



## **CABINET REPORT**

|                    |                                 |
|--------------------|---------------------------------|
| Date Written       | 23 <sup>rd</sup> September 2019 |
| Report Author      | Judith Jones/ Craig Watkins     |
| Service Area       | Planning and Countryside        |
| Committee Division | Strategic                       |
| Exempt/Non Exempt  | Non Exempt                      |
| Committee Date     | 9 <sup>th</sup> October 2019    |

*To: Chair, Ladies and Gentlemen*

# **Amendments to Community Infrastructure Levy Regulation 123 List of Infrastructure**

## **1.0 SUMMARY OF THE REPORT**

1.1 The purpose of this report is to seek Cabinet approval for amendments to the Community Infrastructure Levy Regulation 123 List of Infrastructure.

## **2.0 RECOMMENDATIONS that**

2.1 The amended Regulation 123 List of Infrastructure (Appendix 1) for publication on the Council website for a period of 28 days consultation as set out in paragraph 4.5 be approved.

## **3.0 INTRODUCTION AND BACKGROUND**

3.1 In June 2014, the Council adopted the Community Infrastructure Levy (CIL) as a mechanism to secure funding towards infrastructure improvements through the planning system. Alongside the CIL Charging Schedule (the document that outlines the rate of CIL charged on different types of development across the County Borough), the Council is also required to produce a Regulation 123 List of Infrastructure that outlines the different types of infrastructure that can be funded through CIL.

## **4.0 THE REGULATION 123 LIST OF INFRASTRUCTURE**

- 4.1 The current version of the Regulation 123 List has been in place since CIL was adopted in 2014. As part of work on the Replacement Local Development Plan (LDP), the Planning Policy Section has undertaken work in regard of updating the evidence base of the LDP, including examining the infrastructure required in order to deliver the strategy of the Replacement LDP. During this work, it has become apparent that the infrastructure requirements across the County Borough have evolved and it is now appropriate to make some changes to the Regulation 123 List.
- 4.2 The first amendment is in relation to the item '*Core Highway Network Improvements*'. The original list states that the highway improvements that CIL can be used for are identified in Policy AS10 of the adopted LDP, and in the Infrastructure Report that informed the preparation of the CIL prior to 2014. In order to ensure that CIL is spent on appropriate highways infrastructure, it is proposed to amend this item to state that the highway improvements that can be funded through CIL are identified in the Replacement LDP Infrastructure Schedule, and in the Site Allocation Details section of the Replacement LDP.
- 4.3 The second amendment is in relation to waste management infrastructure. At present, the list states that CIL can be used towards '*Upgrading/New Civic Amenity sites*'. In order to give the Council greater flexibility in regard to using CIL towards waste management infrastructure, it is proposed to amend this item to state '*Strategic Waste Management Infrastructure*'. This will allow the Council to potentially spend CIL on a wider range of waste infrastructure items.
- 4.4 There are other minor changes proposed to the Regulation 123 List in relation to updating and clarifying some of the explanatory text included in the document. The amended Regulation 123 List is included as Appendix 1 of this report with any deleted text shown in a red, strikethrough font. Any new text is shown in a bold, blue, underlined font.
- 4.5 It is recommended that the Cabinet consider the updated Regulation 123 List of Infrastructure, which subject to approval will be published on the Council website for 28 days, and if there are no adverse comments received then the updated Regulation 123 List can be adopted. The notification of consultation will be sent to all elected members; the Council's internal CIL Steering Group; and other selected stakeholders from the Planning Policy consultee database.

## **5.0 FINANCIAL IMPLICATION(S)**

- 5.1 There are no financial implications to the Authority from this report.

## 6.0 INTEGRATED IMPACT ASSESSMENT

|   | Positive Impacts | Negative Impacts | Not Applicable |
|---|------------------|------------------|----------------|
| <b>1. Merthyr Tydfil Well-being Objectives</b>  | 4 of 4           | 0 of 4           | 0 of 4         |
| <b>2. Sustainable Development Principles - How have you considered the five ways of working:</b> <ul style="list-style-type: none"> <li>• Long term</li> <li>• Prevention</li> <li>• Integration</li> <li>• Collaboration</li> <li>• Involvement</li> </ul> | 5 of 5           | 0 of 5           | 0 of 5         |
| <b>3. Protected Characteristics</b><br><i>(including Welsh Language)</i>  | 10 of 10         | 0 of 10          | 0 of 10        |
| <b>4. Biodiversity</b>  | 1 of 1           | 0 of 1           | 0 of 1         |

### Summary:

The main positive impact(s) against:

- The **Well Being Objectives** is that the CIL will support the provision of infrastructure and facilities that can directly assist in the implementation of the four well being objectives.
- The **Sustainable Development Principles** are that the CIL assists in the long term planning of infrastructure provision in the County Borough, which increases the likelihood of prevention taking place.
- The **Protected Characteristics** and **Welsh Language** is that the CIL will facilitate the delivery of services and infrastructure that can be used by all.
- **Biodiversity** are the CIL can be directly spent on directly enhancing biodiversity and ecosystem resilience when improving open space provision across the County Borough

There are no negative impacts identified.

**JUDITH JONES**  
**CHIEF OFFICER NEIGHBOURHOOD SERVICES**

**COUNCILLOR DAVID HUGHES**  
**CABINET MEMBER FOR NEIGHBOURHOOD SERVICES, PLANNING AND COUNTRYSIDE**

| <b>BACKGROUND PAPERS</b>   |                         |                          |
|--|-------------------------|--------------------------|
| <b>Title of Document(s)</b>  | <b>Document(s) Date</b> | <b>Document Location</b> |
|  |                         |                          |
| <b>Does the report contain any issue that may impact the Council's Constitution?</b> |                         | <b>No</b>                |

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***