



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2020/21

CABINET

COMMUNITY INFRASTRUCTURE LEVY “CIL” CONSULTATION RESPONSES

25 FEBRUARY 2021

**REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT IN
DISCUSSIONS WITH THE CABINET MEMBER FOR ENTERPRISE,
DEVELOPMENT AND HOUSING – COUNCILLOR BEVAN**

AUTHOR: Jim Bailey, Head of Planning

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to update Cabinet on the responses resulting from the Community Infrastructure Levy “CIL” consultation in respect of the Council’s Regulation 123 List (Appendix 1).
- 1.2 On the 17th November 2020, Cabinet approved the updated Regulation 123 List for publication on the Council web-site for a period of 28 days. The consultation period began on Tuesday 24th November 2020 and ended on Monday 21st December 2020.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet:
 - (1) Note the consultation responses received from elected Members and the Community Council in paragraphs 5.2, 5.3 and 5.4;
 - (2) Agree the recommendations in relation to the consultation responses and the proposed schemes in Section 6.
 - (3) Adopt the Regulation List 123 (Appendix 1)

3.0 REASON FOR RECOMMENDATION

- 3.1 To enable the Council to continue to operate a Community Infrastructure Levy in accordance with the statutory regulations.

4.0 BACKGROUND

- 4.1 The Community Infrastructure Levy Regulations 2010 (as amended) require the Council to publish an Infrastructure List (known as the Regulation 123 List). The List should set out the infrastructure, which the Council considers it is likely to apply CIL revenue to.
- 4.2 At the meeting of the Cabinet held on 23 July 2015, Members agreed the process for formulating, monitoring and revising the Regulation 123 List, which includes that the relevant Scrutiny Committee/Group review the operation of the list and consider the annual 123 List and make recommendations to Cabinet where appropriate.
- 4.3 The CIL Regulation 123 List was presented to the Finance and Performance Scrutiny Committee on 19 October 2020 and Members agreed to recommend to Cabinet the approval of the amended Regulation 123 List for publication on the Council website for a period of 28 days along with the subsequent adoption of the amended Regulation 123 List if no adverse comments were received.

5.0 CONSULTATION RESPONSES

- 5.1 Three responses were received as a result of the CIL Consultation from County Borough Councillor Mark Adams, County Borough Councillor Joel James and the Members of the Llantwit Fardre Community Council. The proposals from County Borough Councillor Joel James and the Llantwit Fardre Community Council are for the same scheme, albeit the feedback from the Community Council was received on the 22nd December 2020 a day after the consultation period had ended.
- 5.2 County Borough Councillor Mark Adams recommends adding the Rhondda Fach Relief Road extension to Maerdy to the Regulation 123 List as a scheme that will *“open up the valley for future investment opportunities particularly tourism; improve access to and from work for all residents and reduce the migration of our young people who are our future out of the upper reaches of the Rhondda Fach”*.
- 5.3 County Borough Councillor Joel James recommends that there is a requirement to improve/increase the educational capacity at Maesybryn Primary School in Llantwit Fardre. He states that the capacity issues was going to be addressed by the Ystrad Barwig Farm proposal, however, this infrastructure scheme is proposed to be removed from the Regulation 123 List due to planning application reference 18/0872/13 for residential development being called-in by Welsh Government and the Minister decision on 15th March 2020 to refuse the application.
- 5.4 Members of the Llantwit Fardre Community Council met on Tuesday, 15th December 2020 it was resolved that an additional education provision at Maesybryn Primary School, Llantwit Fardre be added to the Regulation 123 List due to capacity issues at the school.

6.0 MATTERS FOR CONSIDERATION

Rhondda Fach Relief Road Extension

- 6.1 The Council's Regulation 123 List already contains a number of transportation proposals, the costs of which far exceed the anticipated levels of CIL income and the purpose of the Regulation 123 List is intended to provide funding towards proposals that mitigate the impacts of proposed development contained in the Council's Local Development Plan. The transport schemes already contained in the list seek to mitigate the transport impacts of development that can be expected to be delivered in the plan period and will also be reliant on other funding, including grant funding for delivery.
- 6.2 Given the pressure on available funding there would be a risk of diluting potential funding away from schemes that mitigate development impacts and of raising unrealistic expectations of potential scheme delivery if this scheme was added to the Regulation 123 list and on the basis that this scheme is not necessary to mitigate development pressures and on the basis of the foregoing, it is not proposed to add this scheme to the Regulation 123 List at this time. It's exclusion is not a comment on the merits of the scheme but rather it does not fit with the principles of the Regulation 123 List, which is there to mitigate development and growth identified in the LDP or later development pressures that would otherwise have contributed through the Section 106 agreement process. The Council will explore other avenues of funding initial feasibility work, recognising that future funding for new major road schemes will be extremely limited with the national policy position increasingly favouring public transport solutions to address climate change concerns.

Maesybryn Primary School

- 6.3 It is recognised that there are schools in the south of the County Borough that are in need of investment and officers are working in partnership with the Welsh Government to maximise the funding available and deliver 21st Century School facilities to as many school sites as possible. Three new schools in the south of the County Borough are currently being developed in collaboration with the Welsh Government, and our aspiration is that more will follow and funded by the 21st Century Schools and Colleges Programme.
- 6.4 Given that the Ystrad Barwig Farm development is not going ahead, and if the status quo remains, Education officers are satisfied that the capacity at Maesybryn Primary School can be managed without immediate intervention, and in fact projections show that numbers over the next 4 years could potentially decrease at the school. As such, there is no reason for additional capacity at this school to be added to the Regulation 123 List at this time.
- 6.5 As the emerging new LDP develops, it will be prudent to take a strategic approach to identifying both the potential housing development sites in the area

and the impact that they could have on the demand for education provision. As an Authority we have a statutory duty to ensure that there is sufficient education capacity to cope with demand, and as such the outcome of the LDP 'call for Candidate Sites' process will be crucial in determining where any areas of additional demand will be.

7.0 EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no direct implications as a result of the consultation responses, however, the equality and diversity implications of any infrastructure schemes that will be funded by CIL will be considered in the development of those projects.

8.0 CONSULTATION

8.1 Officers from Highways and Education were consulted following the receipt of the consultation responses.

9.0 FINANCIAL IMPLICATION(S)

9.1 There are no direct financial implications associated with the recommendations.

10.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

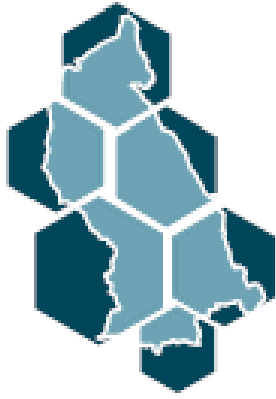
10.1 The report and appendices have been prepared in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

11.0 LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES / FUTURE GENERATIONS - SUSTAINABLE DEVELOPMENT

11.1 Infrastructure funded through CIL will support the Building a Strong Economy and Creating Neighbourhoods Where People are Proud to Live and Work priorities in the Corporate Plan.

12.0 CONCLUSION

12.1 In conclusion, it is recommended that the Regulation 123 List should remain as originally reported to Cabinet on 17th November.



rhondda cynon taf

Appendix 1

community infrastructure levy

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Regulation 123 List of Infrastructure List Updated 17 November 2020

In accordance with the requirement of Community Infrastructure Levy Regulations 2010 (as amended) the following table comprises the Rhondda Cynon Taf County Borough Council Infrastructure List. The list includes the infrastructure the Council considers it is likely to apply Community Infrastructure Levy (CIL) revenue to:

Education Projects:

- New/additional education provision to serve the land at Mwyndy / Talbot Green;
- New/additional education provision to serve Trane Farm, Tonyrefail;
- New/additional education provision to serve Station Road, Church Village
- New/additional education provision to serve Taffs Well
- New/additional education provision at the former open cast site north of A473, Llanilid

Transportation Projects:

- Provision of the A473/A4119 Talbot Green to Ynysmaerdy Relief Road;
- A4119/A4093 roundabout, Tonyrefail – signalised junction and active travel improvements
- Llanharan By-pass
- Cynon Gateway (A465)
- Mountain Ash Cross Valley Link
- South Coed Ely Link Dualling - upgrade the A4119 between Talbot Green and Coedely to dual carriageway standard
- A4119 Castell Mynach signalised junction
- Llanharan Community Route – Construction of new active travel routes
- Trefforest Industrial Estate – Construction of new active travel routes
- Aberdare – Hirwaun extension of passenger rail services
- A473 between Tonteg roundabout and Upper Boat Roundabout

Please note:

The Regulation 123 list is not prioritised and projects can be added to the list or removed at the discretion of the Council, subject to appropriate consultation.

The inclusion of a project or type of infrastructure on the list does not signify a commitment from the Council to fund (either in whole or part) the listed project or type of infrastructure. The order of the list does not imply any preference or priority

Infrastructure not contained within the Regulation 123 List may be required by developer contributions or in-kind via a section 106 agreement. Such contributions will accord with Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010