

POLICY AND RESOURCES COMMITTEE – 12 JUNE 2023

PART I – NOT DELEGATED

11. CIL SPENDING APPLICATIONS – PEDESTRIAN BRIDGE AT RIVERSIDE DRIVE/AQUADROME, RICKMANSWORTH (EHoS)

1 Summary

1.1 The report seeks to allocate a total of £320,524 of CIL funding to local infrastructure projects to support growth in Three Rivers. The application is for CIL funds towards the costs of replacing the bridge connecting Riverside Drive, Rickmansworth and the Aquadrome, Rickmansworth.

2 Details

2.1 Three Rivers became a Community Infrastructure Charging Authority on 1 April 2015. CIL is the main way in which the Council now collects contributions from developers for infrastructure provision to support development in the area.

2.2 The Council has the responsibility for spending the CIL on infrastructure needed to support the development of the area, it is primarily a tool to support capital infrastructure. The Council has the opportunity to choose what infrastructure is prioritised in order to support development.

2.3 Since the introduction of the CIL Charging Schedule in April 2015 a total of £10,199,690 has been collected.

2.4 The CIL monies collected are divided into three pots – Main CIL Pot (70/80%) Neighbourhood Pot (15/25%) and the remaining 5% set aside for the administration and the Exacom software costs to support the CIL in line with the CIL Regulations.

2.5 This report relates only to the Main CIL Pot which, as of 09 May 2023, amounts to £7,989,076. (excludes previously agreed spend)

2.6 Whilst this is a substantial amount, CIL does not generate enough funds to cover the whole cost of infrastructure needed to support planned development, as such there will be competing demands on the Main Pot from infrastructure providers who used to rely on S106 developer contributions (such as Hertfordshire County Council, NHS and TRDC etc.) going forward.

2.7 What can CIL be spent on?

2.8 Regulation 59 of the CIL Regulations states:

(1) A charging authority **must** apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure *to support the development of its area, and*

(2) A charging authority **may** apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure outside its area where to do so *would support the development of its area.*

2.9 The definition of infrastructure in relation to CIL is set out in section 216(2) of the Planning Act 2008 (as amended by regulation 63 of the Community Infrastructure Levy Regulations);

- a) roads and other transport facilities,
- b) flood defences,
- c) schools and other educational facilities,
- d) medical facilities,
- e) sporting and recreational facilities, and
- f) open spaces

2.10 The Infrastructure List¹ sets out the types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL.

- Education
- Strategic and local transport proposals
- Publicly accessible leisure facilities,
- Open Space Provision (including, children play areas and outdoor/indoor sports and leisure facilities, allotments)
- Health Care Facilities
- Other Social and Community Facilities including: - community halls, youth facilities, library services
- Emergency Services

2.11 The inclusion of a project or type of infrastructure on the Infrastructure List does not signify a commitment from the Council to fund (either whole or in part) the listed project or type of infrastructure.

2.12 The levy cannot be used to fund affordable housing or for any on-going or revenue spend (such as consultancy fees, viability/feasibility studies, staff costs etc.) relating to the provision of infrastructure.

3 Applications for CIL Funds

3.1 We have received an application for CIL funds from Leisure and Landscapes within Three Rivers District Council to replace the bridge connecting Riverside Drive, Rickmansworth and the Aquadrome.

3.2 Essential repairs have recently been undertaken to the surface of the bridge. Whilst these have been successfully implemented and the bridge remains safe to use, a condition survey of the bridge has highlighted that it will need to be replaced within the next 5 years.

3.3 The Rickmansworth Aquadrome Bridge is a busy, well used sustainable transport link between the Aquadrome and the wider Rickmansworth area. It forms part of Route 6 of the National Cycle Network (NCN) connecting the Aquadrome and wider Rickmansworth Town area (and beyond), including the busy and well used Aquadrome play area. It is also used frequently by local families and school children walking between the west of Rickmansworth to the local primary school on the east of the Aquadrome.

¹ Infrastructure List was the Regulation 123 List adopted by the Council but now replaced by the Annual Infrastructure Funding Statement as a result of changes to the CIL Regulations. The Annual Infrastructure Funding Statement is published in December each year on the Council's web site <https://www.threerivers.gov.uk/egcl-page/cil-reports>

- 3.4 The Riverside Drive entrance is also highlighted as the northern gateway to the Colne Valley Regional Park and is seen as a strategic walking and cycling route into the wider Colne Valley and the canal towpath.
- 3.5 A business case has therefore been prepared to replace the existing pedestrian bridge from Riverside Drive into the Aquadrome. The proposals will bring the bridge in line with current national shared usage requirements and create a sense of arrival at this significant council asset by upgrading the hard landscaping including improved signage and seating areas. Full replacement costs for the bridge are approximately £1.3 million.
- 3.6 Currently there is no allocation of budget within the Council's MTFP to 2025/26 to facilitate the repair or replacement of the bridge. It is assumed that over this period ongoing maintenance will be sufficient to keep the bridge in use. However, the recent survey has highlighted that the condition of the bridge may require more significant capital works to repair or replace the bridge within the Council's MTFP period.
- 3.7 An opportunity has arisen to secure funding from the Department of Transport's "Paths for Everyone" funding programme to replace and enhance the existing Rickmansworth Aquadrome Pedestrian Bridge and Riverside Drive entrance into the Aquadrome.
- 3.8 The Paths for Everyone funding programme presents an opportunity to bring forward the work on the bridge and to consider a more ambitious solution, rather than repairing or replacing like for like, that would enhance the bridge, reflecting the fact that it forms part of the National Cycle Network.
- 3.9 Potential projects, eligible for the Paths for Everyone funding, are being led and supported by Sustrans and they have confirmed that the project would be eligible. Tranche 8 of the funding is currently open to applications and would require project delivery during the 2024/25 financial year.
- 3.10 There is potential DoT funding of 75% of full costs, leaving a remaining £320,524 to be found for the project. This funding is now the source of this CIL application.
- 3.11 The table below provides a brief summary with the full details contained in Appendix 1 to this report:

Table 1.

Applicant & Project Name	Infrastructure	Total Cost	Additional Funding	CIL Amount	Year funds required
Three Rivers District Council Rickmansworth Aquadrome Pedestrian Bridge replacement (Appendix 1)	Replacement of existing pedestrian bridge from Riverside Drive	£1,282,096	DfT funding of £961,572.	£320,524	2024/2025

- 3.12 An assessment of the application has been undertaken by the Community Infrastructure Officer and the Head of Regulatory Services to determine whether the applications meet the definition of 'infrastructure', meet the requirement to 'support the development' of the area and are included on the Infrastructure List. The assessment is contained in Section H of the applications in Appendices 1.
- 3.13 In summary, the assessment determined that the application meets the above requirements.
- 3.14 Next Steps**
- 3.15 As the CIL Charging Authority it is for the Council to decide how to spend the CIL Main Pot.
- 3.16 A decision needs to be made as to whether CIL funds are allocated to these infrastructure projects and, if so, the amount to be allocated.
- 3.17 Where funding is agreed, the infrastructure provider will be expected to provide information until the scheme has been completed and all CIL funding has been spent. As a minimum, an annual report will need to provide information on the progress of each scheme that funding has been allocated to. A requirement to submit this information will form part of the agreement that the successful applicant is required to sign between themselves and Three Rivers District Council.
- 3.18 If an applicant does not spend CIL money within five years of receipt or does not spend it as agreed then the Council may require the applicant to repay some or all of those funds.
- 3.19 Details about planning obligation receipts and anticipated expenditure in relation to CIL and S106 is published in the Infrastructure Funding Statement by the 31 December each year in accordance with Regulation 121A of the CIL Regulations.

4 Future CIL Income

- 4.1 Up to 12 May 2023, liability notices for a potential value of £2,840,116 have been issued. These notices are raised following the grant of planning permission and set out what the liable charge would be should work on the development start and no exemptions are applied. The realisation of the remainder of these monies is therefore totally dependent on a developer implementing their planning permission and not benefiting from any exemptions. It is common to have multiple planning permissions on a site, for a permission not to be implemented and exemptions to be granted (mainly for self-build). This figure, while informative, should not therefore be treated as guaranteed future income.
- 4.2 Where a demand notice has been issued, this means that development has commenced and that CIL is now due for payment. The council's CIL instalment policy allows developers fixed timescales at 60, 120 and 360 days (post-commencement) to pay the amount due. The number of instalments available is dependent on the total amount of CIL due, with higher CIL charges allowing for more time to pay. A further £1,811,460 is due to be collected over the next year on developments that have already commenced. Further demand notices may also be issued if other developments commence.

5 Options and Reasons for Recommendations

- 5.1 To ensure the delivery of important community infrastructure to support growth and development strategic CIL can be spent anywhere within the district, it is not bound by the area of development where funds are received.
- 5.2 Currently there is no allocation of budget within the Council's MTFP to 2025/26 to facilitate the repair or replacement of the bridge and whilst the opportunity to secure external funding has arisen it needs to be supported by internal funding.
- 5.3 The application supports the Corporate Framework, achieves performance indicators, is in line with the Rickmansworth Aquadrome Management Plan 2022-27, The Colne and Crane Valleys Green Infrastructure Strategy, and the Hertfordshire County Council Active Travel Strategy. A strategic cycle route, National Cycle Route 6, crosses this bridge.
- 5.4 In particular, one of the key priorities of the Rickmansworth Aquadrome Management Plan 2022-27 is to improve accessibility throughout the site. The Open Space Sport and Recreation Study (2018), part of the evidence base of the current Local Plan, also recognises the importance of quality open space and includes reference to access to this space.
- 5.5 The project supports the achievement of the Corporate Framework specifically under the following objectives:

Three Rivers will be a district:

- where local infrastructure supports healthy lifestyles and addresses health inequalities
- that supports and enables sustainable communities
- that can achieve net carbon zero and be climate resilient

6 Policy/Budget Reference and Implications

- 6.1 The recommendations in this report are within the Council's agreed policy and budgets. The relevant policy is entitled Community Infrastructure Funding Statement and was agreed on 24 February 2015.

7 Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications

- 7.1 None specific.

8 Financial Implications

- 8.1 The commitment of CIL funds of £2,403,877. previously agreed, plus £320,524 will leave a balance of £5,265,305 in the CIL Main Pot for infrastructure projects going forward. The funding is held in the Council's Capital Grants and Contributions Reserves and must be spent within the terms of the CIL regulations as set out above.
- 8.2 As set out in the CIL funding request, the existing Aquadrome bridge is reaching end of life. The recent structural survey has highlighted that the bridge is in a worse state of repair than previously anticipated, increasing the likelihood of significant

costs for repairs and maintenance in the near future that will be in excess of the Council's agreed budget for maintenance.

8.3 The approval of CIL funds potentially unlocks external funding of £961,572 from the DfT Paths for Everyone funding programme which would otherwise not be available to Three Rivers.

8.4 If the CIL funding is not agreed, there is a significantly reduced likelihood of success in achieving DfT funding for this project as match funding needs to be identified within the application to provide assurance that the project is fully funded and deliverable.

8.5 The Council's existing Medium Term Financial Plan (MTFP) does not include a budget for the replacement of the bridge. If the application for DfT funding is not successful, the business case for the bridge replacement will need to be revisited in order to identify a scheme that is affordable within the Council's available resources, taking in to account the Council's priorities as set out within the Corporate Framework.

9 Legal Implications

9.1 The legislation governing the development, adoption and administration of a Community Infrastructure Levy (CIL) is contained within the Planning Act (2008) and the Community Infrastructure Levy Regulations 2010 (as amended).

10 Risk and Health & Safety Implications

10.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The subject of this report is covered by Regulatory Services. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Failure to progress/manage and maintain Community Infrastructure Levy income and expenditure.	Council could be challenged on CIL expenditure	Governance Arrangements	Tolerate	4
Failure to support the	Current identified match funding	Consider other external		

proposal for CIL funding	becomes unlikely/unavailable.	funding opportunities, consider scale of project.		
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10.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact			
	Low ----- ► Unacceptable			

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

10.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

11 Recommendation

11.1 That Members approve CIL funding for the following schemes detailed in Table 1 of this report and summarised in the table below for 2023/2024:

Applicant & Project Name	Infrastructure	CIL Amount
Three Rivers District Council	Replacement of existing pedestrian bridge from Riverside Drive	£320,524

Rickmansworth Aquadrome Pedestrian Bridge replacement		
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Report prepared by: Kimberley Rowley, Head of Regulatory Services

Data Quality

Data sources: Exacom (Planning Obligations Software)

Data checked by: Debbie Wilson, CIL Officer

1	Poor	
2	Sufficient	
3	High	X

Background Papers

The Community Infrastructure Regulations (2010) (As amended)
<https://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>

Section 216(2) of the Planning Act 2008 (as amended by regulation 63 of the Community Infrastructure Levy Regulations);

Infrastructure Funding Statement <https://www.threerivers.gov.uk/egcl-page/cil-reports>

Guidance provided by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government

<https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

APPENDICES

Appendix 1 Rickmansworth Aquadrome Pedestrian Bridge replacement CIL spending request