



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2020/21

FINANCE AND PERFORMANCE SCRUTINY COMMITTEE

19 OCTOBER 2020

REPORT OF THE DIRECTOR OF PROSPERITY AND DEVELOPMENT

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1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek Committee's comments to be forwarded onto Cabinet in respect of the contents of the CIL Annual Monitoring Report and the proposed changes to the Regulation 123 List.

2.0 RECOMMENDATIONS

2.1 It is recommended that Members:

- (1) Approve the CIL Annual Monitoring Report (Appendix A)
- (2) Approve the amended Regulation 123 List (Appendix B) for publication on the Council website for a period of 28 days and consultation as set out in paragraph 5.9
- (3) Approve the subsequent adoption of the amended Regulation 123 List if no adverse comments are received.

3.0 REASONS FOR RECOMMENDATIONS

- 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 produce an **annual report detailing CIL income and expenditure**

(Appendix A). Set out in paragraph 5.2 below is the details of the fifth of these annual reports since the Council introduced CIL in December 2014.

- 4.2 The Community Infrastructure Levy Regulations 2010 (as amended) also 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.
- 4.3 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 annual CIL financial monitoring report and make recommendations to Cabinet where appropriate.

5.0 MATTERS FOR CONSIDERATION

CIL INCOME & EXPENDITURE

- 5.1 The Regulations require that CIL income must be split into three parts:
- 80% to be applied to infrastructure to support growth of the Council's area (known as the 'Strategic CIL' and is to be spent on items on the Regulation 123 List).
 - 15% to be passed to the Community/Town Council in whose boundary the development that paid CIL is located for the provision of local infrastructure improvements of other measures that support the development of the area.
 - 5% to be applied towards implementation and ongoing administration.

- 5.2 The total CIL income received in 2019/20 was £308,535.08

- 80% as Strategic income = £130,626.31 *
- 15% Local income = £169,768.53
- 5% Administration income = £8,140.24

*(*80% Strategic income is less than the 15% Local income due to the amount being off-set against the infrastructure balance until the cost of the new primary school at the Llanilid development has been met.)*

Strategic income carried forward from 2018/19 was £637,568.77

Balance of strategic CIL income £768,195.08

- 5.3 The **annual monitoring report** at Appendix A provides a breakdown of the CIL receipts received and the distribution of 15% of CIL receipts to Community/Town Councils.

- 5.4 There has been no expenditure of Strategic CIL income to date however, Cabinet agreed on 20th September 2018 to spend £395,000 of Strategic CIL on Ffynnon Taf Primary School. The project will include a new build extension (4 classrooms and a hall) and refurbishments to the current school buildings for school and community use. The £395,000 Strategic CIL money is proposed to be spent by end 2020/21.

THE REGULATION 123 LIST

- 5.5 Whilst some amendments are needed to the Council's updated **Regulation 123 List** (considered at Cabinet on 17th October 2019) the broad thrust of the List remains the same in that it proposes highway and education projects that support and mitigate the growth anticipated through the Council's Local Development Plan.

- 5.6 There are five proposed changes to the highway projects part of the list.

- Add Trefforest Industrial Estate – new railway station to provide a sustainable travel option for an expected increase in commuters to the new DWP building, which will accommodate up to 2000 employees and reduce the impact on the congested A470 and already over capacity junctions at Nantgarw and Upper Boat.
- Add Aberdare – Hirwaun extension of passenger rail services as this will encourage modal shift and lead to the removal of cars from the strategic highway corridor in the north of the County Borough, reducing traffic congestion at key pinch points where air quality is consequentially high. A passenger service to Hirwaun would also ensure a high level of current and future accessibility to employment and other services both locally and elsewhere in the region.
- Add the A473 between Tonteg Roundabout and Upper Boat Roundabout which is underperforming due to numerous sub-standard junctions
- Remove A4059 Southbound approach to Asda roundabout – capacity enhancement as the work is complete.
- Partial change to the wording of A4119/A4093 roundabout, Tonyrefail – partial signalisation, widening of northbound approach, entry and circulatory widths and widening to be amended to A4119/A4093 roundabout, Tonyrefail – signalised junction and active travel improvements.

- 5.7 There is one proposed change to the education elements in the List.

- Remove New/additional education provision at Ystrad Barwig Farm due to planning application reference 18/0872/13 for residential development at Ystrad Barwig Farm being called-in by Welsh Government and the Minister decision on 15th March 2020 was to refuse the application.

- 5.8 Attached at Appendix C is a table, which sets out in detail what schemes have been removed, which have been added and the reasons for the change.

5.9 It is recommended that Cabinet approve the updated **Regulation 123 List** (Appendix B) for publication on the Council web-site for 28 days and if there are no adverse comments received then the 123 List can be adopted. It is further recommended the notification of the consultation be sent to all elected Members, Town and Community Councils and to the Members of the Council's Developers Forum.

6.0 EQUALITY AND DIVERSITY IMPLICATIONS

6.1 There are no direct implications as a result of this financial report, 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.

7.0 CONSULTATION

7.1 As set out in paragraph 5.9 above.

8.0 FINANCIAL IMPLICATION

8.1 No additional budget requirements and the CIL receipts and spend for the year 2019/20 is set out at Appendix A.

9.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

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

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

10.1 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.

11.0 CONCLUSIONS

11.1 CIL receipts have been relatively low over the first five years of its implementation. This is partly as a result of development being undertaken in the first few years of the implementation of the Council's Charging Schedule being granted planning permission prior to CIL being implemented. It should also be noted that for those significant sites in CIL residential Charging zones 2 and 3 that are not already built or already benefiting from planning permission there are a few strategic sites that should be forthcoming in the near future.

There are also a small number of sites that are unlikely to come forward in the near future due to significant deliverability and viability concerns. It is proposed to undertake a full review of the operation of CIL as part of the forthcoming review of the Council's Local Development Plan.

- 11.2 The minor changes to the Regulation 123 List are considered appropriate to assist in funding schemes that support growth in the County Borough.



rhondda cynon taf

community infrastructure levy

ardoll seilwaith cymunedol

(CIL)

CIL Regulations 2010 (as amended)

Regulation 62

Monitoring Report 2019/20

Regulation 62 – Monitoring Report 2019/20

Background

Rhondda Cynon Taf (RCT) Council's Community Infrastructure Levy (CIL) Charges took effect on 31 December 2014 and the Council is both a CIL Charging and a CIL Collecting Authority. Regulation 62 of the CIL Regulations 2010 (as amended) requires CIL Charging Authorities to produce an annual report detailing CIL income and expenditure. This is Rhondda Cynon Taf's fifth annual report covering the period 1 April 2019 to 31 March 2020.

Allocation of CIL

CIL income is required to be allocated as follows:

- Up to 5% of CIL can be applied towards implementation and ongoing administration
- 15% of CIL (excluding surcharges) is passed to the Community/Town Council in whose boundary the development that paid the CIL is located, for the provision of local infrastructure improvements or other measures to support the development of the area (referred to as local CIL).
- 80% of CIL is to be applied to strategic infrastructure to support the growth of the CIL Charging Authority's area (referred to as Strategic CIL).

Total CIL Income

Total CIL income in 2019/20 was £308,535.08

Details of each CIL receipt and how it is apportioned is attached at Appendix A.

Strategic 80% (to be spent on items on Regulation 123 List)

Strategic Income in 2019/20 was £130,626.31 *

Strategic income carried forward from 2018/19 was £637,568.77

Balance of Strategic CIL income £768,195.08

Local 15%

Local CIL income in 2019/20 was £169,768.53 *

Rhondda Cynon Taf has 12 Community/Town Council areas, which are: Gilfach Goch, Hirwaun, Llanharan, Llanharry, Llantrisant, Llantwit Fadre, Pontyclun, Pontypridd, Rhigos, Taffs Well, Tonyrefail and Ynysybwl

Local CIL (15%) income received between 1st April 2019 and 30th September 2019 was £86,521.39 passed to the relevant Community/Town Council in October 2019

£83,247.14 received between 1st October 2019 and 31st March 2020 passed to the relevant Community/Town Council in April 2020.

Balance for areas where there is no Community/Town Council 2019/20 was £2,218.36

The amount passed to each Community/Town Council is set out in Appendix B.

Administration 5%

Administrative Income in 2019/20 was £8,140.24

Administrative income carried forward from 2018/219 was £39,652.81

Balance of Administration Income £47,793.05

CIL carried forward to 2020/21

The amount of CIL carried forward to 2020/21 is set out in the following table:

CIL CARRIED FORWARD	AMOUNT
Strategic CIL	£768,195.08
Local CIL	£83,247.14 (paid in April 2020) Areas where there is no Town/Community Council £2,218.36
Administrative CIL	£47,793.05

*(*80% Strategic income is less than the 15% Local income due to the amount being off-set against the infrastructure balance until the cost of the new primary school at the Llanilid development has been met.)*

Appendix A –CIL INCOME RECEIVED IN 2019/2020

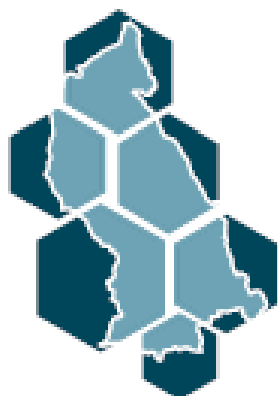
Date received	Planning Application Reference	Site Address	CIL Charge Development Type	Community/ Town Council	Amount	Admin	Strategic	Local (Community/ Town Council)
30/04/19	18/0663/10	5 Lionel Tce, Rhydyfelin	Zone 2	Pontypridd	£1,155.77	£57.79	£924.62	£173.36
09/05/19	17/0462/10	Land to the north Nant Arian, Church Village	Zone 3	Llantwit Fardre	£41,243.32	£2,062.17	£32,994.65	£6,186.50
10/05/19	17/0562/10	Phase 2b Duffryn Terrace, Tonyrefail	Zone 2	Tonyrefail	£2,106.11	£105.31	£1,684.86	£315.94
17/05/19	18/0957/10	33 Glan-Y-Ffordd, Taffs Well	Zone 3	Taffs Well	£1,033.37	£51.67	£826.70	£155.00
07/06/19	18/0334/16	Land North A473, Llanilid	Zone 3	Llanharan	£72,865.15	£0	£0	£72,865.15
10/06/19	18/0808/10	Land adjacent 10 Dyffryn Ave, Rhydyfelin	Zone 2	Pontypridd	£2,213.27	£110.66	£1,770.62	£331.99
15/08/19	18/0957/10	33 Glan-Y-Ffordd	Zone 3	Taffs Well	£1033.37	£51.67	£826.70	£155.00
04/09/19	18/0736/10	Former Hillside Club Site, Tonyrefail	Zone 2	Tonyrefail	£40,043.05	£2002.15	£32,034.44	£6,006.46
12/09/19	18/0808/10	Land adjacent 10 Dyffryn	Zone 2	Pontypridd	£2,213.27	£110.66	£1,770.62	£331.99

		Ave, Rhydyfelin						
02/10/19	17/1015/10	Former Cresta Service Station site, Heol-Y-Mynydd, Gilfach Goch	Retail	Gilfach Goch	£43,714.85	£2,185.75	£35,354.36	£6,174.74
17/10/19	15/0275/10	Trefechan Farm, Cilfynydd	Disused barn to residential	Pontypridd	£10,914.35	£545.71	£8,731.50	£1,637.14
01/11/19	18/0060/10	Land adjacent 40 Coed Isaf Road, Maesycoed	Dwelling	Pontypridd	£5,843.64	£292.18	£4,674.90	£876.56
20/11/19	17/0350/10	Land adjacent 16 Willow Close, Beddau	Dwelling	Llantrisant	£11,290.42	£564.52	£9,032.34	£1,693.56
06/12/19	18/0334/16	Land North A473, Llanilid	Zone 3	Llanharan	£72,865.14	£0	£0	£72,865.14

*Note: Under Regulation 88, surcharges cannot be apportioned to community/town councils and must be split 5% administration and 95% strategic infrastructure.

Appendix B – CIL INCOME LOCAL INFRASTRUCTURE COMMUNITY/TOWN COUNCILS

Community/Town Council	15% received in 2019/20 to be passed to local council	Amount paid in October 2019	Amount paid in April 2020	Balance
Gilfach Goch	£6,174.74	£0	£6,174.74	£0
Hirwaun	£0	£0	£0	£0
Llanharan	£145,730.29	£72,865.15	£72,865.14	£0
Llanharry	£0	£0	0	£0
Llantrisant	£1,693.56	£0	£1,693.56	£0
Llantwit Fardre	£6,186.50	£6,186.50	£0	£0
Pontyclun	£0	£0	£0	£0
Pontypridd	£3,351.04	£837.34	£2,513.70	£0
Rhigos	£0	£0	£0	£0
Taffs Well	£310.00	£310.00	£0	£0
Tonyrefail	£6,322.40	£6,322.40	£0	£0
Ynysybwl	£0	£0	£0	£0
Non-Community Council/Town Council area	£0	£0	£0	£2,218.36 (carried forward from 18/19) to be spent in Aberaman South Ward



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**Regulation 123 List of Infrastructure
 List Updated xxxxx**

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

Consultation on proposed amendment to Regulation 123 List

Background

Rhondda Cynon Taf County Borough Council is a Community Infrastructure Levy (CIL) Charging Authority. Since its CIL charges took effect on 31st December 2014, it has published a Regulation 123 list on its web-site.

The Regulation 123 list is a list containing infrastructure projects that may be fully or partly funded by CIL.

Proposed Changes

The proposed changes to the Council's Regulation 123 list are set out in the following table:

Infrastructure Requirement	Proposed Amendment	Reason For Amendment
Education Projects:		
New/additional education provision to serve the land at Mwyndy / Talbot Green;	To remain unaltered	N/A
New/additional education provision to serve Trane Farm, Tonyrefail	To remain unaltered	N/A
New/additional education provision to serve Station Road, Church Village	To remain unaltered	N/A
New/additional education provision to serve Taffs Well	To remain unaltered	N/A
New/additional education provision at the former open cast site north of the A473, Llanilid	To remain unaltered	N/A
New/additional education provision at Ystrad Barwig Farm	Remove from list	Given the Welsh Ministers decision letter dated 5 th March 2020 to refuse outline planning permission for residential development
Transportation Projects:		
Provision of the A473/A4119 Talbot Green to Ynysmaerdy Relief Road	To remain unaltered	N/A
A4119/A4093 roundabout, Tonyrefail – partial signalisation, widening of northbound approach, entry and circulatory widths and widening	A4119/A4093 roundabout, Tonyrefail – signalised junction and active travel improvements	Partial revision to wording

A4059 Southbound approach to Asda roundabout – capacity enhancement	Remove from list	Work completed
Llanharan By-Pass	To remain unaltered	N/A
Cynon Gateway (A465)	To remain unaltered	N/A
Mountain Ash Cross Valley Link	To remain unaltered	N/A
South Coed Ely Link Dualling - upgrade the A4119 between Talbot Green and Coedely to dual carriageway standard	To remain unaltered	N/A
A4119 Castell Mynach signalised junction	To remain unaltered	N/A
Llanharan Community Route – Construction of new active travel routes	To remain unaltered	N/A
Trefforest Industrial Estate – Construction of new active travel routes	To remain unaltered	N/A
Trefforest Industrial Estate – New railway station	Add to list	To provide a sustainable travel option for an expected increase in commuters to the new DWP building, which will accommodate up to 2000 employees and reduce the impact on the congested A470 and already over capacity junctions at Nantgarw and Upper Boat.
Aberdare – Hirwaun extension of passenger rail services	Add to list	It will encourage modal shift and lead to the removal of cars from the strategic highway corridor in the north of the County Borough, reducing traffic congestion at key pinch points where air quality is consequentially high. A passenger service to Hirwaun would also ensure a high level of current and future accessibility to employment and other services both locally and elsewhere in the region.
A473 between Tonteg Roundabout and Upper Boat Roundabout	Add to list	Underperforming due to numerous sub-standard junctions