

# INFRASTRUCTURE FUNDING STATEMENT

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December 2023



DUDLEY COUNCIL'S REGENERATION & ENTERPRISE SERVICE

**REGENERATING**

**Dudley**  
Metropolitan Borough Council

## GENERAL INFORMATION

This and other documents are or will be made available on request in alternative formats. If you require the document in one of these formats, please contact:

Regeneration and Enterprise, Dudley Council, Council House, Priory Road, Dudley DY1 1HF or telephone 01384 814136 or email [development.control@dudley.gov.uk](mailto:development.control@dudley.gov.uk)

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# INTRODUCTION

## 1. Infrastructure Funding Statement

1.1 As a result of changes to the Regulations implemented through the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019<sup>1</sup> (which came into force on 1 September 2019), authorities now need to increase transparency for communities, by reporting on what they have received and spent through CIL and developer contributions and include information for the following year on CIL allocation. Changes to the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019):

- removed the restriction on pooling more than 5 planning obligations towards a single piece of infrastructure;
- deleted the Regulation 123 List; and
- allows authorities to choose to pool funding from different routes to fund the same infrastructure, provided that authorities set out in their infrastructure funding statements which infrastructure they expect to fund through the levy and through planning obligations.

1.2 Each calendar year (by 31st December) the Council is required to publish an Infrastructure Funding Statement in relation to the next calendar year detailing the infrastructure projects or types of infrastructure which it intends will be wholly or partly funded by CIL.

1.3 This Statement (IFS) identifies the infrastructure projects or types of infrastructure which Dudley Council intends will be, or may be, wholly or partly funded by the Community Infrastructure Levy; whilst other sources of funding that can be pooled to fund the same infrastructure projects shown (see Table 9).

1.4 Funding for the delivery of infrastructure will be sought by the Council from multiple sources over several years. Developer contributions can be provided in several ways:

- through planning conditions – to make development acceptable that would otherwise be unacceptable.
- through planning obligations in the form of Section 106 agreements – where it is not possible to address unacceptable impacts through a planning condition.
- through the Community Infrastructure (CIL) – a fixed charge levied on new development to fund infrastructure.

1.5 It is generally expected that Developer Contributions: CIL and Planning Obligation (Section 106) will only provide a contribution to funding infrastructure costs. Alongside this funding there are mainstream sources of funding available to support delivery including sources of funding for education, transport, and utilities infrastructure.

## 2. Developer Contributions

### Section 106 Planning Obligations

2.1 Under section 106 (s106) of the Town and Country Planning Act 1990 a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site provision, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission.

2.2 For example, new residential developments place additional pressure on existing social, physical and economic infrastructure in the surrounding area. Planning obligations aim to

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<sup>1</sup> <http://www.legislation.gov.uk/ukdsi/2019/9780111187449>

balance this extra pressure with improvements to the surrounding area to ensure that a development makes a positive contribution to the local area.

2.3 The obligations may be provided by the developers “in kind” – that is, where the developer builds or provides directly the matters necessary to fulfil the obligation. This might be to build a certain number of affordable homes on-site, for example. Alternatively, planning obligations can be met in the form of financial payments to the Council to provide off-site infrastructure works or contributions towards providing affordable housing elsewhere in the Borough. In some cases, it can be a combination of both on-site provision and off-site financial contributions.

2.4 Dudley MBC has historically sought financial contributions for the following areas:

- Nature Conservation Enhancements;
- Public Open Space Improvements;
- Transport Infrastructure Improvements;
- Public Realm Improvements.

2.5 Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- necessary to make the development acceptable in planning terms,
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

S106 contributions have also been sought for Public Open Space Maintenance, however this is ring-fenced and incorporated within the Council’s greenspace maintenance budget each year.

2.6 Dudley Council’s requirements for s106 planning obligations are set out in the Council’s adopted Dudley Borough Development Strategy (2017)<sup>2</sup>. Additional guidance is available in the Planning Obligations Supplementary Planning Document<sup>3</sup>.

### **Community Infrastructure Levy**

2.7 Unlike s106 obligations, CIL is intended to fund more generalised, strategic infrastructure requirements across the Borough in order to support new development. It is a mechanism to secure financial contributions from developers on certain viable developments and CIL monies can be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area.

2.8 CIL Rates must be set out via a published charging schedule and the Council’s latest charging schedule was adopted in July 2015 with effect from 1 October 2015. Further information can be found on the Council’s webpage<sup>4</sup>:

<sup>2</sup> <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/dudley-borough-development-strategy/>

<sup>3</sup> <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/planning-obligations-supplementary-planning-document/>

<sup>4</sup> <https://www.dudley.gov.uk/residents/planning/planning-policy/dudley-local-plan/community-infrastructure-levy/>

## **Section 278 Highway Agreements**

2.9 Section 278 agreements (s278) under the Highways Act 1980 are legally binding agreements between the Local Highway Authority (Dudley Council) and the developer to ensure delivery of necessary highway works as a result of new development.

2.10 It may allow for items such as:

- Roundabouts;
- Priority junctions;
- Junctions with traffic lights
- Right turn lanes;
- Improved facilities for pedestrians and cyclists;
- Improvements to existing junctions;
- Traffic calming measures.

### 3. S106 Contributions

3.1 The total amount of s106 monies held by the Council on 31<sup>st</sup> March 2023 was £3,879,168.41.

3.2 Table 1 shows the unspent monies held by the Council.

**Table 1: Total unspent S106 monies held by the Council at 31<sup>st</sup> March 2023**

Money held 31 <sup>st</sup> March by allocation	Amount Held
Open Space	£ 476,928.03
Open Space Maintenance	£ 449,236.84
Nature Conservation	£ 0.00
Public Realm	£ 169,201.96
Transportation	£ 171,226.71
Affordable Housing	£ 291,728.55
Education	£2,320,846.32
<b>Total</b>	<b>£3,879,168.41</b>

3.3 As of 31<sup>st</sup> March 2023, there were no monies transferred to external bodies.

#### **Financial contributions agreed in 2022/23 through s106 Agreements**

3.4 There was one s106 agreements made in 2022-2023.

#### **Monies received in 2022/2023 to be spent by the Council**

3.5 There was £593,054.77 s106 income received by the Council in 2022/2023.

#### **S106 monies spent in 2022/2023 by the Council**

3.6 A total of £181,770.07 was spent by the Council during the 2022-2023 financial year as shown in Table 2.

**Table 2: Total S106 monies spent in 2022-2023**

Monies agreed in 2022/2023	Amount
Open Space	£113,545.74
Education	£68,224.33
<b>Total</b>	<b>£181,770.07</b>

#### **Monies allocated in 2022-2023 which has not been spent**

3.7 Table 3 shows the amount of s106 monies that were allocated to specific projects but not yet spent. This refers to s106 monies received historically and not just in 2022-23. At the end of the 2022/23 financial year there was £2,911,377.75 of s106 monies allocated to specific projects but had not yet been spent.

**Table 3: S106 monies allocated to specific projects in 2022-2023 but not yet spent**

<b>Monies agreed in 2021/22</b>	<b>Amount</b>
<b>Open Space / Open Space Maintenance</b>	£ 204,437.65
<b>Nature Conservation</b>	£ 0.00
<b>Public Realm</b>	£ 0.00
<b>Transportation</b>	£ 94,815.23
<b>Affordable Housing</b>	£ 291,728.55
<b>Education</b>	£2,320,846.32 (allocation of funds under consideration)
<b>Total</b>	<b>£2,911,377.75</b>

- 3.8 Moving forward, subsequent Infrastructure Funding Statements will report on any monies that have been transferred to other external bodies.

**Non-Monetary contributions agreed in 2022-23 through s106 Agreements**

- 3.9 The Council agreed one s106 agreements in 2021-22 which involved a non-monetary agreement. This was for the provision of 71 on-site affordable housing units (100% of total provision), as part of the overall provision of units in connection with planning application P20/1189 – vacant land at Cookley Works.

#### 4. Section 278 Projects in 2022/23

4.1 The following table sets out the works carried out in the Borough under s278 agreements in the 2022/23 monitoring year.

**Table 4: S278 Projects in 2022/23**

Development Site	Summary of s278 works	Amount
<b>Cakemore Road / Nimmings Road, Halesowen</b>	Construction new arm off existing roundabout to facilitate new housing estate	£220,888.45
<b>Darkhouse Lane, Coseley</b>	Implementation of local safety scheme as part of the new housing estate	£104,266.15
<b>Tansey Green Road, Pensnett</b>	Construction of new roundabout to facilitate entrance to new housing estate	£329,429.24
<b>Bean Road / Birmingham New Road, Dudley</b>	Implementation of new traffic signals at this junction to facilitate new housing estate	£150,000.00
<b>Cochrane Road / Vine Street, Brierley Hill</b>	Construction of carriageway build-outs adjacent to new housing estate	£400,908.75
<b>Sandvik, Manor Way, Halesowen</b>	The creation of new entrances for business and residential premises	£335,445.11
<b>Birmingham New Road junction with Priory Road, Dudley</b>	Extension of right-hand turn lane into Priory Road	£65,067.17
<b>Ridge Hill, off Brierley Hill Road, Wordsley</b>	Amendment to existing entrance to create a bell mouth to new housing estate	£69,225.01

4.2 Table 5 below sets out the s278 highway works to be delivered as part of future developments in the Borough which will be implemented should development progress as planned.

**Table 5: S278 Committed Projects in future years**

Development Site	Summary of s278 works	Amount
<b>Zoar Street, Gornal</b>	Implementation of pedestrian crossing facilities to support the new food store	£250,000
<b>Old Wharf Road, Stourbridge</b>	Re-configuring of traffic signals and pedestrian facilities at this junction	£320,000
<b>Stallings Lane, Pensnett</b>	To construct a new roundabout to facilitate new housing estate and industrial premises	£600,000
<b>Bourne Street, Woodsetton</b>	Implementation of traffic calming features in conjunction with new residential estate	£55,000
<b>Stourbridge Road / Bull Street, Dudley</b>	Re-alignment of Bull Street and implementation of pedestrian facility on Stourbridge Road	£93,000
<b>Balds Lane, Lye</b>	Re-alignment of Balds Lane / Gibbs Road junction and introduction of pedestrian crossing facility	£78,000



<b>Bowling Green Road, Stourbridge</b>	Implementation of traffic calming features	£120,000
<b>Leys Road, Brierley Hill</b>	Implementation of a crossing facility	£25,000
<b>Lowndes Road, Stourbridge</b>	Implementation of vehicular drop-crossings and associated re-alignment works to Lowndes Road	£76,000
<b>Park Road, Cradley Heath</b>	Installation of 2no. pedestrian refuges	£150,000
<b>Bilston Street, Sedgley</b>	Implementation of a crossing facility to support a new food store	£180,000
<b>Limes Road, Dudley</b>	Re-siting of a pedestrian crossing facility to support a new residential development	£32,000
<b>Cradley Road, Cradley Heath</b>	Realignment of carriageway and formalising pedestrian crossing points to support a revised Industrial Estate entrance	£25,000
<b>Vine Street, Wordsley</b>	Formalising an emergency link to a residential estate	£55,000

## 5 Community Infrastructure Levy (CIL) Contributions

5.1 CIL was introduced by Dudley Council on 1<sup>st</sup> October 2015. The intention was to raise levies from the anticipated housing and retail developments. CIL differs from s106 planning obligations as it addresses infrastructure shortfalls and funds can be combined in a way to address these gaps.

5.2 In accordance with CIL Regulations, Cabinet approved the process for the allocation and spend of CIL monies at its meeting on the 26<sup>th</sup> October 2016. In relation to the spend of CIL receipts, the CIL Regulations require that they are split into 3 categories, as follows:

Capital and Revenue Infrastructure Funding	80%
Neighbourhood Funding	15% (capped at £100 per dwelling place)
Administrative Expenses	Up to 5%

5.3 By the 31<sup>st</sup> March 2023 a total of £1,681,926.56 receipts had been received as shown in Table 6 below.

**Table 6: Total CIL receipts received by 31<sup>st</sup> March 2023**

Year	CIL Income Received	5% Admin	15% Neighbourhood Funding	80% C&R funding allocation
<b>2016/17</b>	£75,630.74	£3,781.54	£11,344.61	£60,504.59
<b>2017/18</b>	£78,936.09	£3,946.80	£11,840.41	£63,148.87
<b>2018/19</b>	£442,726.11	£22,136.31	£66,408.92	£354,180.89
<b>2019/20</b>	£193,353.19	£9,667.66	£29,002.98	£154,682.55
<b>2020/21</b>	£462,685.21	£23,134.26	£69,402.78	£370,148.17
<b>2021/22</b>	£275,426.63	£13,771.33	£41,313.99	£220,341.30
<b>2022/23</b>	£153,168.59	£7,658.43	£22,975.29	£122,534.87
<b>Total</b>	<b>£1,681,926.56</b>	<b>£84,096.33</b>	<b>£252,288.98</b>	<b>£1,345,541.25</b>

### Unallocated receipts from previous years

5.4 Any Council that implements CIL was previously required to have a Regulation 123 List. This is a list of specific costed projects and types of infrastructure that have been identified by various providers across the Borough as candidates to be funded or part funded by CIL monies. It should be noted that inclusion on the List does not guarantee that CIL monies will, in the future, be allocated to the project; however, CIL monies cannot be allocated to a project that is not included on the List.

5.5 As of 31<sup>st</sup> March 2023, £1,234,105.91 had been allocated to 14 projects. The total amount of CIL carry forward to 2023-2024 financial year was £111,435.34.

5.6 There were several key infrastructure projects which were previously included on the Regulation 123 List with funding gaps of over £1million. These strategic projects form part of the Infrastructure Delivery Plan to support the growth and infrastructure requirements of the Core Strategy and the Area Action Plans for Brierley Hill, Stourbridge, Halesowen and Dudley. It is unlikely that, with the current allocation process and

projected CIL receipts, there will be enough funds in the pot at any one time to allow these projects to apply for funding. For this reason, a total of 10% will be taken from the Capital and Revenue Infrastructure Funding budget (currently 80% of total CIL receipts) and kept aside until it reaches £1million – or a significant figure to be reviewed annually - to allow larger strategic infrastructure projects to apply for funding through the CIL process. This will apply to all CIL receipts received by the Council from January 2021.

- 5.7 These projects are not currently identified on the Infrastructure List as they were not submitted for inclusion during the most recent consultation process. However, it is considered essential that the allocation to this pot of money continues for any future large, strategic projects added to the Infrastructure List.

10% large strategic project pot (01.01.2021 – 31.03.2023)	£50,732.06
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- 5.8 As 10% of CIL receipts received from 1<sup>st</sup> January 2021 are not available for allocation through the IFS, the total CIL receipts carried forward to the 2023-2024 financial year was **£60,703.28.**

#### Total value of demand notices issued in 2022-23

- 5.9 National guidance suggests that Councils should consider reporting on estimated future income where possible. Table 7 shows the number of demand notices issued in the 2022-2023 financial year and the contribution required from each planning application which totalled **£108,091.60**. This provides an indication of how much CIL funding could be paid to the Council in future financial years if development is completed.

**Table 7: Summary of total demand notices issued between 2022–2023**

Planning Reference	Site of CIL Contribution	CIL Demand Notice
<b>P21/0748</b>	55 Moss Grove, Kingswinford	£73,105.78
<b>P20/0749</b>	103 King Street, Wollaston	£4,835.62
<b>P21/1989</b>	Sedgley Police Station, Sedgley	£5,578.37
<b>P20/1490</b>	46 Dene Avenue, Kingswinford	£1,921.36
<b>P22/0897</b>	8 Hall Street, Oldswinford	£9,614.25
<b>P19/0982</b>	Land rear of 24-28 New England, Halesowen	£2,457.82
<b>P22/0109</b>	80 Cot Lane, Kingswinford	£2,501.04
<b>P22/1077</b>	99 Bridgnorth Road, Wollaston	£4,486.65
<b>P22/1795/PIP</b>	Land adj 18 Hurst Green Road, Halesowen	£3,590.71
<b>Total</b>		<b>£108,091.60</b>

#### Total CIL Receipts received in 2022-2023

- 5.10 Table 8a lists the CIL receipts (monies) received in the 2022-2023 financial year with details of how this was broken down into the various components of CIL funding in Table 8b.

**Table 8a: Total CIL receipts received in 2022 – 2023**

Planning Reference	Site of CIL Contribution	CIL Demand Notice
P18/0854	Unit 1, 49 High Street, Dudley	£7,176.00 (partial payment)
P19/0352	Vacant land site of Kingswinford Service Station, Stream Road, Kingswinford	£11,250.00 (partial payment)
P21/0873	21 Osmaston Road, Norton	£29,658.50 (partial payment)
P20/1762	51 Mount Pleasant, Kingswinford	£2,638.73
P20/0749	103 King Street, Wollaston	£4,835.62
P19/0458	Land adj 1 Holt Road, Halesowen	£3,317.16
P21/1989	Sedgley Police Station, Sedgley	£5,578.37
P21/0748	55 Moss Grove, Kingswinford	£73,105.78
P19/0982	Land rear of 24-28 New England, Halesowen	£2,457.82
P20/1490	46 Dene Avenue, Kingswinford	£1,921.36
P22/0897	8 Hall Street, Oldswinford	£9,614.25
P21/2052	9 Alderwood Precinct	£1,615.00 (partial payment)
<b>Total</b>		<b>£153,168.59</b>

**Table 8b: Breakdown of CIL receipts received in 2022-2023**

CIL Breakdown	Total
<b>Administration – 5% of total CIL received</b>	£7,658.43
<b>Neighbourhood element of CIL - 15% of total CIL received</b>	£22,975.29
<b>Infrastructure monies – 80% of total CIL received</b>	£122,534.87
<b>Total</b>	<b>£153,168.59</b>

### CIL receipts allocated and spent in 2022-2023

5.11 There were three CIL receipts spent in 2022-2023 as shown in Table 9. There were seven CIL receipts allocated in 2022-2023, Table 10 details the projects which were allocated funding. All projects that received allocated funding in previous years have now been completed and the monies have been spent.

**Table 9: CIL receipts spent in 2022-2023**

Scheme	Amount Allocated
<b>CIL receipt to Dudley MBC Borough Artist – erection of the Round Oak Steelworks Memorial (Public Art)</b>	£44,500.00
<b>CIL receipt to Dudley MBC Project Engineer – flood management and sustainable drainage scheme at Delph Road and Turners Lane</b>	£200,000.00
<b>CIL receipt to Dudley MBC Design &amp; Delivery – woodland project at Castle Hill and Peggy's Meadow</b>	£165,000.00
<b>Total</b>	<b>£409,500.00</b>

**Table 10: CIL receipts allocated in 2022 - 2023**

Scheme	Amount Allocated
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<b>Allocation to Dudley MBC Borough Artist – ‘Stour Bridge’</b> parapet enhancement and associated celebration of Monarchs way via 8 ground plaques	£58,920.00
<b>Allocation to Dudley MBC Placemaking –</b> creation of a pocket park in Lower High Street, Stourbridge	£100,000.00
<b>Allocation to Dudley MBC Placemaking –</b> creation of two memorials in respect of the Covid-19 pandemic	£120,000.00
<b>Allocation to Dudley MBC Placemaking –</b> completion of the repairs required to the final section of the walled garden at Wollescote Hall	£170,000.00
<b>Allocation to West Midlands Combined Authority –</b> works to implement approximately 200 public electric charging vehicle sockets across the Black Country – funding is Dudley specific.	£35,000.00
<b>Allocation to Dudley MBC Street &amp; Green Care –</b> installation of a roundabout to improve and create a toddler play feature, and installation of a MUGA for children at Hawbush Park	£90,000.00
<b>Allocation to Dudley MBC Street &amp; Green Care –</b> improve and refurbish the play area, to include modernising equipment and installation of inclusive play facilities at Wordsley Park	£80,000.00
<b>Total</b>	<b>£653,920.00</b>

## Previously allocated CIL monies – completed projects

### Dudley MBC – Design & Delivery

5.12 The Design & Delivery department at Dudley MBC requested funding for works involved in the Castle Hill Woodland project and Peggy’s Meadow to include; enhancing ecological biodiversity and geodiversity, protecting the boundaries of the site from illegal fly tipping and the creation of a network of suitable paths and cycle routes. Works were completed in late 2022.



### Dudley MBC – Borough Artist

5.13 The Borough Artist at Dudley MBC requested funding for the design and installation of the Round Oak Steelwork Memorial public art project at Dudley Road, Brierley Hill. Works were substantially completed in 2023.

### **Dudley MBC – Project Engineers**

5.14 The Project Engineers at Dudley MBC requested funding for a flood management and sustainable drainage scheme at Delph Road and Turners Lane. The works consisted of installation of a new surface water drainage system and construction of a large storm water collection tank. Works were completed in 2022.

### **Shell Corner Partnership**

5.15 Shell Corner Partnership requested funding for a number of public realm works, including pavements improvements, gateway enhancements and a new cycle stand. Works were completed in early 2022.



### **Waterfront Media CIC (trading as Black Country Radio)**

5.16 Black Country Radio moved into new bespoke studios and their existing equipment was out-dated and unable to be used. They requested funding for new digital equipment for use in the studio and the project was completed in Spring 2021.



### **Canal and River Trust (CRT)**

5.17 Canal and River Trust (CRT) requested funding for refurbishment and restoration of the Grade II Listed Blackbrook Junction Bridge on the Dudley No.2 Canal in Saltwells Nature Reserve, to include works to improve the abutments, surfacing to ensure it is more accessible, maintenance and decorative/paintwork. Work on the project was completed in Winter 2020.



### **Friends of Mary Stevens Park**

5.18 Friends of Mary Stevens Park requested funding for improvement and enhancement of the play area at Mary Stevens Park which will better meet the needs of the community. Work was completed and the play area re-opened to the public in Winter 2020.



### **Neighbourhood Funding portion of CIL**

5.19 The Neighbourhood Funding portion of CIL is required to be spent in consultation with the community using existing community consultation and engagement processes. No monies have been allocated as part of the CIL Neighbourhood Funding process.

### **Amount of CIL spent on administration costs**

5.20 A total of £7,658.43 was received for CIL administration, all of which has been spent on that purpose. It should be noted that this amount does not cover the total cost of delivering the Council's CIL administration service during 2022-2023.



## 6. Infrastructure Projects 2023-2024

- 6.1 This infrastructure statement is a 'living' document and will be the subject of on-going update and monitoring during 2023. The List was most recently updated in late 2022 and new schemes have been added. However, it should be noted that inclusion of any type of infrastructure in the Infrastructure Funding Statement does not signify a commitment from the Council to deliver or fund, either in whole or in part, this type of infrastructure through CIL. Nor does the order of the table imply any order of preference or weighting of infrastructure. The process of governance for CIL expenditure will be carried out separately whilst having regards to the Infrastructure Funding Statement.
- 6.2 It is generally expected that Developer Contributions: CIL and Planning obligations (s106) will only provide a contribution to funding the infrastructure costs. Alongside this funding, there are mainstream sources of funding available to support delivery, including sources of funding for transport, utilities infrastructure, education and health.
- 6.4 Moving forward, the Council will review the Infrastructure List on an annual basis. A consultation will be undertaken with key infrastructure providers requesting project submission forms to be completed (See Appendix One). The submitted forms will be assessed against the criteria set out in Table 10 below to determine their suitability. For a project to be added to the Infrastructure List it will be required to satisfy all six criteria. Where a significant number of submissions are received, it may be necessary for the list to be amended to only include projects that enable significant infrastructure delivery to support the borough's growth agenda and support the strategic infrastructure requirements of the emerging Draft Black Country Plan.

**Table 11: Criteria for Assessing Infrastructure Funding Statement Projects**

Criteria	Pass/Fail	Evidence
Is the project a Strategic Priority/Local Priority?		Strategic Boroughwide Priority – Local Plan/Corporate Plan Local Plan – Area Action Plan
Is the infrastructure project essential or significant in supporting new development in the Borough?		Is the project consistent with the Development Plan/Referenced in the Dudley Development Strategy or emerging Draft Black Country Plan?
Are there any constraints which will impact on the delivery of the infrastructure?		Projects that have no, major or moderate constraint will be considered for inclusion
Amount of CIL contribution sought		Details of the budget gap and confirmation no other capital funding source can be identified. Details of any S106 funds to be provided
Has the project identified match funding?		Has this been secured and details?
Timeline for delivery (start and end)		Detailed project plan or timeline demonstrating the project is feasible

## 7. CIL Spending Process

7.1 In accordance with CIL Regulations, Dudley's spend of CIL receipts, is split into 3 categories, as follows:

Capital and Revenue Infrastructure Funding	80% of total receipts with 10% to be retained for major infrastructure projects from 1 <sup>st</sup> January 2021
Neighbourhood Funding	15% of total receipts (capped at £100 per dwelling place)
Administrative Expenses	Up to 5% of total receipts

7.2 The amount of CIL funds will be reviewed at the start of each financial year and the following process for the allocation of CIL Funds will be applied:

1. At the start of each financial year, the Council will consult infrastructure providers across the Borough and invite infrastructure project submissions (See Appendix One).
2. All submissions will be assessed by officers against the infrastructure Criteria in Table 10, to determine their eligibility for inclusion on the Infrastructure List. All existing projects will be reviewed on an annual basis. (June–July).
3. Following the assessment of eligibility, the Infrastructure Funding Statement and List will be updated. This will be reported to the Regeneration and Enterprise Strategy Group (RESG), who subject to Cabinet Member sign off, will make recommendations to Cabinet on the content of the Infrastructure Funding Statement. The updated Infrastructure Funding Statement and infrastructure list will be submitted to Cabinet for approval (Autumn/Winter).
4. Following Cabinet approval, an assessment of projects within the Infrastructure Funding Statement will be undertaken for potential CIL allocation. This process will follow the eligibility criteria as set out in Appendix Two. Where a significant number of projects are considered to meet all the criteria in a particular year it may be necessary to only include those projects that include the most impact and which can be delivered in the short-term.
5. Proposed CIL allocations will be reported to the Regeneration, Enterprise and Strategy Group (RESG) for consideration, and subject to Cabinet Member sign off, recommendations will be made to Cabinet for any proposed CIL spend. In addition, RESG may make the decision not to allocate funds in a particular year if it is felt necessary to retain funds for future expenditure on larger infrastructure projects. Recommendations on proposed CIL allocations will be presented to Cabinet for approval in early 2024.

**Table 12: Infrastructure List**

Infrastructure Type or Project		Approximate Funding Gap
<b>Transport</b>	Provision of 120m footpath/cycleway connecting Lowndes Road with Wollaston Recreation Ground	£84,334.00
<b>Transport Exclusions</b>	Transport related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Nature Conservation Exclusions</b>	Nature Conservation related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Public Realm</b>	Dudley Town Centre Wayfinding	£100,000.00
	Foster Street public realm improvements	£122,250.00
	Fountain Square, Ryemarket public realm improvements	£120,000.00
	Shell Corner public realm improvements	£105,000.00
	Talbot Street, Ryemarket public realm improvements	£150,000.00
<b>Public Realm Exclusions</b>	Public Realm related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Public Realm Maintenance Exclusions</b>	Public Realm maintenance related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Air Quality Exclusions</b>	Air Quality related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Canal and River Trust</b>	<b>Regeneration Corridor 11b – Brierley Hill to Stourbridge</b>	
	<u>Bridge/Lock Enhancements:</u> - Refurbishment to the listed stable block at Delph Locks.	£100,000 - £200,00
<b>Canals and Rivers Exclusions</b>	Canal and River related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	

Infrastructure Type or Project		Approximate Funding Gap
<b>Libraries, Archives and Adult Learning Exclusions</b>	Library, Archives and Adult Learning related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Public Art</b>	Saltwells Local Nature Reserve – new public art entrance gateway for pedestrians and cyclists from Pedmore Road	£175,000
<b>Public Art Exclusions</b>	Public Art related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Flood Management &amp; Sustainable Drainage Exclusions</b>	Flood Management and Sustainable Drainage related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Open Space, Sport and Recreation</b>	Creation of 26-space car park at Kinver Street open space	£98,259.80
<b>Open Space, Sport and Recreation Exclusions</b>	Open Space, Sport and Recreation related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Leisure Exclusions</b>	Leisure related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Education</b>	As and when borough-wide specific education infrastructure projects are identified and costed, they will be added to this Infrastructure Funding Statement. Any projects listed would thus not be funded through Planning Obligations.	
<b>Education Exclusions</b>	All other site-specific Education requirements as identified in a site-specific assessment as part of an individual planning application.	

Infrastructure Type or Project		Approximate Funding Gap
<b>Other Community Infrastructure Exclusions</b>	Community Infrastructure related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	
<b>Heritage Infrastructure</b>	Lye War Memorial improvements	£150,000.00
<b>Heritage Infrastructure Exclusions</b>	Heritage related mitigation measures required to make a development proposal satisfactory in planning terms will be excluded	

**New comparison retail development at Merry Hill and Waterfront that would trigger infrastructure requirements as set out within Core Strategy policy CEN3 is to be delivered primarily through the use of Legal Agreements and not through CIL.**

Where site-specific exclusions are identified, they will be subject to statutory tests set out under Regulation 122 of the Community Infrastructure Regulations 2010 (as amended), which stipulates the following:

*A Planning Obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

- a) Necessary to make the development acceptable in planning terms;*
- b) Directly related to the development; and*
- c) Fairly and reasonably related in scale and kind to the development.*



**Infrastructure Project Submission Form**

<b>Section 1 – Your organisation</b>	
Name of organisation:	
Name of principal contact:	
Address:	
Postcode:	
Telephone:	
Email:	
<b>Section 2: - About your Infrastructure Project</b>	
Details of Project Title ..... ..... ..... .....	
Please provide brief description of the infrastructure project and the scale of the proposal ..... ..... ..... .....	
Please provide details of the project location and provide a relevant location plan ..... ..... ..... .....	
<b>Section 3: Benefits of the Infrastructure Project</b>	
Is the infrastructure/project consistent with strategic/local plans? For example, would the project meet the priorities of the Black Country Plan, Area Actions Plans, Dudley Borough Development Strategy? If yes, please provide full details ..... ..... ..... .....	
Is the project essential to support new development within Dudley? ..... ..... ..... .....	
Has the project been subject to any consultation and/or endorsement? ..... ..... ..... .....	
<b>Section 4: Costs</b>	
<b>What is the total capital cost of the infrastructure/project (to include VAT)?</b> Please include details of costing plans and associated phasing	

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**What is the amount of funding that you are requesting (to include VAT)?**

£.....

Please could you provide evidence to justify the amount requested, please see Section 8.

**Does the infrastructure/project attract match funding? If yes, please provide full details**

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**What is the capital funding gap?**

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**Have you applied for/or received any funding for this infrastructure/project from elsewhere? If yes, please provide full details**

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**Is there any additional funding requirement for maintenance of the infrastructure/project? If yes, please provide full details**

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**Section 3 - Delivery**

Please can you provide a timescale for the delivery of the infrastructure/project? For example, details of when the infrastructure/project will commence and finish or if work has already started on the project?

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Would the funding request result in completion of the infrastructure/project?

Yes  No

Are there any significant issues that could impact delivery? For example, land ownership, remediation, reliance on other organisations/projects?

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Does the project assist in unlocking future development? For example, does the project help bring forward a development site?

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**Section 4 - Wider Benefits and implications**

Has the project already benefited from stakeholder engagement? If yes, please provide full details

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Is there evidence to show that the project is meeting a local need or demand in the community? If yes, please provide full details

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Will the implementation of the project benefit the wider community? For example, create jobs, enhance community facilities?

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Would the project improve equality within the wider community? For example, would the proposal help to tackle discrimination, advance equality of opportunity or foster good relations between different protected groups? (i.e. age, disability, gender, pregnancy & maternity, race, religion or belief, sex or sexual orientation)

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**Section 6 – Do you have the necessary permission to undertake this project?**

Does your project depend on permission (e.g. planning permission/complying with a planning condition) being given by any other person or organisation?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If your project involves improvements or enhancements to land or buildings, do you have permission to do this?	Yes <input type="checkbox"/> No <input type="checkbox"/>

If you have answered yes to any of the above, please provide details below: -

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**Section 7 - Payment of funding**

Payment will depend on you providing a copy of the suppliers/contractor’s invoice or receipt to evidence the cost of the infrastructure required.

With most projects payment will be made on completion of the project. Any exceptions to this will be considered on a case-by-case basis. If you require payment prior to the project’s commencement/completion, please could you provide details below and justification.



## Section 8 - Documents to support your application

Please could you provide the following details of the infrastructure/project:

- Description: indicating scale, nature and formal approval of the project including a location plan.
- Timescale for delivery.
- Detail of match funding or other applications relating to the project.
- Other organisations, development and plans that the project relates to.
- Evidence to justify the amount requested for the infrastructure/project. This could be a quote(s) from a reputable supplier(s) for the items requested.

*Note: To comply with the Council's rules and ensure value for money, the following must be provided:*

*Infrastructure projects requiring up to £500 – at least one verbal quotation recorded in writing.*

*Infrastructure projects requiring between a value of £500 and £1,500 – at least two verbal quotations, recorded in writing*

*Infrastructure projects requiring between a value of £1, 500 and £5, 000 – 3 verbal quotations recorded in writing.*

*Infrastructure projects requiring between a value of £5,000 - £75,000 – 3 written quotations.*

## Section 9 – Declaration

- To the best of my knowledge, the information provided in this application is correct.
- I have enclosed all the documents requested under Section 8.
- I agree to provide any extra information that the Council may require.
- If a funding allocation is approved, I agree that the organisation will use it only for the purpose stated and understand that Council officers may inspect the goods/equipment.
- I agree to ensure that any goods/equipment funded are sufficiently insured.
- I agree that the Council's internal and external auditors have the right to inspect any related documentation.
- I agree to withdraw, modify or repay part or all of the allocation if funding is not spent in the agreed timescale or has been awarded based on misleading or inaccurate information.

Signature: \_\_\_\_\_

Position in Organisation: \_\_\_\_\_ Date: \_\_\_\_\_

*Information that you provide on this form is subject to the provisions of the Data Protection Act 1998. We may share this information with the general public which may include publication on the Council's website as part of the statutory requirements under the Planning and Compulsory Purchase Act 2004 and the Community Infrastructure Regulations 2010 (as amended).*

**Please return this form by xxxxx together with the other requested documents to:**

**By email: [development.control@dudley.gov.uk](mailto:development.control@dudley.gov.uk)**

**By post: Planning Services, 4 Ednam Road, Dudley, West Midlands, DY1 1HL**

## Appendix Two

### CIL Funding Criteria for assessing infrastructure project funding requests

Category	Criteria	Assessment
<b>Funding</b>	Does the Project attract match funding?	Match Funding is simply leveraging a financial commitment towards the cost of the project from a source other than and in addition to CIL funding. Additional funding can make a project more deliverable and appealing.
	Is there an additional funding requirement for maintenance of the project?	Maintenance costs to maintain a project following completion can be hefty, for instance in public realm instances. If additional on-going maintenance is required, it is unlikely that the Council would be able to fund this out of its own reserves.
	Has it been demonstrated that without CIL funding the infrastructure would not be delivered e.g. have all funding sources been explored	Preference will be given to projects where it can be demonstrated that the only guarantee of delivery is with CIL funding.
<b>Delivery</b>	Can the infrastructure be delivered now?	There would be no issues with land ownership or site restraints, the project would be consistent with policy and ideally have planning consent.
		Minor issues could include any of the above, but they are surmountable and there is a commitment to release the site.
		Significant issues could include; landownership issues, remediation issues, reliant on other projects, reliant on other partners, not consistent with planning policy.
<b>Wider Benefits and implications</b>	Are there specific implications or risks if this project does not come forward?	Strategic risks would be those that would undermine the strategy for the Borough
		A major risk would be one that prevents a specific scheme coming forward
		Minor risks of non-delivery are local and non-widespread
	Has the project already benefited from stakeholder engagement?	Early engagement allows stakeholders to influence the project & iron out potential barriers. It ensures that the potential project is serving the needs of the community and they are aware of how they can input into the project preparation or implementation.
	Will the implementation of project create new local jobs?	Infrastructure projects can provide benefits to communities and help in delivering the objectives of Council and stakeholder plans
	Is there evidence to show that the project is meeting a local need or demand?	It should be demonstrated that the project is fulfilling a need or demand and where possible that this is for the benefit of the wider community and not a select few,
	Does the proposal have a positive impact on equality?	Does the proposal help to tackle discrimination or disadvantage, advance equality of opportunity or foster good relations between different protected groups? (i.e. age, disability, gender, pregnancy & maternity, race, religion or belief, sex or sexual orientation)
<b>Corporate fit</b>	Is the project consistent with strategic and local plans	Non-consistency risks non-approval and resource wastage.