporting the proposed Charging Schedule will then be tested at examination.

4. CIL, S106 and infrastructure provision through other mechanisms

4.1. Developers in making planning applications may be asked to contribute towards different types of infrastructure in different ways and through the following mechanisms:

- Community Infrastructure Levy;
- Section 106 agreements;
- S278 highways agreements; and
- Planning conditions

4.2. Some developments will be subject to paying for or providing infrastructure through a combination of the above mechanisms. Appendix 4 clarifies the proposed approach once CIL is adopted. It is important to note, however, that different types of developer contributions serve different purposes and that the CIL regulations prevent developers paying twice for the same item of infrastructure. In addition the CIL regulations have been tightened so that it places restrictions on the number of contributions secured through Section 106 agreements that can be 'pooled' towards a specific piece of infrastructure. Contributions secured through Section 106 agreements can no longer be pooled from more than five developments.

4.3. There is a significant amount of development within the Borough that occurs on sites that sit below thresholds where planning contributions are sought. The cumulative impact of many small developments is therefore not mitigated through the planning system. CIL has been viewed as a fairer way of obtaining contributions towards infrastructure from all relevant developments.

5. Proposed CIL Charging Rates

5.1. The proposed CIL charging rates within the Borough are variable for residential development depending on type and location within the Borough. There are also proposed rates for both small and large retail development. It is proposed that all other types of development will be zero-rated.

5.2. Based upon evidence of viability, the proposed CIL rates are as follows:

Development type	Zone	CIL Rate per m²
Strategic Allocation East of Gamston/North of Tollerton	Strategic Allocation	£0
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 1.	Zone 1	£50
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 2 Leake, Keyworth and Bingham.	Zone 2 Leake, Keyworth and Bingham	£75
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 2.	Zone 2	£40
Residential (use C3 dwellinghouses, excluding stand-alone apartment blocks) Zone 3.	Zone 3	£100
Apartments	Borough-wide	£0
General retail A1-A5 (excluding food supermarket)	Borough-wide	£50
Food supermarket A1	Borough-wide	£100
All other developments	Borough-wide	£0

5.3. The map contained within Appendix 1 identifies the draft charging zones for residential development.

5.4. The Council will calculate the chargeable amount of CIL payable using the locally set rates multiplied by the gross internal area of new buildings and enlargements to existing buildings, taking demolished floorspace into account. The formal calculation methodology is provided in Part 5,

Regulation 40 of the CIL regulations 2010 (as amended) and further details are provided at Appendix 2.

6. Exemptions and Payment Terms

- 6.1. The charge will apply to all development containing over 100 square metres internal floorspace or a new dwelling of any size. However it only relates to the net additional floorspace in order to avoid discouraging redevelopment opportunities within the Borough. Where buildings are demolished to enable redevelopment with new buildings, the charge will be based upon the eligible floorspace of new buildings less the eligible floorspace of the demolished buildings, provided the buildings were in lawful use prior to demolition.
- 6.2. Once CIL is implemented, it is fixed and non-negotiable. The CIL regulations however exempt the following types of development from paying CIL. The regulations referred to are the CIL Regulations 2010 (as amended):
- Development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) - unless this is a whole house, in which case the levy is payable;
 - Houses, flat, residential annexes and residential extensions which are built by 'self-builders' (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 CIL Regulations) and social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2015 CIL Regulations);
 - Charitable development that meets the relief criteria set out in Regulations 43 to 48;
 - Buildings into which people do not normally go (see Regulation 5(2));
 - Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2));
 - Structures which are not buildings, such as pylons and wind turbines;
 - Specified types of development which are 'zero' rated in the charging schedule;
 - Vacant buildings brought back into the same use (see Regulation 40 as amended by the 2014 Regulations); and

- Development proposals that already have planning permission when a CIL Charging Schedule comes into force are not liable for CIL. This includes any subsequent Reserved Matters applications following outline planning permission. However, if proposed developments with planning permission are not started within the time limit set out within the planning permission decision notice, any subsequent renewal or amendment applications will be liable to CIL if by that time a CIL Charging Schedule has been adopted

6.3. The Borough Council has prepared its Draft Charging Schedule taking into account economic viability considerations and the requirements of the legislation is to provide for an appropriate balance between the need to fund infrastructure and the potential implications of development within Rushcliffe. Having regard to viability evidence, and the list of developments that are exempt from paying CIL, it is considered that the circumstances which would justify exceptional circumstances would be extremely rare. As such the Council is not proposing to introduce an Exceptional Circumstances Relief policy. The Council will keep this situation under review and has the discretion to introduce this policy at any time.

6.4. There may be situations where it may be appropriate for the Council to receive items of infrastructure or land provided by the development instead of a CIL payment. The CIL regulations allow the Council to accept land transfers and/or construction of infrastructure as payment for the whole or part of the levy, subject to valuation procedures. This will be considered on a site by site basis in accordance with the regulations and details are provided in the draft 'Payments in kind Policy' (Appendix 6).

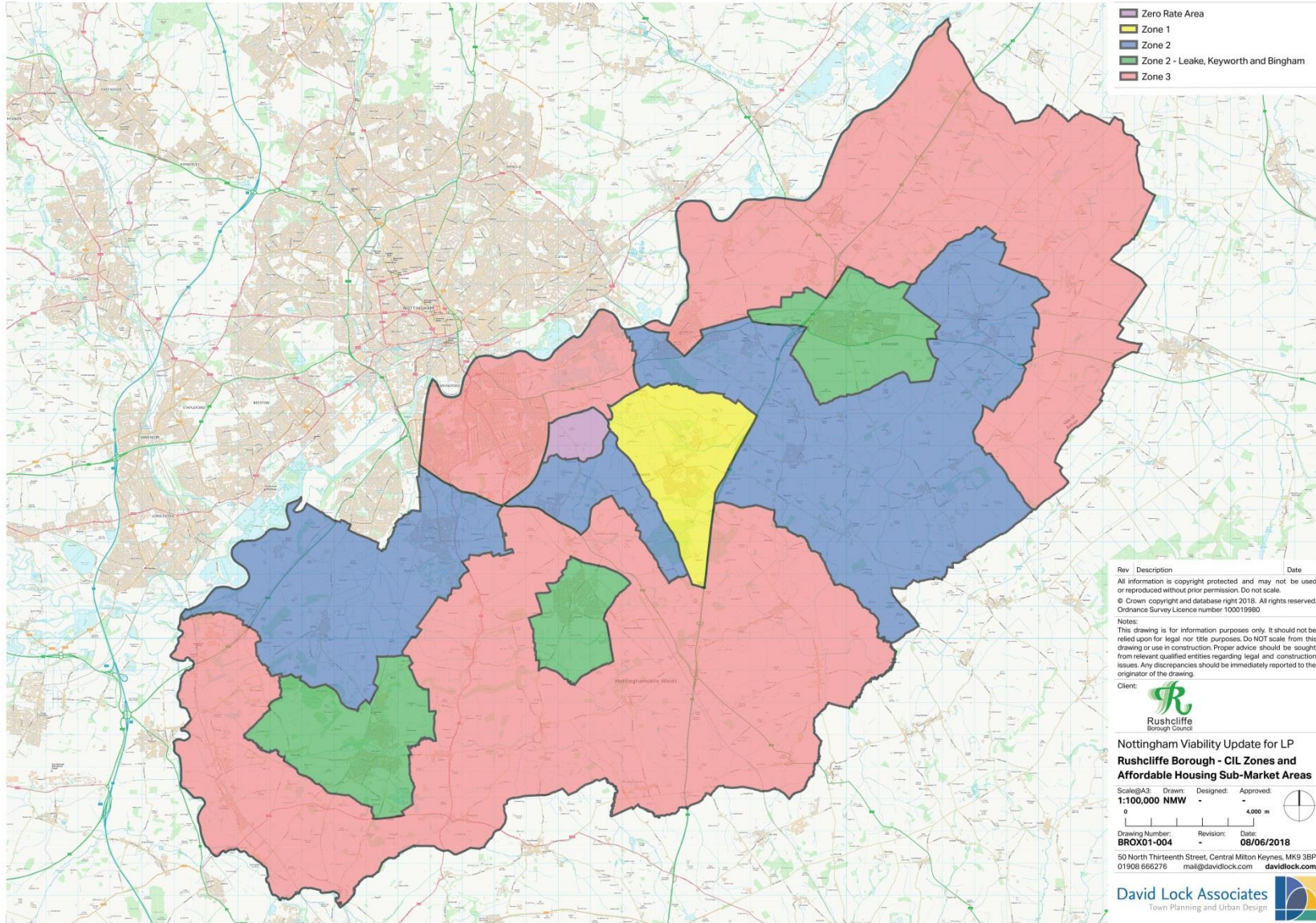
7. Collecting the Levy

- 7.1. The CIL charge becomes due on the commencement of development. Responsibility for payment rests with the owner(s) of the development site, but the developer may assume liability instead.
- 7.2. Rushcliffe Borough Council, as charging authority, is responsible for collecting payments.
- 7.3. The potential for phased payments for large scale, locally planned development, which is essential in increasing housing supply will be reviewed by the Council. However the principle of phased development must be apparent from the planning permission.
- 7.4. The CIL will be calculated in accordance with the regulations and will be indexed for inflation using a nationally recognised index. The CIL Charging Schedule will be reviewed to take account of changes in viability, when economic conditions or basic viability assumptions indicate.
- 7.5. The Council recognises the viability issues associated with the payment of financial contributions and considers that a policy on the potential deferment of payment of financial contributions through an 'Instalment Policy' is appropriate. The Council will operate an Instalment Policy made in line with Regulation 70 of the CIL Regulations 2010 (as amended). To ensure that the Council's approach is clear, a draft Instalment Policy is contained within Appendix 7. The intention of such a policy will be to assist with the delivery of larger projects.

8. Next Steps

- 8.1 This consultation is being carried out in accordance with Regulation 16 of the CIL Regulations 2010 (as amended). Following the consultation period, the Council will submit the draft charging schedule, together with representations received during this period of consultation are submitted for examination by an independent inspector.

Appendix 1: Draft Charging Zones



Appendix 2 Key points of calculating the levy

The process for calculating the chargeable amount to be paid by a development is set out in Regulation 40 of the Community Infrastructure Levy Regulations 2010 (as amended).

Key points in calculating the CIL charge are:

- CIL is charged on the net additional internal floor area of development.
- Where buildings are demolished to make way for new buildings, the charge will be based on the eligible floorspace of new buildings less the eligible floorspace of the demolished buildings, provided the buildings were in lawful use prior to demolition.
- A building is considered to be in lawful use if the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.
- If the CIL amount calculated is less than £50 no charge will apply.
- The relevant rates are the rates as set out in the Charging Schedule which apply to type and location of the relevant development. They apply at the time planning permission first permits the chargeable development.

Appendix 3: Draft Regulation 123 List

Draft Regulation 123 List

Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by the Community Infrastructure Levy (CIL).

Infrastructure types or projects that are listed below will not be secured through planning obligations. This is to ensure there is no duplication between CIL and planning obligations secured through Section 106 agreements in funding the same infrastructure projects.

The indicative list below sets out those infrastructure projects that Rushcliffe Borough Council may wholly or partly fund by the CIL. The inclusion of a project or type of infrastructure on this list does not signify a commitment from the Council to fund (either in whole or in part) the listed project or type of infrastructure through CIL. The ordering of the table does not imply any order of preference for expenditure and the Council will review this list on an annual basis, as part of its monitoring of CIL collection and expenditure.

It is anticipated that amount of CIL receipts will be limited in the first years after adoption, given that contributions are not payable until commencement of development.

The Council has chosen to publish this draft Regulation 123 list for comments alongside the Preliminary Draft Charging Schedule. Comments received would inform future revisions of the Regulation 123 List.

Infrastructure across the borough that may wholly or partly funded by Community Infrastructure Levy funds.
Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford.
Provision of or improvements to playing pitches and ancillary facilities.
Provision of or improvements to indoor leisure provision.
Provision of additional secondary school places across the Borough through new provision or extension to existing provision.
Provision of health facilities across the Borough through new provision or extension to existing provision.

**Appendix 4: Guidance upon the relationship
between the Community Infrastructure
Levy, Section 106 and Section 278.**

The relationship between the Community Infrastructure Levy, Section 106 and Section 278

Introduction

Rushcliffe Borough Council has produced its Draft Charging Schedule for consultation. Although the Community Infrastructure Levy (CIL) does not replace Section 106 (S106) planning obligations completely, it is anticipated that it will be an important means of securing funds from new developments to deliver strategic infrastructure. Once CIL has been adopted all developments that commenced after the adoption date may be liable to pay the new levy, depending on their nature, scale and location.

This position statement sets out the Council's approach to securing planning obligations and defines the interactions between CIL, S106 planning obligations and Section 278 (S278) highway agreements after CIL has been implemented. It demonstrates that there will be no 'double dipping' between CIL and planning obligations (developers paying twice for the same item of infrastructure). It also provides a transparent system for identifying what infrastructure should be funded through CIL and under which circumstances infrastructure would be provided as a planning obligation.

CIL Regulations and guidance

The statutory framework for planning obligations is defined in Section 106 of the Town and Country Planning Act (TCPA) 1990, as amended by the Planning and Compensation Act 1991. Under Section 106 the planning authority can enter into a legal agreement (S106 agreement) with developers in relation to planning applications to make an unacceptable development acceptable in planning terms.

Regulation 122 of the CIL Regulations 2010 (and various amendments to those regulations, up to March 2015) has limited the use of the planning obligations secured through the TCPA, to cases where three tests can be successfully applied:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- a. Necessary to make the development acceptable in planning terms;*
- b. Directly related to the development; and*
- c. Fairly and reasonably related in scale and kind to the development."*

Regulation 122 ensures these tests are a statutory requirement. The intention was to provide greater clarity regarding the purpose of planning obligations since the introduction of the CIL regulations.

Regulation 123 states that the charging authority may not seek to secure planning obligations for: “infrastructure projects or types that it intends will be, or may be, wholly or partly funded by CIL”. The list of infrastructure projects or types to be funded via CIL (known as the Regulation 123 List) has been submitted for examination along with this document.

Table 1 of this report sets out the type of infrastructure that will be funded through CIL, S106 and S278 (highway agreement) contributions.

Scope of planning obligations

Projects on the Regulation 123 list are strategic in nature and aim to deliver infrastructure improvements and additions that will assist with the delivery of development throughout the whole Borough. On the other hand, S106 and or S278 contributions are for site-specific mitigation of a new development and these planning obligations cannot be used to contribute towards CIL funded projects / infrastructure.

Developments may require new specific local infrastructure that is not included on the Regulation 123 list, such as highway or open space improvements necessary to make the development acceptable in planning terms. In such a case the Council would require this matter to be dealt with through the planning application process and would generally expect the delivery of the infrastructure to be secured through S106 planning obligations and or S278 highway agreements.

Certain developments could be liable to pay both CIL and under into S106/278 agreements. However, as mentioned above, the contributions gathered from the levy and planning obligations, despite originating from the same development, must be spent accordingly: CIL for borough-wide infrastructure listed in 123 list and S106/278 contributions for site- specific mitigation of the development.

Previously there was no cap on the number of S106 agreements that could be used to fund a project. However, from April 2015 more than five S106 planning obligations cannot be pooled to contribute to the same type infrastructure or project. These limits include all S106 agreements entered into since 6 April 2010.

There are no limits to the number of S278 agreements that can be pooled for the same infrastructure project.

As mentioned previously, S106 will be still be used to secure the delivery of affordable housing infrastructure specific to that development even once CIL is adopted in Rushcliffe Borough.

The summary in Table 1 below concisely defines how the Council will use contributions from CIL and planning obligations once the levy has been adopted.

Table 1: Relationship between S106, S278 and CIL

Type of infrastructure	S.106 infrastructure/mitigation	S.278 mitigation	CIL funded infrastructure
Affordable Housing	Provision of units on-site or contribution towards off-site provision in exceptional circumstances to overcome impacts directly related to developments.	Not applicable	Not applicable
Primary Education	Direct provision or improvements to existing provision in order to accommodate additional pupil places.	Not applicable	Not applicable
Secondary Education	Direct on-site provision where no available site for expansion. Contributions towards secondary school places or direct provision for Land East of Gamston/North of Tollerton. CIL payment in kind policy may apply in such cases.	Not applicable	Off-site provision of education places through expansion to existing facilities.
Transport and highways	<p>Local site-related transport requirements to overcome impacts directly related to developments.</p> <p>Site-related highway works, such as localised safety improvements, reinstatement of highways or access to roads.</p>	Site-related highway works, such as localised safety improvements, reinstatement of highways or access to roads. Where appropriate, contributions towards strategic road network improvements in line with the Memorandum	Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford

Type of infrastructure	S.106 infrastructure/mitigation	S.278 mitigation	CIL funded infrastructure
		of Understanding for A52/A606 improvements.	
Health	Direct on-site provision where no available site for expansion. CIL payment in kind policy may apply in such cases. Contributions towards expansion of health facilities or direct provision for Land East of Gamston/North of Tollerton.	Not applicable	Off-site provision of health facilities through provision of new facilities or expansion to existing facilities.
Community facilities	Development of specific community facilities	Not applicable	Not applicable
Playing pitches and ancillary facilities	Direct on-site provision on very large scale developments also recommended (over 600 dwellings). CIL payment in kind policy may apply in such cases.	Not applicable	Provision of or improvements to playing pitches and ancillary facilities in order to support new development.
Provision of or improvements to indoor leisure provision.	Not applicable outside of strategic allocations. CIL payment in kind policy may apply in such cases.	Not applicable	Provision of or improvements to indoor leisure provision and ancillary facilities.
Green Infrastructure	Site related tree planting and landscaping. Provision of on-site related informal open space, land, play facilities and recreational	Not applicable	Not applicable

Type of infrastructure	S.106 infrastructure/mitigation	S.278 mitigation	CIL funded infrastructure
	equipment on large housing sites.		
Flood defence	Site-related defence infrastructure, such as the installation of SUDS (Sustainable Drainage Systems).	Not applicable	Not applicable

Appendix 5: Infrastructure Evidence Base Report

Infrastructure Evidence Base Report

Introduction

This report has been prepared to support the development of a Community Infrastructure Levy (CIL) Charging Schedule for the Borough. The purpose of this document is to demonstrate whether there is a significant funding gap between the cost of the infrastructure required to assist delivery of the development strategy set out in the Local Plan (Part 1: Core Strategy) and the funding currently available from alternative sources.

It does not encompass all of the Council's infrastructure requirements to deliver economic growth as the schemes included are those that clearly fall within the definition of 'infrastructure' in Section 216 of the Planning Act (2008), as amended by Regulation 63 of the CIL Regulations 2010 (as amended) and that are proposed to be delivered through CIL (at least in part).

The Rushcliffe Local Plan Part 1: Core Strategy (adopted December 2014) clearly sets out the scale and general location of growth within the Borough between 2011 and 2018. Policy 3 of the Core Strategy provides for the delivery of at least:

- 13,150 new dwellings
- Land for employment development to meet a range of types and sizes of site.

The majority of new development will be located within or on the edge of the Nottingham Main Urban Area (within Rushcliffe) and key settlements within the Borough. The draft Rushcliffe Local Plan Part 2 provides for a limited proportion of development to also be directed to other villages within the Borough. These are largely made up of a windfall allowance for infill development, and through proposing small scale allocations at Cropwell Bishop, East Bridgford, Gotham and Sutton Bonington, and the regeneration sites at the former Bunny Brickworks and at the former Islamic Institute, Flintham.

In determining the size of its funding gap, the charging authority should consider infrastructure costs and all other sources of possible funding available to meet those costs. This process will identify a CIL infrastructure funding target. This target should be informed by a selection of infrastructure projects or types that are identified as candidates to be funded by the levy.

National Planning Practice Guidance identifies that information on the charging authority area's infrastructure needs should be drawn from the Infrastructure Delivery Plan (IDP). In determining the size of its infrastructure funding gap, the charging authority should consider known and expected infrastructure costs and other possible sources of funding. National guidance recognises that there will be uncertainty in pinpointing other infrastructure funding sources, particularly beyond the short term. Instead, charging authorities should focus on providing evidence of

an aggregate funding gap that demonstrates the need to put in place through the levy. It also states that the CIL examination should not re-open infrastructure planning issues that have already been found sound following the examination of the Local Plan.

Planning Practice Guidance states that the role of the Regulation 123 list is to help provide evidence on the potential funding gap – it is not the purpose of the examination to challenge the list. It also states that infrastructure planning work, which was submitted in support of a sound relevant Plan, should not be re-appraised.

This infrastructure evidence base report has been based on the information provided within the Greater Nottingham Infrastructure Delivery Plan <http://www.rushcliffe.gov.uk/media/corestrategy/documents/examinationdocuments/EX35%20Infrastructure%20Delivery%20Plan.pdf> , and information contained within the Infrastructure Delivery Plan that supports Local Plan Part 2 Publication draft http://www.rushcliffe.gov.uk/media/1_rushcliffe/media/documents/pdf/planningandbuilding/planningpolicy/lapp/publication/Local%20Plan%202%20IDP%20for%20publication.pdf

The draft Regulation 123 list includes projects partly or wholly to be funded through CIL. It is not the purpose or role of this document to prioritise infrastructure projects.

This report identifies the funding gap and demonstrates that it is significantly greater than the anticipated level of CIL receipts over the plan period.

Infrastructure requirements

The Greater Nottingham Infrastructure Delivery Plan final report was published in 2014 to support preparation and Examination of the Rushcliffe Local Plan Part 1: Core Strategy. The Local Plan Part 1 was adopted in December 2014. In addition an Infrastructure Delivery Plan has been produced in support of emerging Local Plan Part 2. These IDPs provide the latest evidence of infrastructure requirements for the Borough.

The IDPs assess infrastructure requirements, costs and known funding relating to growth and identified barriers or phasing issues that might affect the proposed growth. They also provide advice on the future delivery of infrastructure needed to support future planned growth.

Table 1 lists the infrastructure projects that were identified within the IDPs and explains the decision on whether to include projects on the Regulation 123 list. Table 1 also includes additional infrastructure projects that were not identified within the IDP and explains why they were added to the Regulation 123 list. This appendix, together with appendix 4 provides a clear, transparent system for identifying what infrastructure will be funded through CIL and what infrastructure will still be required through planning obligations.

There may be further infrastructure requirements that arise which will be funded through CIL as opposed to S106, especially where the mitigation measure is to alleviate the cumulative impact of development. As such, the draft S123 infrastructure list is under development as more information is received from infrastructure providers.

Table 1: Infrastructure projects identified within the Infrastructure Delivery Plan

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
NET line 2	Yes	No	Completed
Nottingham Hub	Yes	No	Completed
Implementation of A453 improvement scheme	Yes	No	Completed
Access arrangements onto A453 from South of Clifton Strategic Allocation.	Yes	No	Site specific requirement to be secured through S278 agreement. A453 is part of the strategic trunk road network therefore CIL regulations preclude contributions for such matters.
Access arrangements for East of Gamston/North of Tollerton onto Lings Bar road	Yes	No	Site specific requirement to be secured through S278 agreement. Lings Bar Road is part of the trunk road network and CIL regulations preclude contributions towards such infrastructure.
Melton Road, Edwalton highway improvements	Yes	No	Main access to the site now in place. Other improvements to footways and

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
			cycle lanes along Melton Road complete. Alternative access provision for Taylor Wimpey phase in the process of being constructed.
Package of improvements for A52 between A6005 and A46. page 47	Yes	No	Covered by A52 Memorandum of Understanding and will be secured through S278 agreements. First junctions have been completed at Radcliffe on Trent. Second phase due to commence 2019-2020. A52 is a trunk road and CIL regulations preclude contributions towards such infrastructure.
Nottingham Ring Road Scheme	Yes	No	Completed.
Provision of Park and Ride along the A52 corridor and bus priority measures in West Bridgford (£3.5m)	In part	Yes	IDP is specific about Park and Ride being located at Gamston. However, other options may be more suitable and therefore description is now less specific.
Provision of or improvement	Not at a strategic level. However item contained within	Yes	The sports halls and swimming pool assessments identifies a need for

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
to indoor sports provision	Core Strategy Policy 19 and in strategic site assessments in the Core Strategy IDP site specific assessments.		improved facilities in order to support new development. Sport England facilities model identifies a cost per development. Pooling limits likely to be met therefore CIL could be used to enable compliance.
Provision of or improvement to playing pitches and ancillary facilities page 48	Not at a strategic level. However item contained within Core Strategy policy 19 and in strategic site assessments in the Core Strategy IDP site specific assessments.	Yes	The playing pitch strategy identifies that improvements to the quality of off-site sports pitch provision in order to allow for the frequency of matches to be increased should be a priority in order to address demand from new development. Pooling limits likely to be met therefore CIL could be used to enable compliance.
Secondary school places contribution	Yes	Yes	Secondary school are largely at capacity across the Borough. Some are not expandable. Option for provision on the East of Gamston/North of Tollerton strategic allocation.
Health provision	Yes	Yes	With the exception of Keyworth, all facilities at capacity and other

Infrastructure project or type	Identified in the Infrastructure Delivery Plan?	Included in Regulation 123 list?	Reasons included or not included in Regulation 123 list.
			facilities would have to be expanded to serve new development. Cost of expansion £950 per dwelling which would lead to pooling issues for a number of practices given the planning obligations which have already been secured. Where existing facilities cannot be expanded and provision can be made within a development, payment in kind arrangements may be used instead.

Table 2 identifies the infrastructure projects and types that are listed on the Regulation 123 list and explains how they will contribute to the implementation of the Local Plan and provides details of costs and funding sources. The costs included and funding sources mentioned are based on the best information available as at May 2018. It is likely that these will change as schemes are refined and progress through their planning and design stages.

Table 2: Infrastructure projects and types listed on the Regulation 123 list

Infrastructure project / type	Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development	Anticipated cost	Sources of funding and likely amount available from other sources	Anticipated funding gap	Timescales for delivery	Evidence of need for the development or work to prepare for delivery – relevant studies / plans
Transport						
Provision of Park and Ride along the A52 corridor and associated bus priority measures in West Bridgford.	Will assist in the improvement of bus access from the developments to the east of the Borough to the city.	£3.5m	None	£3.5m	2018-2028 in line with Local Plan	Local Transport Plan scheme identified to support growth.
Education						
Secondary school provision across the Borough	Will assist in the provision of Secondary school places across the Borough.	Local Plan Part 2 Infrastructure Delivery Plan identifies that the cumulative secondary school contributions for sites without planning permission totals £7.7m	None	£7.67m	2018-2028 in line with the Local Plan.	There is a duty to provide for school places under section 14 of the Education Act 1996. Additional development puts pressure on existing schools where there is no capacity. See planning obligations strategy http://www.nottinghamshire.gov.uk/media/2394/final-

Infrastructure project / type	Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development	Anticipated cost	Sources of funding and likely amount available from other sources	Anticipated funding gap	Timescales for delivery	Evidence of need for the development or work to prepare for delivery – relevant studies / plans
page 51						revised-planning-obligations-strategy-april-2014-d.pdf and draft planning obligations strategy. http://www.nottinghamshire.gov.uk/media/128758/planning-obligations-strategy-consultation-draft-update-november-2017.pdf
Health						
Provision of health facilities across the Borough	Will assist in the provision or expansion of health facilities across the Borough	Cumulative impact of development to address health contributions is £2.5m	None	£2.5m	2018-2028 in line with the Local Plan.	See comments contained within Infrastructure delivery plan.
Provision of or improvement to indoor sports provision	Will assist in the provision or expansion of recreation facilities across the Borough	£2.8m		£2.8m		

Infrastructure project / type	Explanation of how it will contribute to the implementation of the Local Plan and will help deliver development	Anticipated cost	Sources of funding and likely amount available from other sources	Anticipated funding gap	Timescales for delivery	Evidence of need for the development or work to prepare for delivery – relevant studies / plans
Provision of or improvement to playing pitches and ancillary facilities	Will assist in the provision or expansion of recreation facilities across the Borough	£1.3m		£1.3m		
Total Funding Gap	£17.8m					
Total anticipated income from CIL during remainder of the plan period,	£18.8m					
Total anticipated income for R123 list projects (30% discount to allow for admin and local projects element)	£13.2m					
Anticipated funding gap after CIL implementation	£4.6m					

The infrastructure types and projects on the Regulation 123 list and those set out in the table above will all help to support growth and deliver the development set out in the Local Plan, as explained in the table.

Appendix 6: Draft Payment in Kind Policy



Rushcliffe Community Infrastructure Levy

Draft Payment in Kind Policy

xxx 2018

1. Introduction

- 1.1. In accordance with Regulations 73, 73A, 73B and 74 of the Community Infrastructure Levy Regulations 2010 (as amended), Rushcliffe Borough Council as the charging authority for the area will allow the payment of CIL by land payments or infrastructure payments.
- 1.2. The Rushcliffe CIL Charging Schedule came into effect on **XXth XXX 20XX** and the payment of CIL via a Land Payment has been available from this date.
- 1.3. The policy to allow the provision of payment in the form of an infrastructure provision will be effective from **XXth XX 20XX**.
- 1.4. The CIL Regulations 2010 (as amended) allow the Council to accept full or part payment of a CIL liability by way of the transfer of land to the Council. The Council may also enter into agreements to receive infrastructure as payment. Such an approach has a number of benefits. For example, where the Council has already planned to invest levy receipts in a project there may be time, cost and efficiency benefits in accepting completed infrastructure from the party liable for payment of the levy. Payment in kind can also enable developers, users and authorities to have more certainty about the timescale over which certain infrastructure items will be delivered.

2. Payment of CIL by Infrastructure Provision

- 2.1. Rushcliffe Borough Council may enter into agreements to receive infrastructure as payment in kind. The infrastructure provided must be related to the provision of infrastructure types or projects contained on the Council's CIL Regulation 123 List in lieu of part or all of a CIL payment which may be due.
- 2.2. Where the payment of CIL by infrastructure provision is considered acceptable the Council will enter into an infrastructure agreement prior to the development commencing. This agreement will include the information specified in Regulation 73A.
- 2.3. Before entering into an infrastructure agreement to allow such provision, the Council will need to be satisfied that the criteria in Regulation 73A (inserted by the CIL 2014 Regulations) are met. It should be noted that the value of any infrastructure offered in this way will have to be determined by a suitably qualified independent person, with any costs associated with this

assessment paid for by the liable party.

- 2.4. An application for payment in kind will only be considered acceptable where it demonstrates compliance with the national criteria within the CIL Regulations (2010) as amended, any local criteria and subject to all necessary searches on the land being to the satisfaction of the Council.
- 2.5. The Council is not obliged to accept any offer of payment in kind by land or infrastructure. Development on the site must not have commenced before a written agreement with the Council has been made. The agreement must state the value of the land and /or infrastructure to be transferred.
- 2.6. In the event a liable party commences development having failed to submit a Commencement Notice to the Council, any agreement regarding payment in kind for that liable development will be void and the land and / or infrastructure will not be accepted as payment in kind. Instead the full value of the CIL liability will be due immediately in money.
- 2.7. Where a land payment is not received in full on or before the day on which it is due, the unpaid balance of the CIL payment becomes payable in full immediately in money.
- 2.8. Any outstanding CIL amounts left in the form of money after the transfer of land will be paid in line with the payment due dates laid out in the Demand Notice. In accordance with Regulation 75(2)(b) the Council is not required to repay overpayment where it is a result of a land payment.
- 2.9. Before submission of an application the liable party is encouraged to discuss proposals with the Borough Council as early as possible to establish if the principle of payment in kind would be appropriate in that instance.
- 2.10. Please see the Community Infrastructure Levy Regulations 2010 (as amended), for further details relating to payments in kind.

3. Further Information

- 3.1. For further information about the Rushcliffe Community Infrastructure Levy please visit <http://www.rushcliffe.gov.uk/planningpolicy/cil/>.
- 3.2. Planning Policy can be contacted by e-mail at: localdevelopment@rushcliffe.gov.uk or telephone **0115 981 9911**.

Appendix 7: Draft Installment Policy



Rushcliffe Community Infrastructure Levy

Draft Instalment Policy

xxx 2018

1. Introduction

- 1.1. Regulation 70 (7) of the Community Infrastructure Levy (Amendment) Regulations 2011 sets a default of full payment of the Levy within 60 days of the commencement of development. The Amendment Regulations also enable a Charging Authority to set an Instalment Policy that allows payments to be spread over longer periods. Within Rushcliffe it is considered reasonable that payment instalments are scheduled in proportion to the scale of development that is proposed.
- 1.2. The Borough Council have undertaken a review of its instalment policy. To provide greater flexibility and to give developers longer to pay CIL the policy has been amended by increasing each of the instalment periods.
- 1.3. For further information about the Rushcliffe Community Infrastructure Levy please visit www.rushcliffe.gov.uk/planningpolicy/cil/.
- 1.4. Planning Policy can be contacted by e-mail at: localdevelopment@rushcliffe.gov.uk or telephone **0115 981 9911**.

2. Instalment Policy

- 2.1. In accordance with Regulation 69b of the CIL Amendment Regulations, Rushcliffe Borough Council (The Charging Authority) will apply the following Instalment Policy to all development on which CIL is liable.
- 2.2. The Instalment Policy will come into effect at the same time as the implementation of CIL.

3. Number, Proportion and Timing of Instalments

- 3.1. The Community Infrastructure Levy will be payable by instalments as follows:-
 - a) 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;
 - b) 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.

c) 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.



Cabinet

10 July 2018

Bingham Leisure Centre

Report of the Executive Manager Communities

Cabinet Portfolio Holder for Community and Leisure: Councillor Debbie Mason

1. Summary

- 1.1 In June 2017, Cabinet approved the Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027. This contains the strategic objective to 'retain five indoor leisure facilities and ensure they are fit for the future'. The strategy prioritises Bingham Leisure Centre as the facility in greatest need of major improvement.
- 1.2 Specialist leisure consultancy Knight Kavanagh and Page (KKP) was appointed in November 2017 to undertake a detailed feasibility study and options appraisal of potential locations for a new leisure centre and the associated financial, operational and technical implications.
- 1.3 The feasibility study involved consultation with key stakeholders and sports clubs operating from the current facility and dovetailed with the wider Bingham master-planning process which aims to set a vision of how the town should develop over time and proposals for how this could be achieved.
- 1.4 The feasibility study considered four potential alternative locations on the Toot Hill School site and concluded that all of the identified locations have significant challenges such as access, proximity to housing, topography and impact on curriculum delivery/school bus parking, all of which impact on the cost of development. The only option not specifically considered in detail is to develop a new stand-alone facility off the school grounds. It is recommended that this is tested further and given the planned housing growth within the town the available Council owned land adjacent to Chapel lane (north of the railway line) should be considered.
- 1.5 The capital construction and fit-out cost (including professional fees and contingency) was estimated for two different facility mixes. Facility mix 1 includes a 5-court sports hall, community hall, swimming pool, fitness gym, exercise studios, changing and office space and replacement athletics track/infield. The high level cost estimate for this facility on the school site is £20.5m to £21.4m dependent upon location, increasing by around £1.9m when inflation is accounted for over a period of 2 years.

Facility mix 2 includes the above facilities minus the sports hall and replacement track and infield. The high level cost estimate for facility mix 2 off

the school site is £16.1m plus inflation estimated at £1.4m over 2 years. It is anticipated that provision of the existing sports hall, track and pitches would remain on the school site.

- 1.6 The financial outturn for facility mix 1 is estimated to return a surplus of £188,000 per annum including an annualised maintenance replacement cost, which acts as a sinking fund to replace all equipment and plant, ensuring the ongoing high quality of the facility. Facility mix 2 is estimated to return an annual surplus of £104,000 including annualised maintenance replacement cost.
- 1.7 The Council has diminishing capital resources and borrowing would be required. Based on a PWLB loan at 2.82% over 40 years (for the full cost of development) annual repayments would be in the region of £944,000 for facility mix 1 or £709,000 for facility mix 2. Assuming the retained surplus was retained by the Council for facility mix 2 this would give a net cost to the Council of £605,000 and place significant financial pressures on the Council's budget going forward. It is expected the wider commercial development of Chapel Lane may offset at least some of these costs, with further work required to determine this. These costs would reduce in line with any external funding secured such as section 106 developer contributions or Sport England grant.

2. Recommendation

It is RECOMMENDED that Cabinet:

- a) Note the findings of the Bingham Leisure Centre options appraisal and feasibility study and associated significant financial implications;
- b) Approve detailed investigations of the feasibility of constructing a new leisure centre at Chapel Lane, Bingham on land owned by the Council as part of a wider commercial development of the site;
- c) Allocate £40,000 from the investment and regeneration project budget to undertake a business case feasibility, site investigations, and design works for an integrated leisure and commercial development of the site;
- d) Request a further report to Cabinet before the end of financial year 2018/19 covering the financial, business and community outcomes of an integrated leisure and commercial development at Chapel Lane.

3. Reasons for Recommendation

- 3.1 A condition survey conducted in 2016 estimated that simply to retain a safe and functioning leisure centre, without noticeable improvements will require works to the value of £1.6m within the next 10-15 years, £500,000 of which will be required within five years. Even with ongoing investment, the existing leisure centre is not likely to achieve the same level of revenue as a new build option.

This highlights that not investing in a new facility would still incur significant ongoing costs. Furthermore retaining the existing leisure centre would not address the underlying issues of the building structure, services, thermal performance, safeguarding or accessibility for users.

- 3.2 The study undertaken by KKP focussed on the Toot Hill School site as a preferred location, however the technical and operational difficulties identified and costs associated with all of the potential locations means that an off-site location should be considered.
- 3.3 Rushcliffe Borough Council purchased land adjacent to Chapel Lane (north of the railway line), Bingham in July 2017. This is shown in Appendix C. An initial desktop review of the site suggests that it could be a suitable location to accommodate a new leisure facility. Further exploration is recommended.
- 3.4 The Bingham Masterplan 10 Year Vision identifies that there is an opportunity to strengthen the local centre of the town by developing the area around the Chapel Lane junction. Creation of a leisure centre with at this location would help to connect residents from the new housing site with those from the existing settlement of Bingham as well as being well located to serve the residential development at the former RAF Newton. The development of this site could also create a wider community and business hub for the local area.

4. Supporting Information

- 4.1 Bingham Leisure Centre was constructed in 1969 and comprises a number of interconnected buildings of predominantly CLASP construction. Over the years a substantial amount of work has been done to extend the life of the various building elements or change their use. There are underlying issues that remain a challenge to the on-going use, maintenance and adaptation of the building. Its condition is such that it will become increasingly difficult to maintain service standards and meet key local and national priorities. The school currently has no plans to redevelop the buildings on the school site.
- 4.2 The needs assessment element of the study undertaken by KKP considered a range of factors including the existing supply and demand for indoor leisure facilities within Rushcliffe and neighbouring authorities, opportunities for co-location of other local public services, accessibility, findings from Sport England facilities planning modelling and consultation with a range of leisure centre user groups and stakeholders. The needs assessment concluded that there is a clear strategic need to replace the Leisure Centre at Bingham.
- 4.3 Based upon the needs assessment two different facility mixes were established to enable detailed financial modelling. Facility mix 1 includes a 5-court sports hall, community hall, 6 lane 25m swimming pool with teaching pool, 75 station health and fitness gym, exercise studios, changing rooms, office space and a replacement athletics track/infield. Facility mix 2 includes the same facilities minus the sports hall and replacement athletics track/infield. Further details are provided in Appendix B.

- 4.4 The options appraisal of sites focussed on providing a new leisure centre on the Toot Hill School site. This was identified as a preferred location by the Nova Education Trust and within the Bingham Community Plan. In association with the Nova Education Trust, four potential locations were identified, as well as the existing leisure centre footprint. As a comparator, modelling of capital and revenue costs for a facility on a generic site was also undertaken.
- 4.5 When considering a potential site for a leisure centre Sport England recommend the following key factors be considered as part of the design process for an affordable centre: access, location of services, orientation, landscape and townscape, a reasonably flat site, proximity to settlement areas and Sport England’s Active Design principles.
- 4.6 During the investigations, development on the existing leisure centre footprint was discounted for the following reasons:
- Current site access and insufficient car parking remains
 - Safeguarding of school pupils during the day
 - High running costs and limited opportunity to incorporate new technology
 - No opportunity to address other community needs – no community hall
 - Facility out of action for entire refurbishment period (12-18 months) affecting school curriculum use, Council’s contract with the operator, loss of service to community and loss of income
- 4.7 The four potential alternative locations on the school site are shown on a map in Appendix A with the respective advantages and disadvantages of each listed below.

<p>Area A – advantages</p> <ul style="list-style-type: none"> • Site is of sufficient size • Creates a cluster of sports facilities for community use • Clear separation of school and community • Sufficient distance from housing 	<p>Area A – disadvantages</p> <ul style="list-style-type: none"> • New road access would be required from Tithby Road - expensive • Insufficient room between housing and banking for vehicle access • Loss of playing field land may require mitigation
<p>Area A conclusion</p> <p>In KKP’s opinion this site is not suitable due to the access challenges and the potential costs associated with addressing these.</p>	

<p>Area B – advantages</p> <ul style="list-style-type: none"> • Site is of sufficient size • Creates a cluster of sports facilities for community use • Clear separation of school and community 	<p>Area B – disadvantages</p> <ul style="list-style-type: none"> • Road access would not change and still be from the Banks • Proximity to housing • Need for increased parking at this part of the site
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	<ul style="list-style-type: none"> • The designated archaeological site will make access difficult • Potential impact on tennis courts, archery area and cricket • Potential for safeguarding issues • Use of playing field land may require mitigation
<p>Area B conclusion In KKP's opinion this site is not suitable due to the challenges associated with gaining access</p>	

<p>Area C – advantages</p> <ul style="list-style-type: none"> • Site is of sufficient size • Clear separation of school and community 	<p>Area C – disadvantages</p> <ul style="list-style-type: none"> • New road access would be required from Tithby Road which is expensive • Insufficient room between housing and banking for vehicular access • Topography is challenging • Proximity to housing challenging • Use of playing field land may require mitigation
<p>Area C conclusion In KKP's opinion there are too many challenges with this site to make it a viable option for development</p>	

<p>Area D – advantages</p> <ul style="list-style-type: none"> • Proximity to Tithby Road • Good (double bus width) access to the site • Clear separation of school and community • No safeguarding issues for the site • No use of sports pitches 	<p>Area D – disadvantages</p> <ul style="list-style-type: none"> • The size of the site is too small to accommodate required facility mix • Topography may be a challenge • Impact of school drop-off/pick up during development period and possibly longer term • Need for the school to build on an asset • Proximity to housing a challenge • Need to relocate school depot storage
<p>Area D conclusion In KKP's opinion this site is unsuitable as it cannot accommodate the scale of development required</p>	

4.8 Rushcliffe Borough Council owns an area of land adjacent to Chapel Lane (north of the railway line). An initial desktop review of the site in line with the Sport England design principles listed in paragraph 4.5 suggests that it could

be a suitable location to accommodate a new leisure centre. The site appears to be sufficient to accommodate the footprint required, is flat, has good access links and addresses some of the challenges on the Toot Hill School site. Further exploration is recommended.

- 4.9 A cost plan to incorporate a full 'turn-key' approach was developed by Abacus Quantity Surveyors to include professional fees, gym equipment, external landscaping, access works and contingencies. The total high-level budget cost of developing a new leisure centre (facility mix 1) on the school site ranges from £20.5m to £21.4m. The cost for a leisure centre on a generic location in Bingham without a sports hall or outdoor facilities reduces to £16.1m. The impact of inflation on these costs is detailed in paragraph 5.2.
- 4.10 The revenue business plan for the facility is based on assumptions of the programme of activities that will be on offer as well as the operational staffing requirements and building operating costs. As an example, the number of swimming lessons reflect the income potential and staffing requirements to deliver these. The plan also includes an estimated 'operator profit' as management is contracted to a third party.

The financial outturn of the new facility with facility mix 1 is estimated to return a net surplus of £42,000 in year 1 rising to £188,000 in year 5 (including annualised maintenance cost, but excluding the cost of borrowing). For facility mix 2 the net annual surplus after 5 years is £104,000.

- 4.11 It is anticipated that external funding would contribute to the overall capital cost of constructing a new facility. This could potentially come from the Bingham Community Chest, developer section 106 contributions and the recently relaunched Sport England Strategic Facilities Fund.

5. Risk and Uncertainties

- 5.1 The comprehensive options appraisal and feasibility study was undertaken to provide robust information to inform decision making thereby reducing the risk to the council. Furthermore, this report recommends further detailed investigatory work on the potential of the Chapel Lane site before a decision is taken regarding how best to provide sustainable indoor leisure provision in Bingham.
- 5.2 For the purpose of this report, the costs are based on current market rates (Quarter 1, 2018). A prudent approach to inflation based on historic long-range forecasts within the leisure industry indicates that an average of c.4.5% p.a. should be anticipated. Over a period of 2 years this would increase the project cost by £1.9m for facility mix 1 or £1.4m for facility mix 2.

There is a risk that inflation or the cost of borrowing may be higher than anticipated, however this is partially mitigated by a 7.5% construction contingency which has been built into forecasts.

- 5.3 There is a risk that the assumptions upon which the revenue business plan is based are not realised upon operation. For example, re-negotiation of the leisure management contract or changes from the assumed prices, opening hours, staffing levels or activities programmed would impact on both the costs and income achieved. However forecasts were produced by a leading specialist leisure consultancy with extensive benchmarking experience and as such can be relied upon to provide a realistic estimate of income and expenditure.
- 5.4 Developing the leisure centre off the school site would require negotiations between the Council, Nova Education Trust and leisure management provider to agree community access to the sports hall and outdoor facilities anticipated to remain on the school site. This constitutes a risk if an agreed solution is not realised.

6. Implications

6.1 Finance

- 6.1.1 The Council's resources are diminishing and the impact on the Capital Programme of proceeding with this project will result in a need to borrow. Based on a loan of £17.5m over 40 years the costs incurred will be in the region of £0.71m per annum that will put significant pressure on the Council's MTFS. Investigations should take place on other ways to mitigate this such as sourcing external funding or complementary commercial development.
- 6.1.2 The net impact of the borrowing and the anticipated surplus of Facility Mix 2 results in a pressure on the revenue budget of around £605,000. Based on the 2018/19 Council Tax base this is the equivalent of £14.20 on band D Council Tax or a 10.7% increase. Further budget efficiencies (either increases in income or cost control) will have to be identified. The further development of Chapel Lane may provide some opportunity to mitigate this risk to the Council's budget. These costs could also be reduced in line with any external funding secured such as section 106 developer contributions or Sport England grant.
- 6.1.3 The significance of such a scheme needs to be considered against other future capital opportunities and pressures as part of the wider setting of the Council's MTFS.

6.2 Legal

- 6.2.1 No legal implications arise directly from this report, but Cabinet is advised that any future use of the Chapel Lane site will be subject to prior satisfaction of all relevant statutory and contractual requirements relating to, or arising from matters including any on-going operational, service or agency contracts, change of land use/occupation, land allocation and appropriation, planning procedures, and environmental issues identified by investigations and related due diligence pertaining to both the current and proposed sites.

7. Corporate Priorities

- 7.1 Provision of a modern leisure centre would contribute directly to two corporate priorities, namely; Maintaining and enhancing our residents' quality of life and transforming the Council to enable the delivery of efficient high quality services.

For more information contact:	Dave Mitchell Executive Manager - Communities 0115 914 8267 dmitchell@rushcliffe.gov.uk
Background papers Available for Inspection:	Cabinet 13 June 2017: Leisure Facilities Strategy
List of appendices :	Appendix A – Figure 5.1 Potential site locations Appendix B – Leisure Centre indicative facility mix Appendix C – RBC land adjacent to Chapel Lane, Bingham

Appendix B – Leisure Centre Indicative Facility Mix

Facility Mix 1

- 5 court sports hall with large store with separate school and community small equipment stores
- Dry changing – male and female
- Community hall with bleacher seating, breakout room and kitchenette
- 6 lane 25m swimming pool with teaching pool and 2 rows of spectator seating and large store
- Wet changing – village/group changing
- 75 station health and fitness
- 2 studios (one multiuse, one spin)
- 1 large studio/activity hall – functional training/martial arts/gym tots etc
- Fitness changing – male and female
- Vending with seating area
- PE office
- Classroom/coach education room
- Leisure operator office
- Small meeting room
- Staff room
- First aid/medical room
- Replacement athletics track and infield

Facility Mix 2

As above minus

- 5 court sports hall with large store with separate school and community small equipment stores
- Replacement athletics track and infield

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Appendix C – RBC Land adjacent to Chapel Lane, Bingham



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Cabinet

10 July 2018

Revised Contaminated Land Inspection Strategy

Report of the Executive Manager - Neighbourhoods

Cabinet Portfolio Holder for Community and Leisure: Councillor D J Mason

1. Summary

- 1.1. The Strategy provided within Appendix A is a revision of the Council's Contaminated Land Inspection Strategy last reviewed in 2010.
- 1.2. It is a requirement for the Council to review its contaminated land inspection strategy periodically, in general very little has changed since the last review. However in this period there has been a change in government policy and funding which is reflected in this review. The strategy proposes to primarily use the planning regime to investigate and remediate contaminated sites within the Borough.

2. Recommendation

It is RECOMMENDED that the contaminated land inspection strategy, as attached at Appendix A, be considered and approved

3. Reasons for Recommendation

- 3.1. The revised Strategy details how the Council will review the land within the Borough for contamination reflecting the changes in government policy that have occurred.

4. Supporting Information

- 4.1. Contaminated Land is land that poses a significant risk to people, underground waters, surface waters, ecological systems and property because of substances contained within it.
- 4.2. Local authorities are required by law to inspect their areas to identify Contaminated Land. If Contaminated Land is found, the Council must take steps to control the risks caused by the contamination. Essentially, the legislation is aimed at finding land which is so contaminated that it needs to be cleaned up in the interest of the public and the wider environment.
- 4.3. In December 2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn. With the changes in funding, investigation and remediation costs now fall

entirely to the Local Authority except perhaps for emergency cases and even then, any financial help from DEFRA is subject to internal budget clearance and the funds may simply not be available. There is currently no budget for undertaking contaminated land investigations, for example soil samples.

- 4.4. The proactive investigation of contaminated land under Part IIA of the Environmental Protection Act 1990 will therefore now be extremely limited. This strategy proposes that the responsibility to fund the majority of such work will fall on the landowner and their insurance companies through the planning regime. It should be noted that the Council will continue to investigate reports of contamination, which do occur from time to time. These will generally be resolved directly with the landowner although in extreme cases the Council may need to take immediate and direct action, for example should the contamination arise on Council owned land. In such circumstances it has been necessary to call on Council reserves.

5. Other Options Considered

- 5.1 This review enables the Council to fulfil its statutory obligations in light of the changes that have occurred since the last review in 2010. The only option would be not to carry out a review which would mean that these changes would not be taken into account.

6. Risk and Uncertainties

- 6.1 None other than where an emergency situation arises where remediation is required.

7. Implications

8. Finance

- 8.1 None other than where an emergency situation arises where remediation is required. If this involves private land, action will be taken to recover the cost from the landowner. For council owned land funding will be made available from reserves.

8.2 Legal

The legal implications are discussed broadly within this report and Appendix A. This strategy seeks to ensure the Council meets its legal requirements to identify and remediate contaminated land within its area.

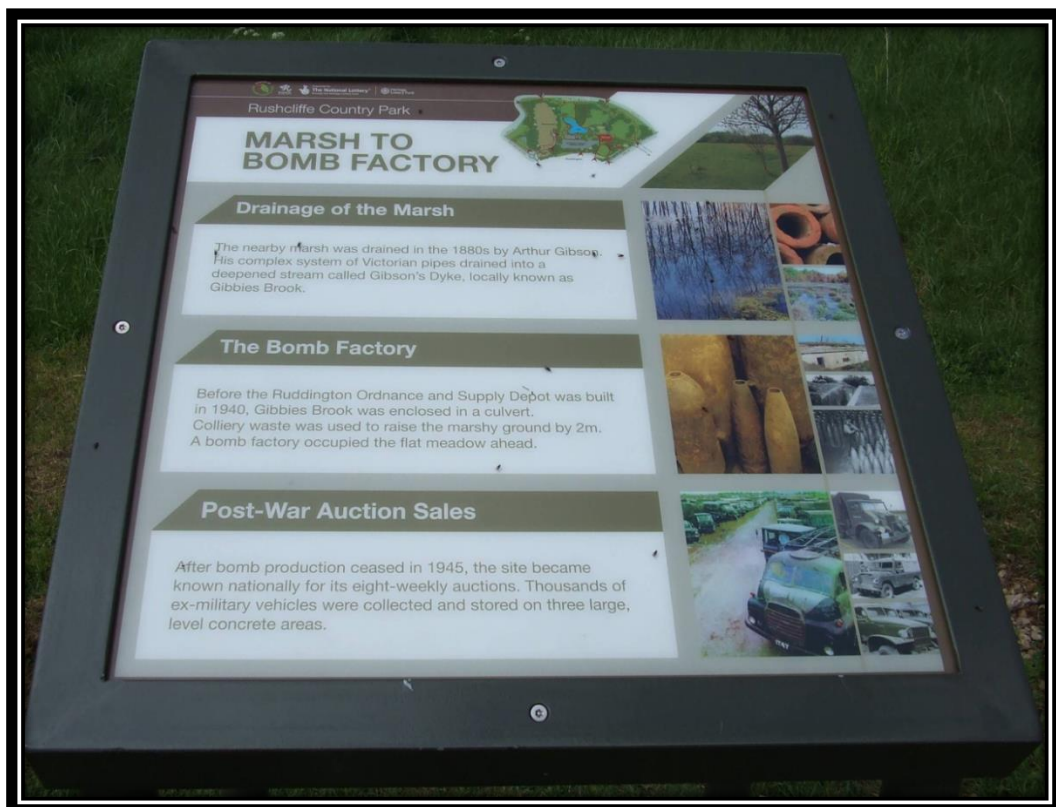
8.3 Corporate Priorities

This strategy assists the Council to meet its Corporate Priorities by “*maintaining and enhancing our residents quality of life*”.

For more information contact:	Dave Banks Executive Manager – Neighbourhoods. 0115 914 8438 dbanks@rushcliffe.gov.uk
Background papers Available for Inspection:	None.
List of appendices (if any):	Appendix A – Contaminated Land Inspection Strategy 2018-23

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Rushcliffe Borough Council



Contaminated Land Inspection Strategy 2018-23

Executive Summary

This document is a revision of the Council's Contaminated Land Inspection Strategy last reviewed in 2010. This review has been undertaken following a decision by central government to withdraw funding for site investigations and a local decision to primarily use the Planning Regime to primarily deal with contaminated land issues in the Borough, and following DEFRA's major revision of statutory guidance in April 2012.

In December 2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn. With the changes in funding, investigation and remediation costs now fall entirely to the Local Authority except perhaps for emergency cases and even then, any financial help from DEFRA is subject to internal budget clearance and the funds may simply not be available. These reductions in funding have also occurred at a time of significant cuts to Local Authority Budgets although at Rushcliffe we remain in a good position and do have contingency funds for contaminated land work if required.

The investigation of contaminated land under Part IIA of the Environmental Protection Act 1990 will now be extremely limited. It is likely that for future contaminated land investigations and remediation, the responsibility to fund the majority of such work will fall on the land owner and their insurance companies.

This revised Strategy document details how Rushcliffe Borough Council will review the land in its Borough for contamination to reflect these changes.

The process of investigating and remediating land through the planning regime will continue to ensure that all land in the Borough is suitable for use and does not pose unacceptable risks to people, the environment, water and property.

A new action plan has been developed for the next phase of contaminated land review work.

1.0 Introduction and Overview

Industrial change and demographic shift during the 20th century resulted in the need for large-scale re-organisation of our towns and cities. Industries moved out or disappeared altogether leaving large, 'Brownfield', gaps in our urban landscape. Inevitably, these changes have left behind a legacy of contaminated land, which in some cases may be harmful.

1.1 National Objectives of the Contaminated Land Regime

The overarching objectives of the Government's policy on contaminated land and the Part 2A regime are:

- To identify and remove unacceptable risks to human health and the environment.
- To seek to ensure that contaminated land is made suitable for its current use.
- To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

The objectives outline the '*suitable for use approach*' with respect to the remediation of contaminated land and achieving sustainable development. This means that the risk is assessed in the context of a specific use with the aim of maintaining an acceptable level of risk at minimum cost, thereby, "*not disturbing social, economic and environmental priorities.*"

1.2 General Policy of Rushcliffe Borough Council

Rushcliffe Borough Council welcomed the introduction of Part IIA of the Environmental Protection Act 1990 which complements the Council's own corporate aims and objectives.

Rushcliffe's current Corporate Strategy was published in 2016, giving priority to three key themes:

- Delivering economic growth to ensure a sustainable, prosperous and thriving local economy;
- Maintaining and enhancing our residents' quality of life;
- Transforming the Council to enable the delivery of efficient high quality services.

1.3 The Neighbourhoods Service Plan

The goals and priorities from the Corporate Strategy are developed into key actions within the Neighbourhoods Service Plan.

“To consistently provide services which protect and enhance the local environment, promote housing choice and minimise the risks to the safety, health and well-being of our citizens”

Two key aims of the service that are relevant are:

- To protect the local environment from harm;
- To protect the health, well-being and safety of residents, visitors and workers.

In the context of contaminated land, the aim is to investigate and where appropriate ensure land is remediated that may already be contaminated.

In December 2013, DEFRA announced that funding for site investigations under the Contaminated Land Capital Grants Scheme would be withdrawn. Consequently the Council’s ability to fund remediation works is now extremely limited. . The focus of any investigations will therefore be directed towards the highest priority sites and those posing a significant risk to public health.

1.4 Rushcliffe Local Development Framework

The National Planning Policy Framework sets out the Government’s Planning Policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system and it provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

One of the important core principles of the framework is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

1.5 Strategy Priorities and Objectives

The Part IIA regime requires that where a local authority considers that there are reasonable grounds for believing that any land may be contaminated, it shall cause the land to be inspected for the purpose of identifying whether it is contaminated land.

Authorities must act in accordance with guidance issued by the Secretary of State which has been published by the Department of the Environment, Food and Rural Affairs.

The statutory guidance makes clear that Authorities must produce a formal contaminated land inspection strategy document. It must set out how and when land which merits inspection, will be identified in an ordered, rational and efficient manner and in what time scale.

The Council's priorities in dealing with contaminated land will be:

- To protect human health;
- To protect controlled waters;
- To protect designated ecosystems;
- To prevent damage to property;
- To prevent any further contamination of land;
- To encourage voluntary remediation prior to taking enforcement action;
- To encourage re-use of brownfield land.

In order to provide a focus for future actions, the following objectives have been established:

- To ensure that the Strategy is compatible with the Council's Corporate Policies, sustainability, development and community objectives.
- To ensure that planning policies and procedures deal effectively with any land contamination where development takes place and to render it suitable for its intended use.
- To make information readily available to all relevant services to enable potential liability issues associated with their own land to be fully assessed.
- To ensure that the Council is aware of any associated potential land contamination liabilities, prior to proposed acquisition or disposal.
- To provide a mechanism whereby the Strategy is reviewed on a regular basis to allow for changes in statutory guidance and corporate policy.

2.0 Characteristics of Rushcliffe

The Borough of Rushcliffe is situated in the South East of Nottinghamshire, covers 157 square miles, and has a population of 111,100. Its area stretches from the River Trent to the Leicestershire borders to the east and the south, and northwards to within a few miles of Newark.

The largest town is West Bridgford with a population of 41,000, and it is separated from the City of Nottingham by the River Trent. Other major settlements include Bingham, Cotgrave, Radcliffe on Trent, Keyworth, Ruddington and East Leake, and throughout the Borough there are a 46,532 dwellings.



2.1 Geology

Geology plays an important role in the establishment of pollutant linkages between the source and receptor. It is therefore necessary to establish the underlying geology within Rushcliffe.

Rushcliffe is situated upon superficial deposits of clay, sand, gravel, alluvium and on bedrock of mudstone, sandstone and carboniferous limestone. There are coal measures, gypsum beds and a geological feature called the Westbury bed which is associated with uranium mineralisation and the radioactive gas, radon. There are two geological faults called the Harlequin Fault and the Flawforth Fault and a small number of minor complex faults.

2.2 Topography

Much of Rushcliffe is rural and agricultural. The western half of the Borough is characterised by the Wolds, with higher undulating land in the south. The remainder of the Borough is flatter and lower with the rivers Trent, Soar and Smite forming shallow valleys running through the Borough. There are mixed areas of woodland, except for the north-eastern part and the area west of Ruddington which are characterised by an open, flat landscape where many trees and hedgerows have been removed. Other prominent features are Gotham Hill, Hickling Standard, Wilford Hill, Barton Gap and Cropwell Bishop Gap.

2.3 Land use and industry in Rushcliffe

Most of Rushcliffe is rural and agricultural, with areas of mixed woodland.

Brick clay has been extracted in the past, and the main sites were situated at Harlequin (Radcliffe on Trent), West Bridgford and Wilford. Sand and gravel has been extensively extracted at Holme Pierrepont and Bassingfield. At the present the only active site is at East Leake.

Gypsum has been extracted in many areas of Rushcliffe as early as the 17th Century. Early workings were based around outcropping gypsum and there are many pits and shafts, particularly around the East Bridgford areas. Later methods of extraction used pillar and stall methods with mines at Barton, East Leake, Gotham and Thrumpton. Quarrying for gypsum was carried out on a large scale at Cropwell Bishop until 1995, and British Gypsum at East Leake is the only active site currently extracting mined gypsum.

Cotgrave colliery opened in 1964, but production ceased in 1993 and the site is now being developed for industrial, residential use and recreational use. There is the possibility that in the past coal was extracted on a small scale elsewhere in the Borough, but there are no records of such activities.

Oil is currently extracted at Rempstone and there are other small fields at Cropwell Bishop and Langar, but production is relatively small. Exploratory drilling has also been carried out near Radcliffe in Trent.

Although mainly rural, there are areas of light industry spread about the Borough, with industrial sites at Bingham, Bunny, Cotgrave, Keyworth, Langar, Normanton on Soar, Ruddington, West Bridgford and Wilford.

The Borough has 28 processes currently permitted under the Environmental Permitting Regulations 2010; these include Ratcliffe on Soar Power Station and British Gypsum at East Leake.

There are also four large closed landfill sites in the Borough, and several smaller filled areas, but others may be present throughout the Borough.

2.4 Waterways

The River Trent forms the western boundary of the Borough with the River Soar to the South West. The Rivers Devon, Smite and Fairham and Kingston Brooks meander across the central and eastern parts of the Borough. The Grantham canal, now disused, bisects the Borough and runs into the River Trent near Lady Bay Bridge.

Most of the land adjacent to the rivers in the Borough is classed as floodplain, with major flooding in 1947 and more recently in 2000 and 2012. River water quality in the Borough is classed as fair to very good.

2.5 Hydrogeology

There are no principal aquifers, only secondary and B designated for the bedrocks in the borough. There are no Environment Agency groundwater protection zones in the Borough.

There are a small number of private water supplies, mainly serving single properties with springs or shallow wells. There are also a small number of borehole supplies, but only one is used for human consumption.

2.6 Protected sites

The Borough has many protected sites and includes: -

Ancient monuments	25
Archaeological important sites	492
Building conservation areas	29
County important grassland sites	33
Listed buildings	716
Local nature reserves	7
Significant wildlife sites	8
Sites of importance for Nature Conservancy	203
Sites of special scientific interest	8
Tree preservation orders	863
Wildlife corridors	14
Wildlife links	5
Wildlife reservoirs	2

It is likely that some contaminated land sites will have been colonised by wildlife which are legally protected. Consequently, prior to remediation measures being implemented, it will be necessary to ensure that appropriate action is taken to ensure that the legislation protecting certain species of wildlife is complied with. The main species likely to be found in the Borough, identified as being protected by the Wildlife and Countryside Act 1981 (as amended), are badgers, bats, great crested newts, water voles and breeding birds.

3.0 Strategic approach to the identification of contaminated land

The Council is required to take a strategic approach to inspecting land in its area for contamination. Therefore it is necessary to consider both the extent to which any specified receptors are likely to be found in the district and the history, scale and nature of industrial or other potentially contaminative uses.

This work was carried out in the early 2000's and 1873 potential sites were identified along with relevant receptors and these were prioritised on a risk basis into a 'prioritised list'. The vast majority of these sites were very low risk and included farms, ponds that had been filled, electrical substations and sites where remediation had already taken place and land had been re-developed.

3.1 Action Plan 2018-23

The updated action plan (appendix I) represents the progress that is anticipated in the context of current resources and expertise available to the Council in the next 5 years. It is the intention to keep this Strategy under regular review so that performance can be monitored within the Neighbourhoods service plan.

As of 2018, two sites has been formally classified as contaminated land within the framework and definitions of Part IIA of the Environmental Protection Act 1990 and placed on the Public Register. One of these sites was made safe by full remediation and the other has been secured to prevent any receptors coming into contact with the contamination. A significant number of sites have been dealt with through the planning process, and under the current economic climate, this will remain the most appropriate means of dealing with land contamination, and only the most serious and urgent sites dealt with by Part IIA.

3.11 Investigation of land identified through the development control process

Potentially contaminated land will continue to be identified and remediated through the planning process according to best practice. Recommendations will be made for conditions to be attached to any sites identified as requiring remediation for the future use of the site. A booklet "A Guide to Developing Land within Nottinghamshire – Guidance for Landowners and Developers" has been revised and is available on the Councils website.

The Environmental Health Service and the Development Control Service will continue their close working relationship to ensure that all land highlighted as a potential site of contamination is subject to the required risk assessment, site investigation and remediation as is suitable for use.

3.12 Complaints

A complaint regarding contaminated land will be dealt with following the same procedure as other service requests. The Council does not normally undertake any investigation based on anonymously supplied information and this general policy will be adopted for contaminated land issues. This policy does not, however, preclude investigation of an anonymous complaint in exceptional circumstances. An initial desktop study will likely be undertaken and further action is only likely if it appears that the site may be deemed an 'urgent site'.

3.13 Dealing with urgent sites

Urgent action will be taken when the Council is satisfied that there is imminent risk of serious harm. The Council will consider to undertake remediation in urgent cases where it is the enforcing Authority and is of the opinion that the risk would not be mitigated unless by the Council's voluntary action. In the case of a special site, the Council will declare the land contaminated and notify the Environment Agency who will then be responsible for the remediation.

3.14 Review of Prioritised List

A review of the list of potentially contaminated sites will take place during the period of this strategic document to determine if any of these require 'urgent action' in line with the action plan attached as appendix I. Potential sites will be reviewed as a desktop exercise focusing on the defined risks developed through the original CLARA risk prioritisation model and updated with any new information that has more recently come to light. Where sites are identified and are to be developed they will be dealt with through the planning regime and re-risked accordingly. Only sites that are considered to be the highest priority and likely to be posing an imminent risk of serious harm will be considered for further inspection and remediation.

Appendix I – Action Plan 2018 – 2023

The initial work required will be to establish a baseline position and review the work already undertaken in this area. Work can then commence on assessing the highest priority sites to see if further detailed and intrusive investigations are required. It is likely that the highest priority sites will take the longest to assess and by definition are the sites most likely to require further work.

Period	Action
2018	Review previous work and assess the top 5 priority sites
2019	Assess the top 6-10 priority sites
2020	Assess the top priority 10-20 sites
2021	Assess the top priority 20-35 sites
2022	Assess the top priority 35-50 sites

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