

**Public**  
**Key Decision - Yes**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** CIL Spend - Fenstanton  
**Meeting/Date:** Cabinet – 16th July 2020  
**Executive Portfolio:** Executive Councillor for Strategic Planning  
**Report by:** Service Manager - Growth  
**Ward affected:** Fenstanton

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### **Executive Summary:**

The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Huntingdonshire District Council became a CIL charging authority in May 2012.

Local authorities must spend the levy on infrastructure needed to support the development of their area. This helps to deliver across a number of the Council's Corporate Plan priorities for 2018 – 2022 but specifically:

- Support development of infrastructure to enable growth
- Improve the supply of new and affordable housing, jobs and community facilities to meet current and future need

As part of the S106 agreement accompanying planning permission 16/01206/FUL for the redevelopment of the former dairy crest site in Fenstanton, land is to be made available for the provision of a village hall.

Fenstanton Village Hall Trust have developed a detailed project, including costs, timescales for implementation and details of match funding.

### **Recommendation:**

The Cabinet is recommended to support CIL funding of £75,000 as co-funding toward the construction of a new village hall in Fenstanton.

## 1. PURPOSE OF THE REPORT

- 1.1 To consider a payment of £75,000 from CIL toward the provision of a new village hall for Fenstanton.

## 2. BACKGROUND

- 2.1 Planning application 16/01206/FUL was granted planning permission on the 5<sup>th</sup> May 2017. That application is for the redevelopment of the former Dairycrest site in Fenstanton and is described as ‘Hybrid Planning Application for the Demolition of Existing Factory Buildings and the Development of 88 Dwellings (to include for the residential conversion of 3 number units located at 17 High Street), provision of public open space and associated works (applied for in full) and provision of 660sq.m of commercial (B1) and 279 sqm of community (D1) uses (Applied for in Outline with All Matters Reserved Except Access).’
- 2.2 Clause 3.1 of the accompanying S106 (legal agreement) secures land for a Community Village Hall, and an offer to the Fenstanton Village hall Trust (FVHT). Fenstanton has been without a village hall for some years as the last one was demolished given it was no longer fit for purpose
- 2.3 The FVHT is a registered charity established to oversee the delivery of a new village hall for the community of Fenstanton. They will be the trustees of the new village hall, overseeing maintenance and operation and ensuring availability to the wider community.
- 2.4 The intention is to delivery a new building within 2-3 years. Appendix 1 comprises project plans of the village hall. Table 1 sets out the position on funding commitments.

Table 1:

<b>Funding Commitments</b>	<b>Total Cost - £880, 000</b>
FVHT	(£210,000)
Fenstanton Parish Council	(£95,000)
Cambridgeshire Community Fund	(£500,000)
<b>Shortfall</b>	<b>£75, 000</b>

## 3. ANALYSIS

- 3.1 Planning permission 16/01206/FUL recognised that there is a need for a new community village hall as identified through the securing of land.
- 3.2 Fenstanton has seen growth in recent times. The Local Plan 2036 identifies 3 allocations in Fenstanton that are being built out, including the former Dairycrest site with a cumulative total of approximately 210 new homes.
- 3.3 The levy is intended to focus on the provision of new infrastructure and Table 1 sets out the funding position and provides details on the level of

match funding that the FVHT have actively sought to enable the delivery of a village hall.

#### **4. RISKS**

- 4.1 The key impact from not considering the CIL spend will be the potential for certain infrastructure projects not being delivered and match funding lost.
- 4.2 The negotiation of land development for its intended purpose is a private matter between the developer and the receiver, and outside the scope of a S106 agreement. However, it is normal practice for developers to append a time clause to ensure the land is developed for its intended purpose. In the event the land cannot be developed for the purpose as per the S106 it would revert to the developer's ownership.

#### **5. TIMETABLE FOR IMPLEMENTATION**

- 5.1 FVHT confirm their intention to deliver a new building by 2023.
- 5.2 FVHT will be notified of the outcome of the Cabinet's decision and next steps as appropriate.

#### **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND/OR CORPORATE OBJECTIVES**

- 6.1 This helps to deliver across a number of the Council's priorities for 2018 - 2022 but specifically:
- Support development of infrastructure to enable growth
  - Improve community facilities to meet current and future need.

#### **7. LEGAL IMPLICATIONS**

- 7.1 Regulation 59 (1) of the Community Infrastructure Levy Regulations 2010 (as amended) require a charging authority to apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area. It may also, under Regulation 59 (3) support infrastructure outside its area where to do so would support the development of its area.
- 7.2 Passing CIL to another person for that person to apply to funding the provision, improvement, replace, operation and maintenance of infrastructure is also permitted under Regulation 59 (4).
- 7.3 Section 216 (2) of the Planning Act 2008 as amended by Regulation 63 of the Community Infrastructure Regulations 2010 (as amended) stated that infrastructure" includes~~and is therefore not limited to~~:
- (a) roads and other transport facilities
  - (b) flood defences
  - (c) schools and other educational facilities
  - (d) medical facilities

- (e) sporting and recreational facilities
- (f) open spaces

7.4 The levy may not be used to fund affordable housing.

## **8. REASONS FOR THE RECOMMENDED DECISIONS**

8.1 This proposal is considered to have submitted a detailed project, including details of funding (including match funding where necessary) and is recommended to receive CIL funding for the following reasons:

- \* A detailed project has been provided.
- \* Evidence of match funding has been provided.
- \* Fenstanton has a church hall but does not have a village hall.
- \* The HLP2036 identifies growth of approximately 210 new dwellings.

## **9. LIST OF APPENDICES INCLUDED**

Appendix 1 – Plans for a village hall.

## **10. BACKGROUND PAPERS**

Section 216 of Planning Act 2008

<http://www.legislation.gov.uk/ukpga/2008/29/section/216>

Huntingdonshire Infrastructure Delivery Plan

<http://www.huntingdonshire.gov.uk/media/2694/infrastructure-delivery-plan.pdf>

Huntingdonshire Infrastructure Delivery Plan – Infrastructure Schedule

<http://www.huntingdonshire.gov.uk/media/2693/infrastructure-schedule.pdf>

Huntingdonshire Infrastructure Delivery Plan Addendum

<http://www.huntingdonshire.gov.uk/media/2861/infrastructure-delivery-plan-addendum.pdf>

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