

Committee Name and Date of Committee Meeting

Cabinet – 10 February 2025

Report Title

Strategic Community Infrastructure Levy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Andrew Bramidge, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The report updates on the application process for Strategic Community Infrastructure Levy (Strategic CIL) funding that has taken place following Cabinet approval in July 2024.

It also sets out the findings of the Strategic CIL officer group assessment on submitted projects against relevant criteria to determine the infrastructure that will most support new growth areas and help bring forward development sites to implement the Local Plan.

A list of priority projects is presented in the report, seeking approval for the Strategic CIL funds to be allocated as recommended.

Recommendations

1. That Cabinet approves the allocation of Strategic CIL funds to the following project(s):
 - Medical Centres Improvements
 - Trans Pennine Trail Community Access
2. That Cabinet approves delegation to the Strategic Director of Regeneration and Environment, in consultation with the Cabinet Member for Transport, Jobs

and the Local Economy, to establish the process to release funding to the approved project(s) as set out in Section 5 of the report.

List of Appendices Included

Appendix 1 Projects Summary

Appendix 2 Equality Assessment Part A

Appendix 3 Carbon Impact Assessment

Background Papers

[National Planning Policy Framework](#)

[Planning Practice Guidance – Community Infrastructure Levy](#)

[Community Infrastructure Levy Regulations 2010](#)

[Rotherham Local Plan 2013 – 2028](#)

[Rotherham CIL Documents](#)

[Infrastructure Delivery Study 2021](#)

[Cabinet Approval CIL Spending Protocol – 20/09/2021 – Item 50](#)

[Cabinet Approval Strategic CIL Application Process – 29/07/2024 – Item 31](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Strategic Community Infrastructure Levy

1. Background

- 1.1 The Council has a Community Infrastructure Levy (CIL) in place for Rotherham which secures contributions from developers towards infrastructure to support growth. CIL payments are required alongside planning permission for certain types of development and work in tandem with payments negotiated as "Section 106" planning obligations.
- 1.2 As of January 2025, the Council holds approximately £9.2m in the Strategic CIL fund. The allocation of Strategic CIL funds is a Cabinet decision and funding applications are invited on an annual basis. The overall fund does not need to be used in any one year, it can be rolled forward fully or in part to accumulate with future CIL payments.

Cabinet Approval

- 1.3 In July 2024 Cabinet approved the formal process for the allocation of Strategic CIL funds (Cabinet 29/07/24, minute 31 refers).
- 1.4 Given the overall Strategic CIL funding pot, the July Cabinet report envisaged that projects within the range of £100,000 to £3m would be supported. The purpose of setting a range is to avoid a high number of small projects that would have limited strategic impact being funded. Equally this range would ensure that one project cannot use more than half of the total available funding. The Strategic CIL application form, and gateway tests sought to promote and assess match funding from other sources with a view to maximising the benefits of CIL by not entirely funding a project via CIL. Applications requesting 100% support from the Strategic CIL funding were not excluded, however, but would receive a lower assessment score.

Application Invitation

- 1.5 In August 2024 a Strategic CIL application pack was sent to over 100 infrastructure contacts responsible for the different types of infrastructure that are reflected in the Infrastructure Delivery Schedule that supports the Local Plan. These types of infrastructure include water, flood risk, broadband & telecommunications, energy, green infrastructure/environment, transport, health, emergency services, cultural & community facilities, education, libraries, and waste. The providers of these different types of infrastructure included external organisations and internal Council services.
- 1.6 A guidance note was issued with the application pack and an introductory/Q&A session was held online. A general offer to provide any advice and answer any questions was made via email.
- 1.7 A period of 8 weeks was given for applications to be drawn up and submitted before the end of September 2024.
- 1.8 Twelve applications were received for Strategic CIL funding through this application round. Seven applications were submitted by the Council's services and five applications by the NHS South Yorkshire Integrated Care

Board. The NHS bids were all for similar schemes to improve local primary care facilities at locations around the Borough affected by growth, so were combined into one bid for assessment. This resulted in eight applications in total being assessed using the criteria approved by Cabinet.

2. Key Issues

CIL Eligibility

- 2.1 Local authorities must spend the levy on infrastructure needed to support the development of their area, and they will decide what infrastructure is needed. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development.
- 2.2 Strategic CIL cannot be used to remedy existing infrastructure deficits or supplement revenue budgets. A broad range of infrastructure can be funded. The CIL Regulations (which implement provisions in the Planning Act 2008) require CIL funds to be used for “the provision, improvement, replacement, operation, or maintenance of infrastructure needed to support the development of an area”.
- 2.3 Local areas have the flexibility and opportunity to choose what infrastructure they need to deliver their relevant plan (the Development Plan). The Council’s approach has therefore sought to establish a clear relationship between potential projects for Strategic CIL funding and the delivery of the Rotherham Local Plan. The Local Plan is itself informed by the Infrastructure Delivery Schedule, which sets out the infrastructure required to support the new homes, employment and retail development flowing from implementation of the Plan. It is important that projects satisfy the requirements of the CIL regulations to avoid any challenge that the funds are not being used appropriately for their intended purpose.
- 2.4 The Council’s approach is based on five specific Strategic CIL objectives:
 - Improving people’s physical and mental health and well-being.
 - Reducing the Borough’s contribution to and helping to adapt to the effects of climate change.
 - Improving movement and enabling better accessibility, particularly by public transport, walking & cycling.
 - Expanding economic opportunity & supporting a dynamic economy.
 - Creating and supporting safe and sustainable communities.

This broadly reflects what the Local Plan Core Strategy, Rotherham Council Plan 2022-2025, Social Value Charter for Rotherham and Rotherham Climate Change Emergency Declaration seek to achieve.

Officer Group Assessment

- 2.5 Applicants were sent a CIL scoring matrix alongside the application form for transparency and clarity.

2.6 A Strategic CIL officer panel applied the scoring matrix to eight applications that were submitted. The Panel has carefully considered whether the projects meet the important 'Gateway Tests' that form part of the application process. These tests reflect the fundamental role and purpose of Strategic CIL funding, in supporting the delivery of growth as planned for through the Rotherham Local Plan and forming part of the Infrastructure Delivery Schedule.

Gateway Tests	
1	Infrastructure Project – the proposed works are a new capital project related to the provision, improvement, replacement, operation, or maintenance of infrastructure (as defined by CIL Regulations)
2	Growth Delivery – the project supports growth and enables development identified in the Rotherham Local Plan or the Rotherham Brownfield Register.
3	Planned Infrastructure – the project is identified in the Rotherham Local Plan Infrastructure Delivery Plan (IDP) which provides a longlist of infrastructure projects that are required to enable and support the delivery of the Local Plan (or could be included in an Updated IDS as an infrastructure project that helps deliver the Rotherham Local Plan).
4	Partnership Based Funding - the project is not totally reliant on CIL funding, as CIL will not be used to fund entire projects. Match funding and financial commitments have been secured.
5	Fully Funded – the project will be fully funded if the CIL contribution is agreed.
6	Project Delivery – a clear and detailed project delivery plan is in place which demonstrates and provides evidence as to when, how and by whom the project will be delivered. The plan delivery plan reflects project feasibility work that proves the need for the project, includes cost/budget breakdowns and identifies and addresses project risks.
7	Delivery Timescale – the project is deliverable within 5 years.

Eligible Projects

2.7 Out of the eight applications assessed, four potential projects fulfil the requirements of the Gateway Tests. All four schemes scored above 70% (based on the potential maximum score through the assessment matrix).

Projects	Panel Average Score (%)
Medical Centres Improvements	81.30
A633 Rotherham to Dearne Valley Bus Priority	75.56
Trans Pennine Trail Community Access	72.78
Rotherham East Sustainable Transport Corridor Extension	70.56

2.8 The eligible projects are:

- **Medical Centres Improvements**, with a requested Strategic CIL contribution of £256,074 (67% of the overall project cost with further funding from individual medical practices) between 2025 – 2027, which would support internal reconfiguration to five medical centres to provide additional clinical space to meet the requirements of additional residents from new homes in wards across Rotherham.

The five medical centres are Dinnington Medical Centre (New Street, Dinnington), The Gate Surgery (Doncaster Gate), Rosehill Medical Centre (Rosehill Road, Rawmarsh), Stag Medical Centre (Wickersley Road) and Thorpe Hesley Surgery (Sough Hall Avenue, Thorpe Hesley).

- **A633 Rotherham to Dearne Valley Bus Priority**, with a requested Strategic CIL contribution of £3,141,900 (84% of the overall project cost, with 16% from the Council's Capital & CRSTS LNCTP block funding as agreed at Cabinet in March 2024, item 167), which would deliver a package of bus infrastructure enhancements between Rotherham and Wath upon Dearne with new bus lanes and associated pedestrian crossing improvements being provided in 2027.
- **Trans Pennine Trail Community Access**, with a requested Strategic CIL contribution of £787,400 (93% of the total project cost with further funding from the Council's rights of way budget), which between 2025 and 2027 would improve and provide links to the main 5km long Trans Pennine Trail corridor at Wath-upon-Deerne enabling better, healthier and more sustainable non-vehicle access to facilities, employment, the countryside and recreational opportunities for local communities.
- **Rotherham East Sustainable Transport Corridor Extension**, with a requested Strategic CIL contribution of £7,551,920 (99% of the overall project cost, S106 funds have been used for a feasibility study), which would support works being undertaken in 2028/29, providing improved active travel connectivity along the A630 Doncaster Road corridor.

2.9 Summaries of the four potential Strategic CIL projects are set out in Appendix 1 including information on costs, dates, proposed works, deliverability, funding and benefits.

2.10 These projects score above 70%, so are deemed eligible to be funded by CIL and should be included in the Rotherham Strategic CIL Programme. This was outlined in the July Cabinet Report whereby projects are to be ranked and grouped into three categories based on their overall score and funding availability (recommended for support; recommended for support if extra funding is available; not recommended for support).

2.11 Since the submission of CIL bids, the Department of Transport has announced it will develop a new Integrated National Transport Strategy, and it is anticipated a new round of funding will be announced for transport

schemes following the Comprehensive Spending Review in late spring 2025. This may allow for transport schemes submitted to CIL to be delivered through external funding. As such, it is proposed not to commit any CIL funding to transport at this time.

2.12 The total cost of the eligible projects is £11,737,294. As this exceeds the current Strategic CIL funds and the uncertainty of external funding to transport schemes, preferred options are set out in Section 3 with the remainder project(s) to be considered for future funding rounds.

Recommended for support:

- Medical Centres Improvements
- Trans Pennine Trail Community Access

Recommended for consideration in future rounds:

- A633 Rotherham to Dearne Valley Bus Priority
- Rotherham East Sustainable Transport Corridor Extension

Ineligible Projects

2.13 Four projects did not meet the Gateway Tests, as outlined below:

Project Descriptions	Reasons
<p>Todwick Roundabout Improvement for signing and lining to mitigate queuing on the roundabout approach.</p>	<p>- The project does not meet Gateway Test 6 with ongoing feasibility work and details of mitigation work are yet to be identified.</p> <p>- The panel considers the project is premature to be funded by Strategic CIL at this stage as the project benefits towards growth cannot be fully considered based on limited information (as assessed against Gateway Test 2).</p>
<p>Wellgate Junction with Hollowgate Improvement for the renewal of improvement of signals to incorporate improved crossings, reduce delays to traffic, and improvements to parking loading, public realm and traffic calming provisions on Wellgate. This forms part of the Rotherham to Wickersley Active Travel Corridor.</p>	<p>- The project does not meet Gateway Test 6 with feasibility work to be undertaken and the scheme is yet to be defined and informed by a Community Street Audit.</p> <p>- The panel considers the project is premature to be funded by Strategic CIL at this stage as the project benefits towards growth cannot be fully considered based on limited information (as assessed against Gateway Test 2).</p>
<p>Greasbrough Street Improvement for remediation works to previous College Road roundabout works to mitigate local concerns regarding traffic congestion. The facilitation of sustainable and active travel access to Basingthorpe Farm and the proposed Mainline Station is referred to however this is yet to be confirmed as it would be subject to additional investment.</p>	<p>- The project is not currently in the Infrastructure Delivery Schedule as planned infrastructure (Gateway Test 3) but intending to request its inclusion in the future update.</p> <p>- The project does not meet Gateway Test 6 with feasibility work to be undertaken and no costs are provided.</p> <p>- The panel considers the project is premature to be funded by Strategic</p>

	CIL at this stage as the project benefits towards growth cannot be fully considered based on limited information (as assessed against Gateway Test 2).
Street Lighting Central Management System as an enhancement project to replace street lighting that is already operational and new street lighting infrastructure would be provided through S.278 works.	<ul style="list-style-type: none"> - The project is not currently in the Infrastructure Delivery Schedule as planned infrastructure (Gateway Test 3). - While it is acknowledged the project has safety and sustainability benefits, the panel considers the project does not meet Gateway Test 2 as it does not support growth by a clear link for enabling the delivery of the Local Plan.

2.14 Among these projects, the following will be considered for inclusion in an update to the Infrastructure Delivery Schedule and may be considered for future Strategic CIL funding rounds:

- Todwick Roundabout Improvement
- Wellgate Junction with Hollowgate Improvement
- Greasbrough Street Improvement

3. Options considered and recommended proposal

3.1 Three options for this first round of the Strategic CIL allocation process have been considered, to then progress further as set out in Section 5 of the report.

3.2 With the consideration of the eligible projects and their level of funding requirement, the suggested options to allocate Strategic CIL from the 2024/25 application process are:

3.3 Option 1: Allocate Strategic CIL funds to:

- **Medical Centres Improvements (£256,074)**
- **Trans Pennine Trail Community Access project (£787,400)**

3.4 This would utilise £1,043,474 of the Strategic CIL funding pot with the remainder rolled forward. Although only a small proportion of the Strategic CIL funding pot is allocated at this time, this is the first round of Strategic CIL funding allocation in Rotherham with a small number of applications being submitted. It has raised awareness to infrastructure providers to consider this available fund for relevant projects in the future and the Council intends to undertake the next round of funding application in early 2025.

3.5 There has been no Strategic CIL spend since the charge was adopted in 2017 as significant funds have only accumulated in recent years. Progressing the Strategic CIL funding process to support eligible infrastructures will demonstrate the Council's intention to deliver the required infrastructure within the Borough, benefitting communities in line with the Council's priorities and supporting future growth.

3.6 Option 2: Do not allocate Strategic CIL to any projects from the 2024/25 applications and roll forward the funds, with further bids to be requested and assessed through a 2025/26 funding round

Should Cabinet decide not to support the eligible projects, then progress cannot be made on delivering the infrastructure set out in the Infrastructure Delivery Study, hindering future development and growth within the Borough. Justification would be required on why the eligible projects are not supported and this option would fail to demonstrate how the Council will address the pressures that new development places on communities across the Borough.

3.7 Option 1 is the recommended option.

4. Consultation on proposal

4.1 The Strategic CIL application invitation has been sent widely to over 100 internal and external stakeholders.

4.2 Six stakeholders have attended the virtual Q&A session and a further eight stakeholders have been in contact for discussions.

4.3 A fact sheet has been provided to all Members regarding CIL and Section 106, and the Strategic CIL process.

5. Timetable and Accountability for Implementing this Decision

5.1 It is intended to use a Project Initiation Document (PID) as the first stage in the development of a project once the allocation of Strategic CIL is approved through the agreement of a programming option. It contains high-level project information, clearly setting out the project objectives, why it should go ahead, how it will be organised and how the project will move to the next stage. Some of this information has been provided as part of the Strategic CIL funding application, however the PID will form the basis of the Strategic Business Case and establish an overseeing Department/Project Sponsor and a Project Manager.

5.2 There is scope for the project to be allocated a certain amount of feasibility funding first. Following the feasibility exercise a final decision could then be taken on whether to fully fund the project from Strategic CIL. Such a process would capture internal consultee comments and make sure nothing is missed, and projects could evolve further over time through improved efficiency or decreased operating costs while still meeting project needs.

5.3 Government regulations require CIL charging authorities to publish annual statements on their website to provide transparency on CIL income and spending. The Council should also have a robust, documented process in place to evidence its Strategic CIL spending decisions, should these be challenged by any third party. Applications are to be invited once a year in line with the Cabinet-approved process, and the outcome reflected in the Council's Infrastructure Funding Statement.

6. Financial and Procurement Advice and Implications

- 6.1 Whilst there are no direct procurement implications associated with the recommendation to allocate CIL monies to the projects identified, it must be noted that once any Council related projects progress the engagement of external Contractors to deliver the schemes will require adherence to the Council's Financial and Procurement Procedure Rules as well as the relevant procurement legislation (Public Contracts Regulations 2015 or the Procurement Act 2023) which should be appropriately considered when considering project timescales.
- 6.2 CIL can be spent on a wide range of infrastructure, provided it supports the development of the area, so it can fund both new and existing projects within the capital programme. As of January 2025, the Council has £9.2m of CIL available for use. If option 1 is agreed, there will be £8.2m remaining.

7. Legal Advice and Implications

- 7.1 This report and the pursuant recommendations and Cabinet approval of July 2024 provides the necessary application and funding process for Strategic Community Infrastructure Levy (Strategic CIL) in accordance with the Community Infrastructure Levy (CIL) adopted for Rotherham; this process is in accordance with the Community Infrastructure Levy Regulations 2010 as amended.

8. Human Resources Advice and Implications

- 8.1 There are no direct human resource implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no direct implications for children and young people and vulnerable adults arising from this report. The allocation and spend of Strategic CIL funds may eventually benefit this group if the spend is directed to educational provision, either for the general school population or for special needs facilities. Similarly, Strategic CIL spend on facilities may benefit vulnerable adults.

10. Equalities and Human Rights Advice and Implications

- 10.1 An equalities screening assessment has been carried out and is attached in Appendix 2.
- 10.2 The equalities screening assessment for this report concludes that equalities analysis is not required given the overarching nature of the process to allocate Strategic CIL, whilst recognising that equalities consideration is included in the criteria to assess and prioritise individual schemes.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A carbon impact assessment has been carried out and is attached at Appendix 3. (Ref. CIA 402)
- 11.2 The assessment concludes that the Strategic CIL spending protocol is designed to prioritise and allocate Strategic CIL funds to infrastructure schemes to support growth promoted by the Local Plan. The Local Plan itself was subject to and refined by Sustainability Appraisal as part of its drafting, so its implementation inherently promotes sustainable development. Reducing emissions and safeguarding the natural environment is included in the criteria used to assess and prioritise schemes for Strategic CIL funding.

12. Implications for Partners

- 12.1 Partners and stakeholders have been consulted and engaged in the Strategic CIL application process.
- 12.2 The discussions and contact with infrastructure providers highlighted that the availability of Strategic CIL funding has not been taken into consideration in some potential projects. For example, this was indicated in relation to early years provision planning for education and playing field provision.
- 12.3 This Strategic CIL application round has therefore for the first time directly raised awareness about the availability and role of Strategic CIL funding. Ongoing strategic planning work by stakeholders will lead to future potential projects being identified, for example for education and play facilities. Ongoing work will also provide the basis for updating the Infrastructure Delivery Schedule (IDS). The updating of the IDS will help with the future generation and assessment of Strategic CIL projects.

13. Risks and Mitigation

- 13.1 The Council is required to spend Strategic CIL income in line with the CIL Regulations. The CIL application and scoring process required a range of information to be submitted about the project's deliverability, funding, development impacts and benefits. This is designed to ensure that projects funded by Strategic CIL are eligible and to give confidence that the project had been subject to development work and would provide benefits. The approved protocol ensures decisions on Strategic CIL spend are in accordance with the regulations.
- 13.2 The application process set out in this report has taken place in line with the approved protocol and it is important to determine the next steps of whether to support the eligible projects or to reject the projects with reasonable justification. Following the approved process is required to minimise the risk of challenge to the Council or harm to public perceptions of the Council's probity.

14. Accountable Officers

Andrew Bramidge

Strategic Director of Regeneration and Environment

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp OBE	27/01/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	27/01/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	23/01/25

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