



## **BLUNSDON PARISH COUNCIL**

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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### **Background information**

The Community Infrastructure Levy (CIL) is a charge that local authorities can set on new development to raise funds to help fund the infrastructure, facilities and services in their area. Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy. Some developments may be eligible for relief or exemption from the levy. (The Planning Portal website gives further information and guidance on CIL.)

The levy only applies in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website. Swindon Borough Council (SBC) adopted its charging that became effective on Monday 6<sup>th</sup> April 2015; details are available on its website.

When a development takes place, the town or parish council will receive a percentage of the CIL contribution received from that development; Blunsdon receives 25%, 10% above the standard rate of 15% due to having an adopted Neighbourhood Plan. The remaining contributions remain with SBC to allocate and spend on local and strategic infrastructure projects and are awarded through SBC.

Developers may pay the levy as land or infrastructure as well as by cash if the charging authority chooses to accept these alternatives. However, the relevant percentage of the cash value of levy receipts must be passed on to a parish or town council in cash.

### **Introduction**

To ensure that Blunsdon Parish Council (BPC) manages the funds correctly and spends this money appropriately, it has taken guidance from SBC and the procedures it sets out for its own CIL Spending.

The Parish Council has a Finance Group that outlines CIL spending and monitoring. All CIL bids will be presented to Full Council for determination of spend. It will also ensure a proper debate is held to understand the issues involved in each project and most importantly to ensure that the money is prioritised and spent appropriately.

These procedures are designed to ensure consistency and that that decisions on how CIL are prioritised in an open, transparent, appropriate and fair manner.

### **How should parish and town councils spend their CIL funds?**

While parish and town councils are not required to spend their funding in accordance with the charging authority's priorities, parish and town councils are advised to work closely with the charging authority to agree priorities for spending the neighbourhood funding element.

Where a Neighbourhood Plan has been made, it should be used to identify these priorities.

### **Guidelines for CIL**

Under CIL (amendment) Regulations 2013 regulation 8, 59C, a local council must use CIL receipts passed to it in accordance with regulation 59C a or b, to support the development of the local council's area, or any part of that area, by funding

- (a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
- (b) anything else that is concerned with addressing the demands that development places on an area.

CIL monies must be spent within 5 years of receipt. SBC as the charging authority will serve notice for the recovery of monies paid to the Parish Council if they have not been spent; there is no discretion over this.

In accordance with Section 216 of the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended), CIL may be spent on infrastructure required to support the development of the area. This includes (but is not limited to):

- Transport schemes and highway improvements (beyond site-specific access works)
- Road, pedestrian, cycling and public transport facilities
- Flood defence and drainage schemes
- Water quality and waste-water infrastructure
- Education facilities
- Health and social care facilities

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- Police, fire, ambulance and emergency services infrastructure
- Community, leisure and cultural facilities (including libraries, sports and recreation)
- Communications infrastructure
- Green and blue infrastructure (including parks, open spaces, biodiversity and climate resilience)
- Public realm and environmental improvements
- Utilities and energy infrastructure

See Appendix B for more information

### **Validation**

The Parish Clerk will collate and validate the Bids. The following will not be put to Full Council for consideration:

- Those schemes for which a pro-forma has not been completed
- Those scheme where the bidding organisation does not have the legal right to carry out the proposed scheme or the support from the statutory provider of the service
- Those schemes that could clearly not be defined as infrastructure to support development

The Parish Clerk's validation will be agreed by the Chairman in advance of papers being published to the Full Council.

A second stage validation process will take place, which will assess the proposed bids against the following criteria:

- The need for the scheme
- Whether the scheme supports the local or key infrastructure projects
- Whether the applicant is working in partnership to implement the scheme
- Is the scheme part of an existing Strategy or Plan
- The public benefit of the scheme
- Has the applicant sought to maximise funding from other sources

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- Is there clear project management
- Is the scheme deliverable
- Are there the necessary permissions in place
- Does the scheme and Bid have local support
- Has the Scheme already had CIL funding

A written response will be provided to the bidder to explain the decision. This may suggest that a revised submission is considered.

Each Bid will be scored against how they perform against each category. This will be reported to Full Council and will include a summary of what criteria the bids score highly against and those where they perform weaker against.

Bid forms will not be published on the Parish Council's website in the event that there may be sensitive information. However, details of the scheme can be included in the minutes of the Full Council meeting.

### **Key Considerations**

Full Council's key considerations will be whether there is a public and overall community benefit of the proposed scheme for residents in Blunsdon. In determining this, consideration will be given to the following issues in making its recommendation.

- Whether sufficient evidence has been provided to demonstrate a strong social, environmental or economic justification for the scheme
- Whether sufficient evidence has been provided to demonstrate a strong link between new development and the scheme
- Whether sufficient evidence has been submitted to show that the project involves partnership working
- Whether the scheme forms part of a planned, local, economic or community strategy to address the need for local or strategic infrastructure
- Whether sufficient evidence has been provided to show the clear public benefit to the scheme
- Whether other funding sources have been considered

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- Whether there is sufficient certainty that the scheme will be delivered, including considering whether the project has all the necessary permissions in place and evidence has been provided to demonstrate that there are sufficient maintenance arrangements in place
- Whether the scheme has local support
- Whether the project has already benefited from CIL through other Parish and Town Councils or SBC
- Whether overall the scheme provides a strong community benefit

Limited CIL funding is available, and it is unlikely that it will fund all the Bids and schemes presented. Where it is necessary to choose between schemes that could both be appropriate uses of CIL (i.e. they satisfy all the considerations set out above), Full Council will consider the public benefit of the schemes for residents in Blunsdon.

### **Types of recommendations**

Full Council may make the following recommendations and resolutions:

- Funding for the scheme is approved subject to a formal agreement letter being agreed and signed by both parties. Payment will be made on only once the agreement has been signed. If no agreement has been signed within 6 months the Bid will be reported back to Full Council to be reconsidered.
- Where a scheme requires planning permission or other legal agreements, funding for the scheme will be secured and set aside. The funding will only be paid upon completion of a formal agreement letter being agreed and signed by both parties and the necessary planning permissions granted. If planning or other legal permission is not granted, the bid will be reported back to the F&GP Committee to be reconsidered.
- Funding for the scheme is not approved on the basis that other proposed schemes have been given greater priority.
- Funding for the scheme is not approved on the basis that insufficient evidence has been provided to justify it.
- A decision of the provision of funding a scheme is deferred. It is considered that further evidence is required to fully show the benefits of the scheme.

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- A decision of the provision of funding for a scheme is deferred. It is considered that further evidence is required to indicate whether the project is viable

If the decision is for the application to be refused, then an applicant should be given sufficient information to understand why it has been refused. If it is deferred, then the applicant should be given sufficient clarity over what information is required for the Bid finally to be determined.

## **Reporting**

In addition to the above, as a Town or Parish Council are required to report on the amount of CIL receipts received and the spending of CIL for each financial year.

The National Planning Practice Guide (PPG), in paragraph 80 states that Parish, Town and Community Councils must make arrangements for the proper administration of their financial affairs (under Section 151 of the Local Government Act 1972). These requirements will also apply when dealing with neighbourhood funding payments under the Levy as specified in the regulation 121B (a re-enactment of regulation 62A inserted by the 2019 Regulations)

The following information will be published annually and submitted to SBC:

- Total CIL receipt collected each year
- Total CIL expenditure for the financial year
  - a) What items (projects) CIL has been applied
  - b) The amount of CIL expenditure on each infrastructure project
- The value of CIL subject to any recovery notices and the amount that remains to be paid back.
- The amount of CIL retained (not spent) from the year in question and CIL receipts retained in previous years.

This information must be published on the website on or before 31st December following the reported year.

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## **Review**

For good governance, these procedures will be reviewed in line with recommendations from SBC.

The Council may decide to review these procedures as needed, but a minimum of once every four years.

### **APPENDIX A - MEETING PROCEDURES AND SPEAKING PROTOCOL**

At the beginning of the meeting the Chairman (or the Parish Clerk / RFO) will introduce:

a summary of the CIL funding available and where the CIL receipts have come from

- a summary of the CIL Bids
- Indicate which Bids Members or members of the public have asked to speak on

The company/person/body submitting the Bid will be expected to present their Bid to Full Council.

A bid is likely to be deferred if councillors consider that they reasonably require further information to determine it.

Full Council will decide on each Bid at the end of the meeting after all the Bids have been discussed. This ensures that every bid is considered and discussed before any decision is made.

Councillors can only consider the Bid put before them and the details provided by the applicant. This means that the Council cannot amend any details of the Bid at the meeting. They can only agree, refuse or defer if they consider more information is needed or that further investigation is required to be carried out regarding the costs of the project.

After all the bids have been considered individually and any amendments made (see point 8), a vote will take place on the motion. The Chairman will advise the meeting of the result.

Full Council meetings to discuss Bids are to be held at the Clerks discretion taking into account the level of CIL income, preferably at the beginning of the financial year for clarity of available funds.

### **APPENDIX B**

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Types of infrastructure that fall within the definition of 'infrastructure' and is a guide to the types of possible projects. Funding will not be restricted to these.

Infrastructure Category	Type of Infrastructure/Project
INFRASTRUCTURE	
Highways & Transport	<p>Road networks</p> <p>Rail networks</p> <p>Bus services</p> <p>Cycling and walking routes</p> <p>Public Rights of Way (PROWs)</p> <p>Car parking facilities (including electric vehicle charging points)</p> <p>Public realm and town centre improvements (street scene, lighting, signage, wayfinding, high streets, market squares, public seating, public art, and footway enhancements)</p>
Flooding	<p>Flood defences</p> <p>(Note – Blue Green Infrastructure can also provide solutions to mitigate any effects).</p>
Utilities	<p>Water Supply</p> <p>Wastewater Water quality</p> <p>Waste management and facilities (including recycling facilities)</p>
Communications	<p>Telecommunications equipment</p> <p>High speed broadband</p>
SOCIAL INFRASTRUCTURE	

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Community facilities	Places of worship Sport and Recreation Facilities Leisure Centres Playing pitches Meeting places Libraries Cultural or heritage infrastructure Leisure and play equipment
Education	Pre-school and nursery schools Primary education Secondary education Post 18 / higher education Adult education Special educational needs
Health and social care facilities	GP surgeries Dental services Hospitals and community trusts Mental health services Adult social care services Children's social services
Police and emergency services facilities	Schemes involving physical infrastructure for the police, fire and rescue services, and ambulance services
OTHER INFRASTRUCTURE	

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Blue-Green infrastructure	<p>Natural / semi-natural open space</p> <p>Maintenance or improvement of bodies of water</p> <p>Biodiversity</p> <p>Parks / country parks</p> <p>Local Wildlife Sites</p> <p>Local Nature Reserves</p> <p>Areas of Outstanding Natural Beauty</p>
	<p>Climate resilience measures (e.g. Sustainable Drainage Systems (SuDS), tree planting, habitat creation, natural flood management, biodiversity net gain, and environmental enhancement projects)</p>
Other	<p>Minerals</p> <p>Energy</p>

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