

Chorley Council	Meeting	Date
Director of Business, Development and Growth (Introduced by the Executive Member for Economic Development and Public Service Reform)	Executive Cabinet	22 June 2017

UPDATE OF COMMUNITY INFRASTRUCTURE LEVY REGULATION 123 LIST

PURPOSE OF REPORT

- To inform Members about the update of the Community Infrastructure Levy (CIL) Regulation 123 List.

RECOMMENDATION(S)

- To approve the revised changes to the Regulation 123 List for a 4 week consultation to Monday 17 July 2017 and to delegate any changes following consultation to an Executive Member decision.

EXECUTIVE SUMMARY OF REPORT

- To approve the revisions to the Regulation 123 list for a 4 week consultation to Monday 17 July 2017

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	x
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- To update infrastructure schemes and reflect changes to the Regulation 123 List

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- None

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	x

BACKGROUND

7. The Community Infrastructure Levy (CIL) is a charge on some forms of development. For Chorley this is housing (although some relief can be claimed for certain types of housing development) and retail (excluding neighbourhood convenience stores), which allows Local Authorities to raise funds from developers to pay for strategic and local infrastructure that is needed as a result of development. CIL was adopted by the Council on 16 July 2013 and charging commenced from 1 September 2013
8. CIL is used to contribute to the infrastructure requirements identified in the list prepared under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended). The CIL Regulations define infrastructure as the meaning given in section 216(2) of the Planning Act 2008, as amended by Regulation 63. The list supplied by the Act includes, but is not exclusive 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
9. The Regulation 123 List (as adopted September 2013 and amended April 2016) was derived taking into account the background supporting documents that were prepared in association with the Central Lancashire Core Strategy (adopted July 2012), which sets out the infrastructure needed to deliver the development set out in the Core Strategy up to 2026 and the Lancashire County Council adopted Local Transport Plan 3 Strategy and Implementation Plan 2011-2021 which sets out the strategic objectives for transport and travel.
10. The Regulation 123 List specifies the infrastructure projects to be funded in part by CIL in Chorley and includes schemes such as transport improvements, health facilities and education provision. Chorley's Regulation 123 list was adopted in September 2013 and updated in April 2016.
11. A 4 week consultation extending until 3 May 2017 was held with appropriate stakeholders asking for expression of interests for inclusion on the Regulation 123 List.

PROPOSED SCHEMES FOR THE REGULATION 123 LIST

12. 18 requests and 4 updates have been received for inclusion on the Regulation 123 List. Of these, 7 schemes have been put forward by parish councils and a councillor, 4 schemes (and 4 updates) have been put forward by Lancashire County Council as the education authority and 7 schemes have been put forward by officers. No expressions of interest have been received from Lancashire NHS.

13. Lancashire County Council (LCC) has previously made representations to the Council to request that opportunity be provided for their education schemes to be added to the CIL Regulation 123 list. There have been some occasions where requests for contributions for education have been made via section 106 requests in response to planning applications. As Chorley Council has CIL in place, it is this which is the mechanism for LCC to access education infrastructure funding to meet the needs generated from development. This means that until LCC come forward with projects for education that identify the specific school for funding, the Council are unable to allocate any CIL monies for generic provision for schools for the benefit of the borough.
14. The list of schemes requested for inclusion is shown below:
1. New length of footway along Clancutt Lane extending to junction with Spendmore Lane, Coppull (Councillor Toon)
 2. "Access only" and signage at both ends of Town Lane, Heskin (Heskin Parish Council)
 3. Yarrow Valley Walk, link paths from Euxton to Chorley (Euxton Parish Council)
 4. Pedestrian Crossings over Southport Road, Euxton and Westway, Euxton (Euxton Parish Council).
 5. Increased parking at Hallgate, off Chancery Road (Astley Village Parish Council)
 6. Cycle Lane improvements through Astley Village (Astley Village Parish Council)
 7. Improvements to Lay-by on Chancery Lane (Astley Village Parish Council)
 8. Resurfacing of Redwing Drive Play area, Gllibrand
 9. Footpath improvement works within Yarrow Valley Country Park
 10. Highways infrastructure (provision of necessary access arrangements) to support the delivery of the employment allocation at the Digital Office park, Euxton Lane, Chorley
 11. Highways infrastructure (provision of necessary access arrangements) to support the delivery of the employment allocation at Clayton- Le- Woods.
 12. Infrastructure improvements along Millennium Way, Chorley
 13. Highways infrastructure (provision of necessary access arrangements) to support the delivery of the employment allocation at Cowling Farm, Chorley
 14. Extension to Adlington Cemetery, Adlington
 15. Chorley Town -139 primary school places
 16. Coppull - 8 primary school places
 17. Euxton – 36 primary school places
 18. Holy Cross - secondary school provision - expansion of 1 form of entry.
15. The 4 updates to the Reg 123 List required by Lancashire County Council confirm the following items are to remain but require amendments:
- Adlington half form entry primary places – timings to be amended to: 2017 – end of plan period
 - Clayton-le-Woods one form entry primary places – Timings to be amended to 2017 – end of plan period. Amend name of area to 'Clayton-le-Woods/Clayton Brook/Green and Whittle-le-Woods'.
 - Eccleston half form entry primary places – Timings to be amended to 2017 – end of plan period. Amend name of area to 'Eccleston and Rural'. Amend funding deficit to £2m to update costs.
 - Group 1 Site, 1 form entry primary school, Buckshaw Village – amend name to 'additional one form of entry at Trinity CE/Methodist Primary School, Buckshaw Village – two form entry to three form entry'. Timings to be amended to 2017 – end of plan period.
16. The purpose of the Regulation 123 List is to ensure clarity on what CIL might be spent on and there is no duplication ('double dipping') between CIL and S106 agreements in funding the same infrastructure projects. The Community Infrastructure Regulations 2010 (as amended) restrict the use of planning obligations where there have been 5 or more obligations in respect of a specific infrastructure project or type of infrastructure entered

into on or after 6 April 2010. Open space contributions are entered into via s106 agreements and therefore are not included as specific schemes or as a generic open space on the Regulation 123 List.

- 17 CIL monies cannot be used to remedy existing deficiencies in infrastructure unless development would have an impact on the infrastructure.

Schemes Not Appropriate for the Regulation 123 List

- 18 The following schemes are **not** appropriate for inclusion on the Regulation 123 List:

(1). New length of footway along Clancutt Lane extending to junction with Spendmore Lane, Coppull. The proposal is to provide a new length of footway as the existing footway is limited in width and obscured by a hedge which Lancashire County Council as the highway authority has indicated is not a registered footpath and not one they maintain. LCC estimate the cost for the provision of a footway is £6,600 (including £3,300 to cover site clearance and removal of section of leylandii). Two large trees may also require removal in order to facilitate a footway and the road may require Traffic Management or even a closure. Costings do not cover replacement of the lost vegetation or any unknown variables e.g. statutory undertakers service issues etc or the costs to cover appropriate compensation for additional land to form the footway and boundary work for the owner of 1, Clancutt Lane.

- 19 This is not a strategic scheme and is more suitable as a local area scheme. A local council such as Coppull Parish Council can use CIL receipts passed to it in accordance with regulation 59A or 59B 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.

20. **(2). "Access only" and signage at both ends of Town Lane, Heskin.** This proposal is to improve the safety of pedestrian, cyclists and horse riders who use Town Lane, as it is a narrow lane with very few passing places and yet it is increasingly used by cars, vans, and large vehicles as a "rat run". Lancashire County Council as the highways authority has reiterated advice given in September 2016 that they are currently operating on a prioritisation basis whereby sites with injury accidents take precedence over other locations on the highway network which have no injury accidents in the last 5 years. Whilst they understand the Parish Council concerns regarding the narrowness of Town Lane and speeding traffic, it is not as unsafe as it seems and it would appear that the injury accident record supports this with no injury accidents occurring in the last 5 years. To this end Lancashire County Council do not feel that further consideration in terms of introducing permanent signage/speed bumps etc. is necessary at the present time. Furthermore there are existing signs saying the road is unsuitable for motor vehicles. Therefore this scheme is not appropriate for the Regulation 123 List.

21. **(3). Yarrow Valley Walk, link paths through from Euxton to Chorley.** The proposal is a full tidy up of the path system including rebuilding of bridges and hand rails. No map has been provided of the route. Cost unknown. However the scheme is not appropriate for the Regulation 123 List because part of the route is a public right of way and the route is in different ownerships, none in Chorley Council's ownership. Cost unknown.

22. **(4). Pedestrian Crossings over Southport Road, Euxton and Westway, Euxton** The proposal is to provide pedestrian crossings at these roads (which have no crossings) to improve safety for all users including young people using the area around Southport road

and Westway. Cost unknown. Euxton Parish Council has indicated Lancashire County Council has previously investigated but given this low priority due to other items on the 'shopping list' being first. Lancashire County Council has been asked to provide a comment and cost for this scheme but their response is awaited.

23. **(5). Increased parking at Hallgate, off Chancery Road, Astley Village.** The proposal is to increase parking at Hallgate available for available for Astley Park/Hall/Events. There are a number of schemes to assist improved car parking for Astley Park/Hall/Events and therefore there is no need to include this proposal on the Regulation 123 List. These include a scheme to deliver an additional 25 no. parking spaces at the existing Hallgate car park. The scheme will require planning consent. The scheme will utilise Astley 2020 funding (£50,000) with works commencing in 2017/2018. Further provision of events car parking currently being considered is at Westway Playing Fields. The current iteration of the scheme provides 92 permanent car parking spaces and 328 events car parking spaces to alleviate parking congestion during major events at Astley Hall and Park. Funding for the car parking is provided by an Astley 2020 budget (£175k) and s106 monies committed to improving Westway Playing Fields. The development of the Southport Road car park will also provide a further 100 car spaces for Astley Hall and Park by 2020.
24. **(6). Cycle Lane improvements through Astley Village.** The Local Plan protects cycle routes including route ST1.9 which extends along the whole length of Chancery Road from Euxton Lane to Westway. This scheme is already on the Regulation 123 List (Buckshaw-Chancery Lane-Cuerden Valley Park-Southport Road), and there is no proposal to remove it from the list. Further work is being undertaken by officers with Lancashire County Council and transport consultants Jacobs on a Central Lancashire Walking and Cycling Strategy. This has identified 12 primary routes for commuting and leisure in Central Lancashire. Part of route ST1.9 in this locality is identified within a primary route and the Strategy will indicate the work required and the broad costs for bringing forward these routes.
25. **(7). Improvements to Lay-by on Chancery Lane.** The cycle lane and sight lines for Chancery Road are blocked by parked cars including damage to the grass verges. The proposal is to change parts of the grass verge into lay-by or parking areas which could keep the vehicles from blocking the cycle lane. This land is in ownership of Lancashire County Council as the highway authority. Adtley Village Parish Council has indicated Lancashire County Council has looked into this and are conducting a further investigation (May 2017).
26. Lancashire County Council has responded to an officer's request to provide a comment and cost for this scheme. LCC state "following concerns raised by the Parish Council officers carried out observations at the reported location on 4 dates (29 March, 5 April, 21 April and 27 April 2017) during hospital visiting periods which had been conveyed as the peak time the issues existed. During the observations a varying degree of parking was observed between the entrance to Derian House and the junction with Long Croft Meadow although vehicles were not witnessed parked within 10 metres of either junction in a position which would likely restrict sightlines for emerging traffic. Chancery Road at this point has a width of approximately 7.5 metres and the positioning of the parked vehicles on the eastern radius did not represent a significant reduction to the running lane width with no requirement observed for traffic to overrun the centreline or, as a result of the direction of the bend, a restriction of sightlines for approaching traffic. The small section of grass verge in the vicinity of Long Croft Meadow is protected by low level fencing and is therefore not accessible for parking with the remaining section consisting of metalled footway and no instances of vehicle damage to verges or contamination of the carriageway were witnessed. Lancashire Constabulary provide records of accidents within the public highway which is an important tool used by engineers to assess how a particular area operates in road safety terms. If a road has a historically good injury accident record as in the case of Chancery Road then it is considered to be operating satisfactorily with no significant road safety issues that would necessitate the installation of further highway measures. Lancashire County Councils current finite Highway budget and resources are prioritised to carrying out improvements to the many sites in the county which currently experience evidenced injury incidents and where the

installation of further measures can be deployed to alleviate identified issues, reduce incidents and improve road safety throughout the highway network. At this stage it would not be possible to provide an accurate estimate of likely costs of such a scheme and further detail of the proposed extent of improvements envisaged and initial site plans would need to be provided to allow the county councils highway team to produce a prospective cost estimate”.

27. **(8). Resurfacing of Redwing Drive Play area, Gllibrand.** Play area inspections have shown this play area needs resurfacing due to wear and tear of existing equipment and safety. Cost £100k. Completion proposed by 2022. As referred to above at para 16, Open space contributions are entered into via s106 agreements and not included on the Regulation 123 List as this would be ‘double dipping’
28. **(9). Footpath improvement works within Yarrow Valley Country Park.** Improvement and repair of existing footpath due to usage. Cost £50k. Works to start by 2020. As referred to above at para 16, Open space contributions are entered into via s106 agreements and not included on the Regulation 123 List as this would be ‘double dipping’

Schemes for the Regulation 123 List

29. The publication of a Regulation 123 list does not signify a commitment from the council to fund all the projects listed, or the entirety of any one project through CIL – it just signifies projects that will be considered by the council in its decision as to what might receive CIL funding. The following 9 schemes are appropriate to be included on the Regulation 123 List as shown in bold and underlined at Appendix 1.
30. **(10). Highways infrastructure (the provision of access into and within the site) to support the delivery of the employment allocation at the Digital Office park, Euxton Lane, Chorley** This scheme is required to bring forward the employment at this site which is allocated in the Chorley Local Plan. It will involve a right turning lane and new access into and within the site. Cost Unknown.
31. **(11). Highways infrastructure (the provision of access into and within the site) to support the delivery of the employment allocation at Clayton- Le- Woods.** This scheme is required to bring forward the employment at this site which is allocated in the Chorley Local Plan to 2026. Cost Unknown. This scheme will involve highway access into and within the employment site and improvements along Wigan Lane (A49)/Leyland Way/Lancaster Lane (B5256) from junction 28, M6.
32. **(12). Highway access improvements along Millennium Way and A6 corridor, Chorley** to accommodate the increase in traffic from new development in Chorley. Cost Unknown.
33. **(13). Highways infrastructure (the provision of access into and within the site) to support the delivery of the employment allocation at Cowling Farm, Chorley.** This scheme is required to bring a highway access into and within the site to bring forward the employment at this site allocated in the Chorley Local Plan to 2026. Cost Unknown.
34. Payment of CIL does not replace S278 agreements, as S278s are not planning obligations. A S278 Agreement (under Section 278 of the Highways Act 1980) is made between a developer and a Highways Authority to enable works to be carried out on the public highway to facilitate development. The need to enter into a S278 usually arises as a result of a planning application and will be a condition of the planning consent. Examples of works delivered through a S278 agreement include construction of a new access junction, improvement of an existing junction or safety related works. Authorities can use monies from both sources to fund improvements to the highway network. A S278 agreement can be entered into to boost CIL funding towards these schemes.

35. **(14). Extension to Adlington Cemetery, Adlington.** The land for an extension to this cemetery is allocated in the Chorley Local Plan to 2026. Cost Unknown.
36. Lancashire County Council has indicated the demand for school places across Chorley is based on identified sites in the Chorley Local Plan without planning permission.
(15) Chorley Town -139 primary school places show the need for over half a form of entry. A feasibility assessment is required to identify the school.
(16) Coppull - 8 primary school places which will be delivered through the expansion of an existing local primary school. A feasibility assessment is required to identify the school.
(17) Euxton – 36 primary school places;
(18) Holy Cross - secondary school provision – contribution expansion of 1 form of entry as a result of housing development in the Chorley Central area. LCC have front funded from basic need to fund this project.
37. Charging authorities cannot borrow against future levy income, but the levy can be used to repay expenditure on infrastructure that has already been incurred.

Schemes to be Amended from the Regulation 123 List

38. The following schemes are deleted from the Regulation 123 List because money from the CIL has been approved and allocated for the Market Walk extension. All deletions are shown at Appendix 1 in bold and as a strikethrough:
- Chorley Town Centre enhancements
 - Flat Iron enhancements
39. The following schemes are to be amended on the Regulation 123 List:
- Adlington half form entry primary places – timings to be amended to: 2017 – 2026
 - Clayton-le-Woods one form entry primary places – Timings to be amended to 2017 – 2026. Amend name of area to ‘Clayton-le-Woods/Clayton Brook/Green and Whittle-le-Woods’.
 - Ecclestone half form entry primary places – Timings to be amended to 2017 – 2026. Amend name of area to ‘Ecclestone and Rural’. Amend funding deficit to £2m to update costs.
40. Lancashire County Council has also asked for amendments to the Group 1 site, 1 form entry primary school, Buckshaw Village by amending the name and timings. The County have indicated they have identified funds for this expansion scheme at a total cost of £4.43m providing a total of 210 (1 form entry) additional places. In the circumstances the County requests a contribution of £2.5m from CIL (as per the originally estimated cost of the scheme) in order to mitigate the impact of the Group 1 site. Lancashire County Council was given the land for the school as part of the Group 1 S106, the extension to the Trinity CE/Methodist Primary School is now being built on this site by Lancashire County Council. As the school is under construction it no longer needs to be included on the list, therefore it is proposed to delete the original reference to “Group 1 Site, 1 form entry primary school” from the Regulation 123 list and decline the LCC proposed amendments (referenced in paragraph 15, bullet point 4 of this report).

NEXT STEPS

41. Following the 4 weeks consultation which ends on Monday 17 July 2017, any further changes to the Regulation 123 List will be delegated to an Executive Member Decision. Should there be significant objections or comments that are not in accordance with the proposals being consulted on the decision on the amendment of the list will be brought back to Cabinet for consideration. The Regulation 123 List will then be published on the Council’s website.

IMPLICATIONS OF REPORT

42. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	x	Customer Services	
Human Resources		Equality and Diversity	
Legal	x	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

43. As stated in the report the amended 123 list gives an indication of the projects that will be considered by the council in its decision as to what might receive CIL funding. Once designed, costed and approved these projects will be added to the Council's capital programme. A decision will be made as to what projects are part-funded through CIL with other funding sources required to be identified to fully finance the projects.

COMMENTS OF THE MONITORING OFFICER

44. The process used for the amendment of the Council Reg 123 list is compliant with the legislative requirements and the proposals have been considered for consultation properly.

45. The report does not address the expenditure of CIL receipts. This is an Executive Function which should be exercised in accordance with the legislation. Receipts can only be spent on infrastructure on the regulation 123 list which should be prioritised in accordance with the Council's Corporate Strategy or evidenced need.

MARK LESTER
DIRECTOR OF BUSINESS, DEVELOPMENT AND GROWTH

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alison Marland	5281	15 June 2017	***