



Worthing CIL Infrastructure Investment Plan (IIP) 2023-2026

Report by the Director for Place

Officer Contact Details

David Attmore, Community Infrastructure Officer,
(01903) 221493 / david.attmore@adur-worthing.gov.uk

Executive Summary

1. Purpose

- 1.1 Worthing Borough Council has introduced a Community Infrastructure Levy (CIL) to allow funds to be raised from developers to pay for infrastructure that is needed to support growth. The Council adopted the Charging Schedule for CIL in February 2015 and implementation of the levy commenced in October 2015. The Council has overarching responsibility for the allocation of CIL monies and reporting the amount of money collected and spent.
- 1.2 This report provides an update on progress made by the CIL Board (formerly the Joint Officer and Member Board (JOMB)) for CIL Governance on updating the Infrastructure Investment Plan (IIP) for the 2023-2026 period.

2. Recommendations

- 2.1 The Committee is recommended to note the progress made by the CIL Board in relation to governance arrangements for overseeing the Community Infrastructure Levy (CIL); and,

2.2 Agree the Infrastructure Investment Plan (IIP) which will set out the priorities of infrastructure projects to receive CIL funding over the next three years (2023-2026).

3. Context

- 3.1 The CIL Regulations 2010 (as amended), allow local planning authorities to set a CIL charge on some developments in order to contribute toward the cost of the infrastructure required to support the cumulative impact of growth and development in an area. Worthing Borough Council (WBC) adopted its CIL charging schedule in February 2015, with implementation of the levy commencing in October 2015.
- 3.2 As charging authority, Worthing Borough Council has the responsibility for managing, monitoring and reporting on CIL. Although the CIL 'pot' is growing, it is accepted that CIL will not generate enough funds to completely cover the cost of new infrastructure needed to fully support the planned growth. It is clear that there will be many competing demands on CIL funds which means that it is important that a clear and justified process for the spend and prioritisation of CIL is established.
- 3.3 To oversee this process, a CIL Board (formerly Joint Officer and Member Board (JOMB)) has been established (see JSC report 01/02/2018) with WBC and West Sussex County Council (WSSCC) Officers and Members. WBC Officers include those from Planning, Place & Economy and Housing & Communities. The CIL Board oversees the governance around the spend of CIL, which includes the development of the Infrastructure Investment Plan (IIP).
- 3.4 The CIL Regulations state that CIL receipts may be allocated in the following proportions:
- 80% for the strategic infrastructure needs of the Borough
 - 15% for Neighbourhood funding
 - 5% for the cost of administering CIL
- 3.5 Worthing Borough Council has decided that 70% of CIL receipts will be used for Worthing Borough Council and West Sussex County Council projects. This is known as the CIL Strategic Pot. The purpose is to support the delivery of strategic and local infrastructure improvements on a Borough wide basis. The remaining 10% of CIL receipts would be used by 'other service providers'. This is known as the CIL Other Agencies Pot. Examples of providers who could bid for this funding include: NHS; Police and Crime Commissioner; and Ambulance Trust.

- 3.6 The IIP looks primarily at the priorities for the expenditure of CIL receipts in the Strategic Pot (70%). A charging authority (WBC) must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area.
- 3.7 The [2020-2023 version of the IIP](#) was adopted in 2020 (see JSC report 09/06/2020) which prioritised CIL spending from the Strategic Pot over the period 2020-2023. This was updated each year and allocated a total of almost £3m from the CIL Strategic Pot towards Worthing Borough Council and West Sussex County Council infrastructure projects. This version of the IIP concentrated primarily on Public Realm improvements in the borough.
- 3.8 After the end of the last 3-year period, the new version of the IIP is to be informed by WBC and WSCC priorities. Many of the priorities are influenced by the need to mitigate the impact of new development coming forward in the newly adopted Worthing Local Plan and set out in the Infrastructure Delivery Plan (IDP). The key themes have been agreed on the basis of current priorities across both Worthing Borough Council and West Sussex County Council. The themes link into a number of important policy documents, including 'Our Plan'. The Council's principles are; 'We are resilient', 'We are adaptable' and 'We are participative'. The Council's mission is to have 'Thriving People', 'Thriving Places', 'Thriving Environment' and 'Thriving Economy'.
- 3.9 The Labour administration in Worthing set out the [Council's priorities for 2023/24](#) which include some of the following long term objectives;
- Community Safety
 - A Green Council: Responding to the Climate Emergency
 - Reviewing Regeneration Schemes
 - Sustainable Travel
 - Parks and Open Spaces
 - Regeneration of our Town Centre and Seafront

The cost of delivering these objectives interplays with the Council's revenue and capital budgets, however where this is not possible, funding will be sought from other sources, including developer contributions outlined in this paper (CIL & s106).

- 3.10 It should be noted that CIL is also an important contributor to the Council's overall capital programme, linked to the Council's priorities and Our Plan. The programme for 24/25, signed off at the February WJSSC meeting, noted a number of associated projects that identifies both capital programme and CIL contributions. This assembly of funds will become even more important to ensure the Council has the ability to invest in the strategic infrastructure that is required across the Borough. This includes how CIL could unlock or leverage further external funding from other public sector bodies, external funding organisations or private investment.

4. Issues for consideration

- 4.1 An Infrastructure Investment Plan (attached as Appendix A) has been prepared for the next 3-year period, 2023-2026. The purpose of the IIP is to ensure that infrastructure to support growth is provided across the Borough. The IIP focuses on which projects should be prioritised to receive CIL funding from the 'Strategic Pot' (70% of all receipts) over the period 2023-2026. The IIP will be updated each year to reflect the most up-to-date housing trajectory and infrastructure requirements.
- 4.2 Although there is some ability to forecast the level of money that may be collected through CIL, the uncertain nature of development means that the IIP can never be precise about the amount of money that will be available. Hence, the IIP will be kept under review, updated and rolled forward each year to reflect how much money has been collected and how much CIL is predicted to be collected from future development. Money will only be allocated to projects if it is in the strategic pot, and will not be borrowed against projected (forecast) income.
- 4.3 It is anticipated that projects will require to lever in additional sources of funding, alongside the CIL allocation, in order for the project to progress. This will be worked up by WBC and WSCC Officers, alongside the relevant Cabinet Member(s).
- 4.4 A shared priority of both Worthing Borough Council and West Sussex County Council is 'sustainable growth in the context of climate change', which is the overarching objective of the IIP over the period 2023 to 2026. Informed by this, two main themes have been identified to be the focus for infrastructure funding from the CIL strategic pot; 'Sustainable Travel' and 'Climate Change'.
- 4.5 A wide range of infrastructure projects come under the two themes, however, following discussions with the current Worthing Borough Council administration and at CIL Board, the main priority areas for CIL spending over the next 3-year period is around cycle and walking improvements, coastal protection and ensuring that our town, District and Neighbourhood Centres are 'clean, safe and green'.
- 4.6 In order to achieve the most significant impact it has been deemed appropriate that the CIL money should be used to fund 'large' infrastructure projects that provide a clear and tangible range of benefits to the town and the people who use it. There is also the flexibility in the CIL Regulations to fund 'smaller scale' projects which help to mitigate the impacts of development. The projects listed in the table below have been identified as key infrastructure projects to be delivered in the next three years, based on the estimated CIL receipts. Further information on each infrastructure project is provided in the IIP.

	2023/2024 Estimate	2024/2025 Estimate	2025/2026 Estimate
1 st April b/fwd	£97,000	£595,000	£639,000
Income			
Estimated CIL income	£548,000	£574,000	£1,244,000
Funds available	£645,000	£1,169,000	£1,883,000
Expenditure			
IIP005 – Walking and cycling improvements			
I) Cycle lane from George V Avenue to Sea Lane		£200,000	£1,800,000
II) Other sustainable travel projects emerging from the LCWIP refresh			
IIP006 – Public Space Regeneration	£50,000	£150,000	£50,000
IIP007 – Safe walking, cycling and horse route to Titnore Lane (WSCC project)		£80,000	
IIP008 - Coastal Flood Defences		£100,000	
Total Expenditure	£50,000	£530,000	£1,850,000
31st March c/fwd	£595,000	£639,000	£33,000

- 4.7 To ensure efficient but robust processes, the IIP establishes a clear and focussed set of priorities that highlight a small number of projects that will best reflect the overarching objectives. However, a degree of flexibility is required to allow for any change in priorities and to reflect the often uncertain nature of the development industry (and therefore the level of CIL receipt). Appendix 2 of the IIP sets out a number of ‘live’ or longer-term projects that, whilst not being prioritised in this IIP, do meet many of the overarching objectives. As such, they may be prioritised for CIL funding in subsequent versions of the IIP.

- 4.8 One of the joint Worthing Borough Council and West Sussex County Council priorities is improvements to enhance cycling and walking routes. One potential project for CIL funding is the cycle lane from George V Avenue to Sea Lane which would extend the National Coastal Cycle Route 2 (estimated cost £1.2 million).
- 4.9 Another of the Worthing administration's key priorities is around coastal protection. A joint project between the Environment Agency (EA) and Worthing Borough Council (WBC) involves extending the life of existing deteriorated timber groynes for a period of approximately ten years, when a larger groyne replacement project will be considered. The works will include various structural repairs (timber pile extensions/replacements, land tie replacements, rock groyne root replacements (under shingle to stop outflanking) to timber groynes between Heene Road and Brooklands.
- 4.10 It is acknowledged that a number of future transport schemes may come forward during 2023-2026, although the current WSCC priority for CIL funding is the 'safe walking, cycling and horse route to Titnore Lane' project. This involves delivering a safer crossing point over Titnore Lane in Northbrook. The plan is to better connect the existing network of footpaths (east side), with PROW path 2139 (west side) and beyond, all connecting to residential, educational, business and social hubs.
- 4.11 Enhancing public facilities within our defined town centre that will ensure all areas are clean, safe and green. Improvements could include improved seating, lighting or waste collection. To ensure not only the town centre is improved, a number of 'out of town' shopping parades also need similar attention in respect of enhancing public facilities to ensure all areas are clean, safe and green. The work may involve improving cycle storage facilities, providing additional benches and further public realm improvements. This is a smaller project which will likely request to draw down CIL funds each year during the period, provided adequate CIL funding has been received and is available in the Strategic Pot.
- 4.12 Once the IIP is approved, a detailed request for funding would need to be submitted to the Community Infrastructure Officer and the relevant report prepared, depending on the amount of CIL requested. The decision maker(s) would consider the funding request in relation to the approved IIP and have regard to the delivery timetable of other priority projects and CIL spend available at the time.

5. Engagement and Communication

- 5.1 The IIP includes consultation with both West Sussex County Council and Worthing Borough Council Officers. As explained in paragraph 3.3 above, a CIL Board (previously known as the Joint Officer and Member Board (JOMB)) has been established. The IIP has been prepared by Officers from

Worthing Borough Council, with input from West Sussex County Council Officers and from Senior Councillors from both authorities.

6. Financial Implications

- 6.1 The additional CIL funding gives the Council the opportunity to invest in much needed infrastructure to address the impact of the growing population, which would not otherwise be delivered.
- 6.2 The Council employs an Officer to administer the scheme, and contributes time from other posts, for example finance officers. This work, where demonstrably linked, is funded from the 5% administration share of the CIL generated.

7. Legal Implications

- 7.1 Legislation governing the development, administration and governance of CIL is contained within the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (as amended). The Department for Levelling Up, Housing and Communities has also provided CIL guidance that needs to be followed.
- 7.2 Governance arrangements that are consistent with the CIL Regulations must be agreed. If they are not then the Council runs the risk of complaints and/or challenges from developers and these could then be upheld by the Local Government Ombudsman.
- 7.3 Under the Equalities Act 2010 the Council has a “public sector equality duty” and must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act. All decisions on spending CIL will themselves be subject to assessment to ensure the 2010 Act duties are complied with.

Background Papers

- [Appendix A - Draft Infrastructure Investment Plan \(IIP\) 2023-2026](#)
- Adur & Worthing Councils JSC: Worthing Community Infrastructure Levy - Infrastructure Investment Plan (IIP); agenda item 12, 9 June 2020
- Adur & Worthing Councils JSC: Worthing CIL Governance and Procedural Matters; agenda item 7, 2 April 2019
- Adur & Worthing Councils JSC: CIL Governance Arrangements; agenda item 7, 1 February 2018
- Worthing CIL Revised Charging Schedule August 2021

- CIL Regulations (as amended)

Sustainability & Risk Assessment

1. Economic

- The efficient collection and distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs of new and existing residents, communities and businesses.

2. Social

2.1 Social Value

- The efficient governance of CIL will ensure that money collected is spent on projects that provide the greatest benefit to the community.

2.2 Equality Issues

- Issues relating to race, disability, gender and equality have been considered and it is not felt that CIL will have an adverse impact on any social group. In reality, by making communities more sustainable, CIL will facilitate economic growth and help to deliver improved services. The infrastructure and services that CIL can provide (such as community facilities and transport networks) could enhance liveability for all sectors of society, and could help to deliver new infrastructure that serves different needs within the community.

2.3 Community Safety Issues (Section 17)

- Matter considered and no issues identified.

2.4 Human Rights Issues

- Matter considered and no issues identified.

3. Environmental

- Matter considered and no issues identified.

4. Governance

- The Council has overarching responsibility for the allocation of CIL monies and reporting of monies collected and spent. The protocols proposed and being taken forward, will enhance the Council's reputation as they will ensure that CIL is managed in an open way and in accordance with the CIL Regulations.
- Without clear and robust governance arrangements being in place, the Council could be open to challenge on the basis of maladministration of CIL funds.
- The efficient distribution of money collected through CIL will help to ensure that infrastructure is delivered alongside development to meet the identified needs. This will help to contribute towards meeting many Council priorities.