

Overview and Scrutiny Committee Agenda



16th February 2026 at 7pm

**Council Chamber, Civic Centre, Duke Street,
Chelmsford, CM1 1JE**

Membership

Councillor J. Jeapes (Chair)
Councillor A. Thompson (Vice Chair)

and Councillors

C. Adutwim, N. Bugbee, D. Clark, H. Clark, P. Davey, S. Davis, S. Dobson, L. Mascot, M. Steel, S. Sullivan and P. Wilson

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance to committees@chelmsford.gov.uk. Further details are on the agenda page. If you would like to find out more, please email committees@chelmsford.gov.uk or phone the Democracy Team on Chelmsford (01245) 606480.

Overview and Scrutiny Committee

16 February 2026

AGENDA

1. Apologies for Absence and Substitutions

2. Chairs Announcements

3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to committees@chelmsford.gov.uk 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

5. Decisions Called-In

To report on any Cabinet decisions called in and to decide how they should be progressed.

6. Community Infrastructure Levy – Governance Update – Call-in

The Overview and Scrutiny Committee is to consider the decision taken by Cabinet on 27th January 2026 which was called in on 30th January 2026. The decision relates to Governance Update of the Community Infrastructure Levy.

7. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.



Chelmsford City Council Overview and Scrutiny Committee

16th February 2026

Call-In Decision: Community Infrastructure Levy – Governance Update

Report by:
Director for Connected Chelmsford

Officer Contact:
Freddey Banks-Ayres, Democratic Services Officer, email: Freddey.banks-ayres@chelmsford.gov.uk, tel: 01245 606621

Purpose:

- For members of Overview and Scrutiny Committee to consider the call-in request of the decision taken by Cabinet on 27th January 2026 relating to the Community Infrastructure Levy.

Options

- Members of Overview and Scrutiny Committee to decide whether:
 1. To support the Cabinet decision;
 2. Decide that the decision or part of it was unreasonable, or based on incorrect information or did not take into account information which should have been considered, or faulty in some other way and refer the decision back to the Cabinet for reconsideration.
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1. Background

- 1.1. The Overview and Scrutiny Committee is responsible for dealing with call in requests of Cabinet decisions. The call-in arrangements are highlighted at 4.5.11 of the Constitution and can be seen at **Appendix 1**.

2. Call-In Decision of Community Infrastructure Levy – Governance Update

- 2.1. Five Members of the Overview and Scrutiny Committee – Councillor Jeapes, Councillor Dobson, Councillor Steel, Councillor Sullivan and Councillor Wilson – requested the decision made by Cabinet on 27th January 2026 regarding the Community Infrastructure Levy Governance Update be called in.

- 2.2. The decision approved updates to Chelmsford City Council's Community Infrastructure Levy (CIL) Governance Document, revising the policy for managing surplus Neighbourhood Allocation where the statutory CIL cap applies. The updated approach would allow the Council to use retained surplus funds on eligible capital infrastructure projects in adjoining or impacted areas. The decision also consolidated the CIL Cap policy into the main Governance Document. The Cabinet report in relation is attached as **Appendix 2**.

- 2.3. A formal written request was received by the Democratic Services Officer on 30th January 2026 and the rationale for the call-in is set out below:

There is no evidence that the allocation of CIL monies was considered for the three adjacent parishes of Great Waltham, Broomfield and Writtle. When challenged at cabinet, it was stated that the CIL policy did not allow for these areas to be included.

It is believed that this interpretation is incorrect and the 'call in' is to examine the rational for the decision with reference to the policy which may result in additional areas being able to apply for this CIL funding.

Democratic Services notified Members of the Council and relevant officers of the call-in on 30th January 2026 and, on the 2nd February 2026 the Cabinet Member for a Greener Chelmsford, Councillor Rose Moore was notified of their requirement to attend.

- 2.4. On 5th February 2026, further detailed questions were received in consideration for the call-in:

1. *Please include the agenda items 9.1 and 10 from cabinet on the 27.1.26.*

2. Please include the information on the CCC website explaining eligibility for CIL grants.

3. Please provide minutes etc from the Pannel approving the applications detailed at cabinet on 27.1.26.

4. Include in this information who applied for the CIL grants and when the applications were made.

5. Minutes of the Cabinet meeting on 27.1.26.

2.5. The Chair of the Overview and Scrutiny Committee also required the Director of Sustainable Communities, Paul Brooks; Economic Development and Implementation Services Manager, Stuart Graham and the Cabinet Member for a Greener Chelmsford, Councillor Rose Moore, to attend the call-in. Officers have provided a supplementary report, attached as **Appendix 3**, to provide the further information requested. Officers will provide further clarification at the meeting.

3. Call-In Procedures

3.1. The order of business during the call-in, as highlighted at 4.5.11.10 of the Constitution, are as follows:

- a) The Chair will provide an explanation of the reasons for the call-in;
- b) The Cabinet Member with the responsibility for the matter called-in will provide an explanation of the decision made at the Cabinet;
- c) Contributors/officers called by the Chair to be invited to present further information asked;
- d) Contributors called by the Cabinet Member to be invited to present information to support the decision;
- e) Committee members to ask question to the contributors and officers;
- f) Committee members to ask questions to Cabinet Member;
- g) A general discussion between the Committee members;
- h) Committee members to make the decision.

4. Conclusion

4.1. As per 4.5.11 of the Constitution, the Overview and Scrutiny Committee have the opportunity to decide whether to:

4.1.1. support the decision made by the Cabinet;

4.1.2. refer the decision back to Cabinet under the following grounds:

4.1.2.1. that it is unreasonable;

4.1.2.2. based on incorrect information or that it did not take into account information that should have been considered;

4.1.2.3. faulty in some other way.

List of appendices:

Appendix 1 – 4.5.11 of the Council Constitution

Appendix 2 – 27th January Cabinet Report – Community Infrastructure Levy – Governance update

Appendix 3 – Supplementary Report

Background papers:

None

Corporate Implications

Legal/Constitutional:

Overview and Scrutiny Committees have statutory powers to scrutinise executive decisions and the Council's arrangements for calling in such decisions is set out in the Council's Constitution. In reaching any decision the Overview and Scrutiny Committee will have regard to the statutory guidance issued in 2019.

In relation to the scope of some of the questions raised within the report these will be dealt with during the call in process to the extent that is relevant and within the scope of the call in.

Financial:

None

Potential impact on climate change and the environment:

None

Contribution toward achieving a net zero carbon position by 2030:

None

Personnel:

None

Risk Management:

None

Equality and Diversity:

Impact assessment not required

Health and Safety:

None

Digital:

None

Other:
None

Consultees:
As detailed in the report

Relevant Policies and Strategies:
None

EXTRACT FROM CONSTITUTION: 4.5.11, CALL-IN ARRANGEMENTS**4.5.11. CALL-IN ARRANGEMENTS****Procedure for scrutinising executive decisions**

- 4.5.11.1 A summary of any executive decision (i.e. a decision taken by the Cabinet, a Cabinet committee or a Cabinet Member or officer under delegation) shall be notified to all councillors within two days of being taken. An executive decision that constitutes a recommendation to the Council shall not be subject to call in.
- 4.5.11.2 Executive decisions may be called-in by members of the Overview and Scrutiny Committee. The call-in will only be valid if:
- a) it is requested by at least five members of the Overview and Scrutiny Committee;
 - b) the request is in writing or by email and includes the names of all the councillors requesting the call-in;
 - c) the request sets out the reason for the call-in; and
 - d) it is received by the Designated Officer by the expiry of the call-in period, i.e. 5pm on the fourth working day after the decision has been taken.
- 4.5.11.3 No decision may be called-in more than once.
- 4.5.11.4 On being informed of a call-in, the Designated Officer shall notify all members of the Council and relevant officers. No decision that has been called-in, with the exception of an urgent decision, shall be implemented before the Overview and Scrutiny Committee has considered it.
- 4.5.11.5 **Period within which decision must be scrutinised**
Where an executive decision has been called-in, the meeting of the Committee to scrutinise it will be held as soon as practicable after the decision to do so was taken. This will normally be within 15 working days after receipt by the Designated Officer of the request to call it in.
- 4.5.11.6 **Advance notification of arrangements**
In advance of a meeting of the Committee at which an executive decision is due to be scrutinised, the chair of the Committee may:
- a) require from Cabinet Members and/or officers further written information on the decision to be scrutinised;
 - b) invite persons from outside the Council (“contributors”) who have a particular knowledge of or expertise in the subject matter of the decision to be scrutinised to attend the meeting. Contributors may be reimbursed for travelling and subsistence costs reasonably incurred by them in attending the meeting;
 - c) require the attendance at the meeting of the Cabinet member with responsibility for the matter to be scrutinised (or another Cabinet Member agreed by the Leader if they are unable to attend) to explain the decision. In the case of an executive decision taken by the Leader, Cabinet, committee or an officer, the Cabinet member with responsibility for the function shall be required to attend, even though they may not have actually taken the decision; and
 - d) require the attendance at the meeting of such officers (or their substitutes if they are unable to attend) as the Chair thinks appropriate to provide information on the decision to be scrutinised.

EXTRACT FROM CONSTITUTION: 4.5.11, CALL-IN ARRANGEMENTS

- 4.5.11.7 The Designated Officer will make the necessary arrangements on behalf of the Chair no later than five days before the meeting.
- 4.5.11.8 The Cabinet member(s) will also have the opportunity to call up to two contributors or officers to present information in support of the decision. The names and, if appropriate, the positions of those persons will be notified to the Designated Officer at least two days before the meeting, who will in turn notify the chair.
- Advance notification of information**
- 4.5.11.9 At least five working days before the meeting of the Committee the Designated Officer will give to the Cabinet Member(s) invited to attend, in writing:
- a) the specified reasons for the call-in;
 - b) the names and, if appropriate, the positions held by any contributors who have been invited by the Chair to attend the meeting in connection with the matter to be scrutinised and the purpose for which they have been invited; and
 - c) the subject matter of any additional written information requested by the chair.
- Call-in procedure at the Overview and Scrutiny Committee meeting**
- 4.5.11.10 Unless the chair decides otherwise, the following order of business (insofar as it is applicable) will generally be observed in the Committee's scrutiny of an executive decision:
- a) an explanation by the chair of the reasons for the call-in;
 - b) an explanation by the Cabinet member with responsibility for the matter called-in of the reasons behind the decision;
 - c) an invitation to contributors called by the Chair to comment on the decision; questions to the chair's contributors by the Cabinet Member(s);
 - d) an invitation to contributors and/or officers called by the Cabinet Member to present information in support of the decision;
 - e) questions to the Cabinet's contributors and/or officers by Committee members;
 - f) questions to the Cabinet Member(s) by the Committee;
 - g) general discussion by the Committee;
 - h) the decision.

EXTRACT FROM CONSTITUTION: 4.5.11, CALL-IN ARRANGEMENTS

- Options for decisions**
- 4.5.11.11 The Committee may:
- a) conclude that it supports the executive decision and does not wish it to be amended (in which case the decision may be implemented immediately);
 - b) decide that the decision or part of it was
 - i. unreasonable, or
 - ii. based on incorrect information or did not take into account information which should have been considered, or
 - iii. faulty in some other way,and refer the decision to the Cabinet for reconsideration; or
 - c) come to the view that the decision is contrary to or not wholly consistent with a budget or a policy agreed by the Council. In coming to any such view the Committee will take into account the advice of the Director of Financial Services and/or the Monitoring Officer, as appropriate.
- 4.5.11.12 If the Committee conclude that the decision is contrary to a budget or a policy agreed by the Council, it must in the first instance refer the decision to the Cabinet. The Cabinet must decide whether to amend the called-in decision to satisfy the concerns of the Overview and Scrutiny Committee or, if it does not wish to do so, refer the matter to the Full Council. If the latter course is chosen, the Full Council may either confirm or amend the decision.



Chelmsford City Council Cabinet

27th January 2026

Community Infrastructure Levy – Governance update

Report by:

Cabinet Member for Greener Chelmsford

Officer Contact:

Stuart Graham, Economic Development and Implementation Manager, 01245 606364,
stuart.graham@chelmsford.gov.uk

Purpose

To consider proposed changes to the Council's Community Infrastructure Governance document as set out in the report.

Options

1. Agree the proposed changes to the Community Infrastructure Governance document.
2. Agree the proposed changes to the Community Infrastructure Governance document, with amendments.
3. Do not agree the proposed changes to the Community Infrastructure Governance document

Preferred option and reasons

The preferred option is Option 1.

Recommendations

It is recommended that

1. Cabinet agrees that the proposed changes set out in the report are made to the Community Infrastructure Governance Document for publication on the Council's website.

1. Background

- 1.1. The Community Infrastructure Levy (CIL) was adopted by Chelmsford City Council on 1 June 2014. It is a non-negotiable charge on new buildings to help pay towards the infrastructure needed to support growth in an area.
- 1.2. Following the adoption of the Levy, Cabinet adopted arrangements that set out how it would manage and govern the spend of the Levy in June 2016.
- 1.3. Since 2016, the Council's approach to managing and governing CIL has been published on the Council's website and has been reviewed on a number of occasions, to keep the policy up to date.
- 1.4. This latest review has been carried out to update the governance arrangements for what is known as the CIL Cap.
- 1.5. Under the national CIL Regulations where development takes place in a parished area the Parish Council receives 15% of the receipt, or 25% if there is an adopted neighbourhood plan in place. The Council has no discretion to alter this provision.
- 1.6. The CIL Regulations (Regulation 59A) state that the total amount of CIL receipts passed to a Parish or Town Council is capped at £100 per Council Tax dwelling (in the area of such local council) per year. This cap is index linked to the year in which the transfer is made. The CIL Regulations do not state what should happen to any surplus Neighbourhood Allocation, once the £100 per Council Tax dwelling cap has been reached. It is only this element that the Council has some discretion over and that is what is addressed in this report.
- 1.7. The Council has set out its governance arrangements for the Neighbourhood Cap in the 'Community Infrastructure Levy Governance – the Neighbourhood Cap' document, published in June 2018 following Cabinet approval. This approach enabled Parishes and Non-Parished Neighbourhood Groups in the vicinity of the development to submit an expression of interest in applying for funding. Any proposals were then taken through the then CIL Spending Panel/Cabinet for decision. The approach failed to generate the level of interest in projects against which to allocate the funding and this policy is now out of date and requires updating.

1.8. Given the Council's financial position, and the available balance of approximately £110,000 held (in this case as a result of development on the north-western edge of Chelmsford in the parish of Chignal), it is now considered appropriate to align the policy alongside the remainder of the Neighbourhood Allocation, as per the suggested Governance arrangements below:

- The CIL Cap Balance can only be spent on identified capital projects in the wards that immediately adjoin the Parish where the development has taken place, within the Parish itself, or within a Ward or Parish impacted by the development from which the CIL receipts arose
- The CIL Cap Balance should be spent on identified CCC capital projects, meeting the definition of infrastructure set out within the CIL Regulations
- The CIL Cap Balance shall be overseen by the Community Funding Panel and aligned with the role of the Panel as set out in the Constitution, whereby any expenditure over £10,000 is referred to Cabinet for decision
- Planned expenditure of the CIL Cap should be aligned to the capital bid process.

1.9. If this approach is adopted, then in effect this means that there will be in the region of £110,000 currently available in Northwest Chelmsford that can be used to fund CCC capital projects in the relevant wards.

1.10 The alteration to this policy only affects Northwest Chelmsford at the current time, given the development that has taken place there in Chignal Parish, which given the number of dwellings the Parish Council was not able to receive its full 15% neighbourhood allocation. In relation to the adopted Local Plan and the potential additional sites currently being consulted on, it is not expected that any other parishes will be impacted by this policy change.

1.11 An updated version of the Community Infrastructure Governance document is attached at Appendix 1, with the section on the CIL Cap policy set out at 5.7. This updated main governance document will remove the need for a separate CIL Cap policy to be published on the website as currently.

List of appendices:

Appendix 1 – Community Infrastructure Levy Governance Document

Background papers:

CIL Regulations 2010 (as amended)

Community Infrastructure Levy: The Neighbourhood Cap June 2018

Corporate Implications

Legal/Constitutional: This proposal for the management and governance of surplus Neighbourhood Allocation is considered to be lawful: it is in accordance with the statutory framework (Planning Act 2008 and CIL Regs 2010) and government guidance which regulates the proper operation of CIL.

Financial: Re-allocation of funds from the CIL Cap is within existing held funds.

Potential impact on climate change and the environment: Dependent on the project being funded.

Contribution toward achieving a net zero carbon position by 2030: Dependent on the project being funded.

Personnel: None

Risk Management:

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

Consultees:

Community Funding Panel.

Relevant Policies and Strategies:

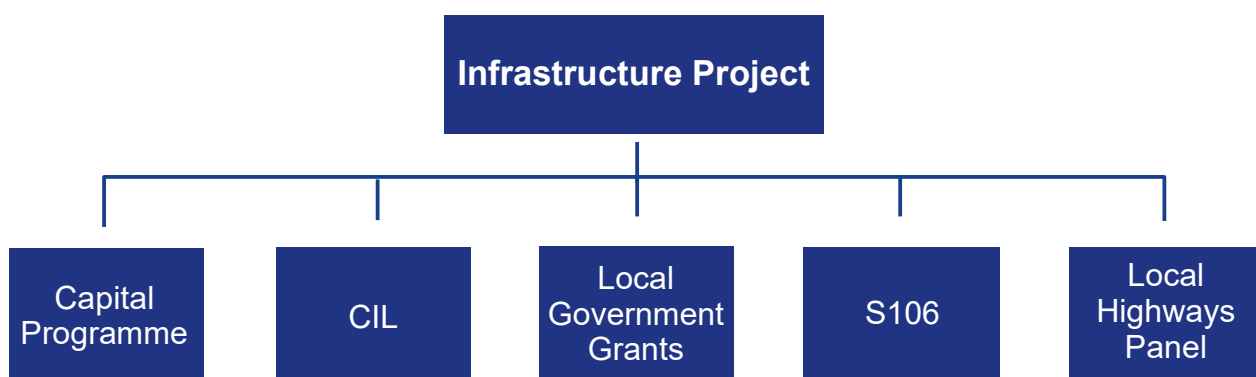
Our Chelmsford Our Plan

Chelmsford Local Plan (May 2020)

1. Introduction

- 1.1 The Community Infrastructure Levy (CIL) is a charge which local authorities can place on developers to help fund infrastructure needed to support new development in their areas. CIL is governed by the CIL Regulations 2010 (amended).
- 1.2 Chelmsford City Council approved the introduction of CIL on 26 February 2014 and started charging on 01 June 2014.
- 1.3 CIL is paid to the Council by developers after their planning permissions commence. Since CIL was implemented, it has become the only significant means by which the Council is able to collect and pool developer contributions to deliver infrastructure improvements.
- 1.4 In Chelmsford, CIL is charged on all residential and retail developments which add one or more new dwelling(s) or more than 100sqm of floor space. The Council's CIL Charging Schedule sets out a levy of £125 per sq.m for residential development, and £87 and £150 per sq.m for retail development, and a zero rating for all other types of development. The CIL rate changes on 01 January each year in line with an index of inflation.
- 1.5 This document details the governance arrangements in place at Chelmsford City Council for the allocation and spending of CIL.
- 1.6 Since adopting CIL, the Council has funded a range of infrastructure projects and these are detailed in the "how we spend CIL" pages published at www.chelmsford.gov.uk/cil
- 1.7 CIL is just one funding stream that can be used, in conjunction with others, to fund infrastructure projects. Alongside CIL, S106 obligations still exist, but generally as one-off agreements to mitigate the impacts of larger developments and to secure on-site developer requirements, such as the provision of affordable housing. Examples of how infrastructure projects can be funded can be seen in Figure 1.

Figure 1 - Funding Streams



2. Statutory Requirements

- 2.1 Under the CIL regulations, Chelmsford City Council will act as the designated Charging Authority. As a Charging Authority the Council has an obligation to:

- Prepare and publish the CIL Charging Schedule
- Determine CIL spend, ensuring it is used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support development of its area
- Report publicly on the amount of CIL revenue collected, spent and retained each year in an annual Infrastructure Funding Statement.

2.2 Chelmsford City Council's CIL Charging Schedule and annual Infrastructure Funding Statement can be found on the Council's website at www.chelmsford.gov.uk/cil

3. What CIL can be spent on

3.1 CIL is pooled into one fund, which can be used for any infrastructure needed to support new development across the Council's administrative area.

3.2 Unlike other obligations or charges, CIL spending does not need to be directly related to the donor development.

3.3 The key points set out by the CIL Regulations and Guidance relating to CIL funding are:

- CIL should be spent on infrastructure, including roads and other transport, schools and other education, community facilities, health, sport / recreation, and open spaces as defined in the Planning Act 2008
- The infrastructure funded must support the development of the area
- CIL can be used to increase the capacity of existing infrastructure or to repair failing infrastructure, if needed to support development
- CIL cannot be used to fund the delivery of affordable housing

3.4 As per the CIL Regulations and Guidance, CIL is proportioned and allocated using the following approach:

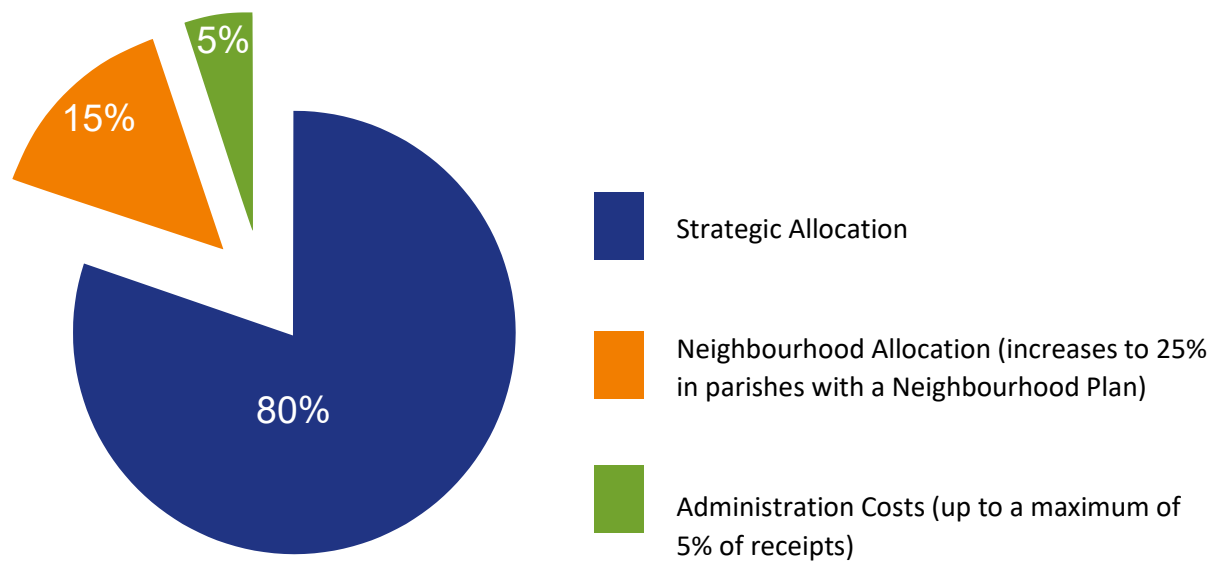
- A maximum of 5% is retained by Chelmsford City Council to cover administrative costs (including consultation on the levy charging schedule, enforcing CIL, legal costs and reporting on CIL activity).
- 15%, known as the Neighbourhood Allocation, is established for spending within the neighbourhood of contributing development (up to a maximum of £100 per existing Council Tax dwelling in areas with a parish or town council). This allocation can either be transferred to the relevant parish council or retained by Chelmsford City Council to be spent on neighbourhood projects where the development is not in a parish. This allocation rises to 25% when a parish has a Neighbourhood Plan in place. Details of currently adopted neighbourhood plans within the administrative boundaries of Chelmsford City Council can be found in the Planning section of the Council's website.
- The remainder (around 80%), known as the Strategic Allocation, is retained by Chelmsford City Council to allocate to strategic infrastructure projects.

3.5 It is very unlikely that CIL will generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development. As such, there will be

competing demands for this funding. It is therefore important to ensure there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way.

3.6 The sections that follow set out the governance arrangements and approach for how decisions are made on the prioritisation and spend of CIL.

Figure 2 – How CIL is allocated in Chelmsford



4. Governance Arrangements - Strategic Allocation

- 4.1 The majority of CIL funds, the Strategic Allocation, are retained by Chelmsford City Council for spending on infrastructure in accordance with the definition in the 2008 Planning Act (section 216).
- 4.2 The spend of CIL receipts will be prioritised for the delivery of infrastructure to support the development set out in the Council's adopted Local Plan and its associated evidence base, including the Infrastructure Delivery Plan.
- 4.3 Inevitably, there will be competing interests for the use of CIL to fund strategic infrastructure priorities and the framework below sets out how the Council will prioritise spend and involve external organisations in this process.

Core principles

- 4.4 In deciding how to allocate CIL funding to strategic infrastructure the City Council will adopt the following core principles:
- Strategic CIL will only be spent on infrastructure projects within the definition of infrastructure as defined in the 2008 Planning Act.
 - In determining how funding is allocated to strategic infrastructure, the City Council will prioritise expenditure taking into account the adopted Local Plan, the Infrastructure Delivery Plan and the Council's capital expenditure priorities. This will be reviewed on an annual basis aligned to the Council's capital programme.
 - External strategic partners (including Essex County Council and NHS England) will be able to submit an expression of interest for project funding through the Council's website, which will be permanently open.
 - For any strategic projects that are the responsibility of the City Council, relevant service areas will be required to submit an expression of interest via a Capital Programme bid.
 - Expressions of interest/business cases will be expected to demonstrate what other sources of funding are being used to support the infrastructure project.
 - Strategic CIL receipts that arise from the Strategic Growth Area in South Woodham Ferrers will be ring fenced to support infrastructure that is required to support the development in that town.
 - Strategic CIL receipts that arise from the Strategic Growth Area in North East Chelmsford (Chelmsford Garden Community) may be used to help fund infrastructure required to support the delivery of Chelmsford Garden Community when it can be independently verified that the cost of infrastructure requirements for the development as a whole, make development unviable.

Supporting Infrastructure Delivered by Chelmsford City Council

- 4.5 The City Council is a core provider of strategic infrastructure within the definition of infrastructure as defined in the 2008 Planning Act. Specifically, it is the provider of sport and

recreation facilities (including museums and theatres), community facilities, open space/public realm and burial and cremation services.

- 4.6 All these facilities are impacted as new development comes forward within the City Council's area. The CIL will therefore be used, where appropriate, to deliver new and improved infrastructure that the City Council has responsibility for as Chelmsford grows.

Supporting Infrastructure Delivered by External Partners

- 4.7 The City Council recognises that infrastructure to support the development of the area is also the responsibility of key external partners, including Essex County Council, the Environment Agency and NHS England.
- 4.8 In prioritising spend, the needs and aspirations of the Council's external partners will be part of the prioritisation process, with a recognition that there will be limits to how much funding can be made available.

Eligibility for Externally Funded Projects

- 4.9 For a project to be considered for CIL funding, the following eligibility criteria must be met:

- The Expression of Interest Form on the Council's website has been completed satisfactorily
- The organisation has the legal right to carry out the proposed project
- The project is clearly defined as 'Infrastructure' as per the CIL Regulations and Planning Act 2008

The Decision Making Process

- 4.10 Funding decisions will be taken by Cabinet. If agreed by Cabinet, stakeholders are informed and funds allocated, subject to completion of a funding agreement.
- 4.11 There may be occasions where the release of additional CIL funds is required for urgent or unforeseen infrastructure requirements. In these cases, a report will be taken to Cabinet for approval for the release of further funds or dealt with, in exceptional circumstances, through the Council's urgency arrangements.

Once the Funding Decision has been made

- 4.12 If a project is successful with its request for funding, the funds will then either be allocated to the relevant Chelmsford City Council service area or transferred to a third party who are responsible for delivering the project (once any funding conditions have been met). All approved schemes will be shown within the Council's Capital Programme. If funds are to be transferred to a third party, a legal funding agreement will be signed. Successful applicants of CIL funding are expected to maintain communication with Chelmsford City Council on the progress of their project after a decision has been made to provide funding. Where funding has been agreed 'in principle' or where staged payments are agreed, the scheme applicant is expected to provide information to justify funding being transferred.
- 4.13 Applicants should continue to provide information until the scheme has been completed and all CIL funding has been spent. At 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 forms part of the agreement that the successful applicant is required to sign between themselves and Chelmsford City Council.

5. Governance Arrangements – Neighbourhood Allocation

5.1 One of the purposes of CIL is to encourage communities to support growth and recognise that development can bring clear and identifiable benefits to an area.

5.2 CIL places a responsibility on Chelmsford City Council to pass CIL monies to local neighbourhoods. This equates to 15% of CIL collected having to be spent locally.

5.3 The Neighbourhood Allocation of CIL can be used much more widely than the Strategic Allocation, provided it supports:

- The provision, improvement, replacement, operation or maintenance of infrastructure; or
- Anything else that is concerned with addressing the demands that development places on an area.

Parished Areas

5.4 In parished areas, 15% of CIL receipts from development within the parish will be transferred from Chelmsford City Council to the town or parish council. This allocation rises to 25% when a parish has a Neighbourhood Plan in place. This is capped at a maximum of £100 per existing council tax dwelling in each financial year, adjusted annually by an index of inflation.

5.5 The Neighbourhood Allocation will be transferred to the town or parish council every six months, at the end of October and at the end of April.

5.6 To ensure transparency, town and parish councils are required to produce an annual report detailing their total CIL receipts, total CIL expenditure and total amount of CIL payments retained at the end of the reported year. Town and parish councils must publish this report on their website or on Chelmsford City Council's website.

5.7 If a parish or town council is due more money than the cap allows, the amount that cannot be transferred to the parish or town council will be retained by Chelmsford City Council as the CIL Cap Balance, and be spent according to the following governance principles:

- The CIL Cap Balance can only be spent on identified capital projects in the wards that immediately adjoin the Parish where the development has taken place, within the Parish itself, or within a Ward or Parish impacted by the development from which the CIL receipts arose
- The CIL Cap Balance should be spent on identified CCC capital projects, meeting the definition of infrastructure set out within the CIL Regulations
- The CIL Cap Balance shall be overseen by the Community Funding Panel and aligned with the role of the Panel as set out in the Constitution, whereby any expenditure over £10,000 is referred to Cabinet for decision
- Planned expenditure of the CIL Cap should be aligned to the capital bid process.

Unparished Areas and the Community Funding Scheme

- 5.8 In Chelmsford's unparished areas, the 15% Neighbourhood Allocation is administered by the City Council. It must be spent by the Council to support the development of the unparished areas. The Council retains 85% of this Neighbourhood Allocation to spend on capital projects within the unparished areas.
- 5.9 The Council has set up the Community Funding Scheme to review and distribute the remaining 15% of the Neighbourhood Allocation in unparished areas.
- 5.10 Voluntary and community organisations working within or for the benefit of Chelmsford's nine unparished wards, responding to the infrastructure needs linked to new developments (as detailed in the CIL regulations) can apply for this element of the Neighbourhood Allocation of CIL via the Community Funding Scheme.
- 5.11 For the purpose of the Neighbourhood Allocation of CIL, the nine unparished wards are considered as one geographical area.
- 5.12 Organisations interested in the Community Funding Scheme can submit an online form with information about the organisation requesting funding, a breakdown of costs and risks, as well as details of how the project aligns to the Council's corporate priorities.

The Decision Making Process

- 5.13 If the funding request is less than £10,000, Council officers will review the application and consult the Community Funding Panel. The membership of the Community Funding Panel is set out in the Council's constitution. Decisions are made by officer delegation in consultation with the Community Funding Panel and where agreed, the relevant parties will be informed, and funds will be allocated once any funding conditions have been met.
- 5.14 For projects requesting funding over £10,000, Council officers will review the application and make recommendations to the Community Funding Panel.
- 5.15 The Community Funding Panel will review the proposals received and make recommendations which will go forward to Cabinet. If agreed by Cabinet, the relevant parties will be informed, a funding agreement will be put in place and funds will be allocated once any funding conditions have been met.

Once the Funding Decision has been made

- 5.16 If a project is successful with its request for funding, the funds will then either be allocated to the relevant Chelmsford City Council service area or transferred to a third party who are responsible for delivering the project. If funds are to be transferred to a third party, a legal funding agreement will be signed, and terms and conditions must be met. It is expected that the Community Funding Panel will receive updates on the progress of the project(s).
- 5.17 Unsuccessful projects will receive feedback detailing why the request for funding was unsuccessful and, if appropriate, details of what information or actions are required to secure a future positive result.

6. Monitoring and Review Arrangements

- 6.1 Chelmsford City Council is committed to ensuring the use of CIL is open and transparent. The Council is required to produce an annual Infrastructure Funding Statement that includes both CIL and S106 funding revenues and spend.

- 6.2 Chelmsford City Council will continue to monitor the operation and implementation of CIL.
- 6.3 If you have any questions about this guidance, or CIL generally, please contact Chelmsford City Council at cilenquiries@chelmsford.gov.uk or call 01245 606817.

Appendix 1 – Chelmsford Unparished Areas

[To be inserted by VW]

Appendix 3

Community Infrastructure Levy Cap

Background

1. The Community Infrastructure Levy (CIL) is a charge which can be applied by local authorities to new development in their area. Its purpose is to provide local authorities with a mechanism through which funding can be collected to support development in the area.
2. Chelmsford City Council implemented the Community Infrastructure Levy on 1st June 2014.
3. In Chelmsford, CIL is charged on new residential and retail development, with the bulk of the receipts collected being from new residential development. The levy is charged at a rate per m², which each year is indexed linked. The current rate (2026) per m² is £210.08 for new residential development.
4. The legal framework for the Community Infrastructure Levy is set out in the CIL Regulations 2010 (as amended). This sets out the principles for the governance of the expenditure of the levy.

Expenditure of CIL

5. CIL can be used to fund a wide range of infrastructure, and local authorities must spend the levy on infrastructure needed to support the development of their area. It is for the local authority to decide what infrastructure is needed.
6. The majority of CIL is used to fund strategic infrastructure projects which must meet the definition of infrastructure under the Planning Act 2008. This includes, but is not limited to roads, transport, flood defences, schools/education, health facilities, sport/recreation, and open spaces. This is known as the **strategic portion/allocation**.
7. The Regulations require the CIL charging authority to pass a proportion of CIL receipts from development within a parish to the relevant Parish Council. Where there is no adopted Neighbourhood Plan, this proportion is 15%; where a Neighbourhood Plan is in place, the proportion increases to 25%. This is referred to as the **neighbourhood portion (or neighbourhood allocation)**. Payments are made to Parish Councils twice yearly, based on CIL receipts collected during the financial year: in October for receipts collected between April and September, and in April for receipts collected between October and March.

8. The purpose of the **neighbourhood portion/allocation** is to improve infrastructure in the neighbourhood addressing the demands that development places on an area that is impacted by the development.
9. Communities without a parish or town council can still benefit from the neighbourhood allocation. In these circumstances it is for the charging authority to retain these receipts, engage with local communities and agree how best to spend the funding. In Chelmsford this is relevant to the nine unparished urban wards.
10. The Regulations do not specify the process for agreeing how the neighbourhood portion should be spent, but there is greater flexibility afforded to how expenditure can be applied (this applies to both Parish Councils and in the nine unparished wards):
 - The provision, improvement, replacement, operation or maintenance of infrastructure; or
 - Anything else that is concerned with addressing the demands that development places on an area
11. The City Council (Cabinet November 2023) agreed that within the nine unparished wards 85% of the neighbourhood allocation be used to fund City Council capital projects, with the remainder available for community organisations to apply to under the Council's Community Funding Scheme.

The CIL Cap

12. The Regulations place a limit on how much neighbourhood CIL can be passed to a Parish Council in each financial year. That limit is set at not exceeding an amount equal to £100 per dwelling in the area of the Parish each financial year. The £100 is indexed linked each year. Locally this is referred to as the CIL Cap. If the Parish has a neighbourhood plan, the CIL Cap does not apply.
13. The Regulations do not set out how charging authorities should manage any retained receipts where a Parish Council reaches the limit it is able to receive in any one financial year based on the CIL Cap. It is therefore for the CIL charging authority to set out its approach.

The approach to the CIL Cap in Chelmsford

14. The City Council adopted its approach to governing the expenditure of the CIL Cap in 2018 and this policy has been in place since then.
15. The approach is set out at paragraphs 3.1 to 3.7 of that document. It sets out a process that requests applications/expressions of interest for funding from the Parish Council and Non Parished Neighbourhood Groups. Specifically, paragraph 3.5 states:

3.5 Neighbourhoods which are invited to express an interest for the surplus CIL monies can include both Parish Councils and the Non-Parished Neighbourhood Groups. **However, bids can only be made for projects which are in the vicinity of the development in which the CIL money was originally collected.** This means that only Parishes and Non-Parished Neighbourhood Groups surrounding the development will specifically be invited to express an interest in the surplus CIL monies.

16. This approach did not generate a sufficient range of suitable and deliverable projects, and as a result there remains an unallocated balance.

17. The 2018 policy did also allow for unspent CIL Cap funds to be returned to the CIL strategic pot (paragraph 3.16), but this has not been implemented, and the unallocated balance has been retained for neighbourhood expenditure.

18. The policy change outlined in the report to Cabinet of 27th January 2026 is primarily designed to enable the City Council to align the funding to identified City Council capital projects, alongside the capital programme process. By definition, any project, wherever located, would need to be a project that the City Council can deliver. The policy is set out as below:

- The CIL Cap Balance can only be spent on identified capital projects in the wards that immediately adjoin the Parish where the development has taken place, within the Parish itself, or within a Ward or Parish impacted by the development from which the CIL receipts arose
- The CIL Cap Balance should be spent on identified CCC capital projects, meeting the definition of infrastructure set out within the CIL Regulations
- The CIL Cap Balance shall be overseen by the Community Funding Panel and aligned with the role of the Panel as set out in the Constitution, whereby any expenditure over £10,000 is referred to Cabinet for decision
- Planned expenditure of the CIL Cap should be aligned to the capital bid process.

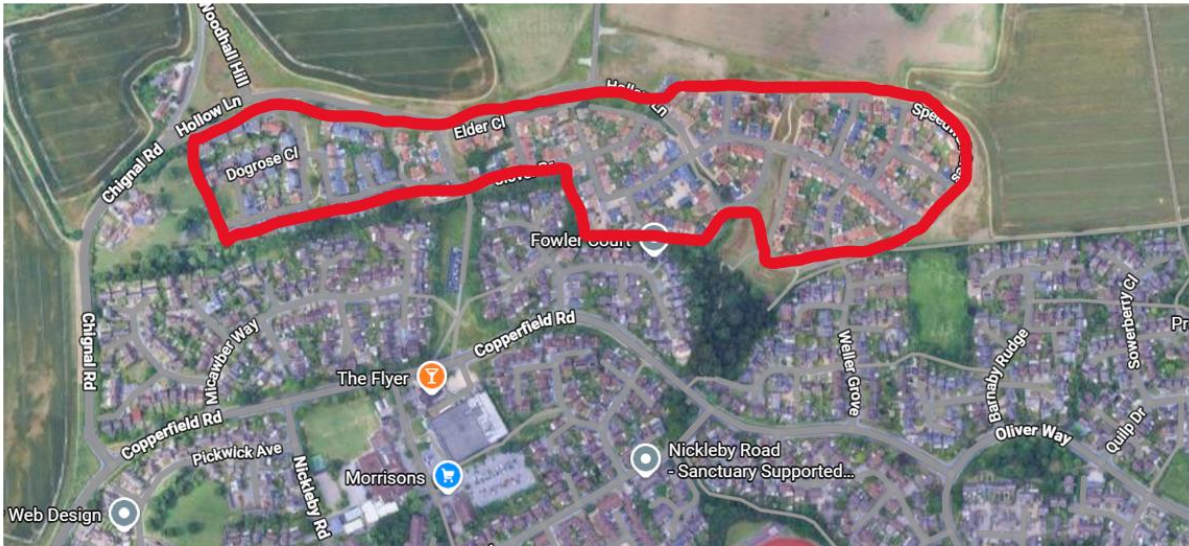
19. This Policy change was drafted to be able to be applied to possible future scenarios, which whilst they don't exist now, could do so in the future. However, the principal change was to enable the City Council to determine spend against its capital programme, and is not a process against which Parish Councils or Neighbourhood Groups could bid or apply to, which had proved to be an unsuccessful approach previously.

The position in relation to the Parish of Chignal

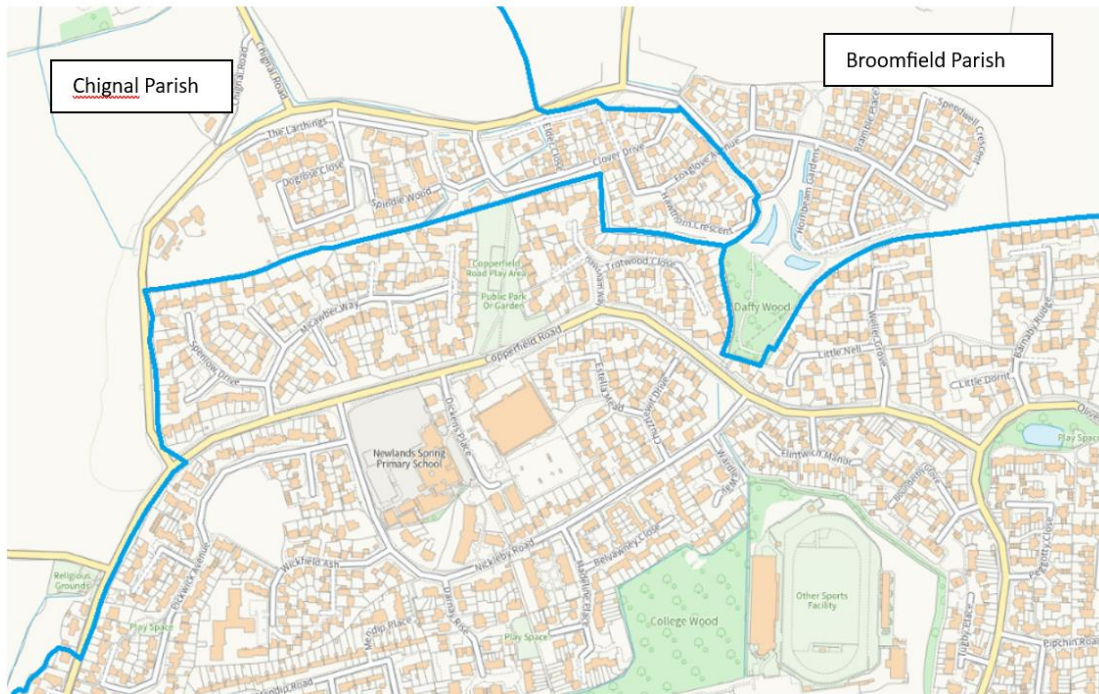
20. In 2015 and 2017 planning permission was granted for 258 new homes on the Northwestern edge of Chelmsford's urban area - 60 homes under planning application number 14/00976/FUL, Countryside Properties and 198 homes under planning application numbers 14/01672/OUT and 17/00189/REM, Persimmon Homes.

21. These developments are shown together edged red below, together with a further plan that shows the parish boundaries in this location. Together they are an urban extension to northwest Chelmsford.

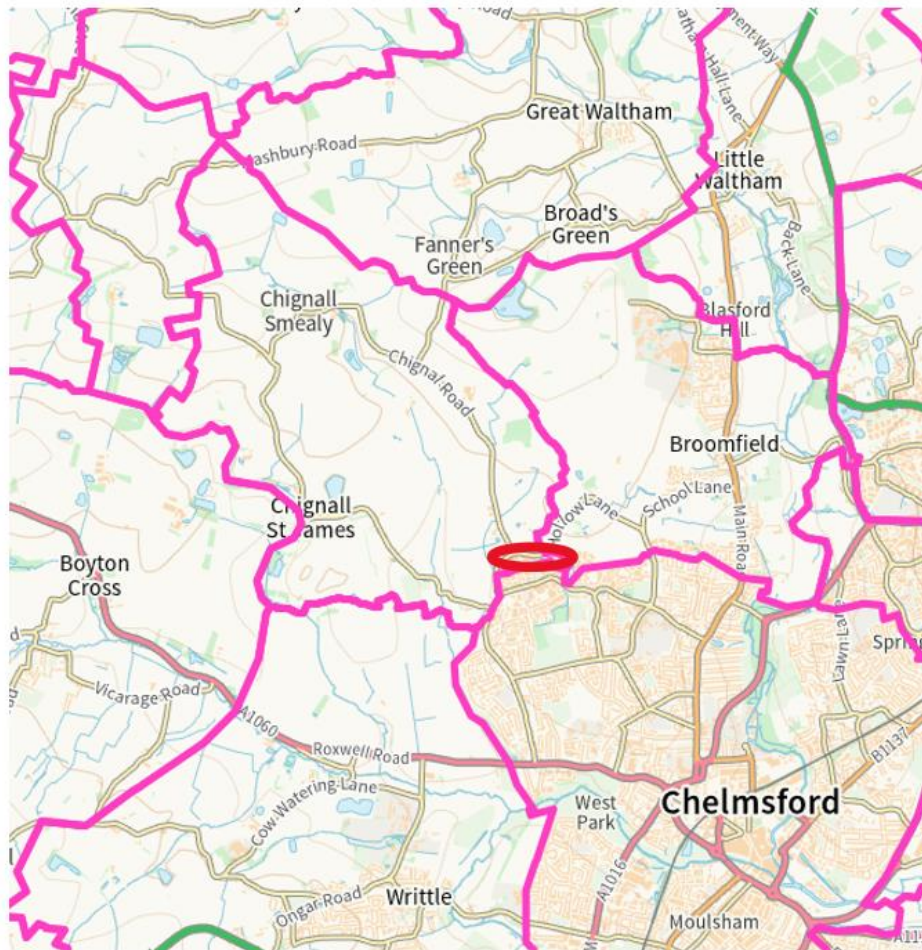
Plan 1: Extent of development area 14/00976/FUL, 14/01672/OUT and 17/00189/REM.



Plan 2: Chignal and Broomfield Parish Boundaries



Plan 3: Parish Boundaries, including Writtle, Great Waltham, Broomfield and Chignall



22. As the developments were located partly in the Parish of Chignall, and given the number of existing dwellings in that Parish, the Parish Council was limited to the amount of CIL receipts it could receive in the relevant financial years under the CIL Regulations.
23. This resulted in a sum of circa £160,000 (the CIL Cap) from the neighbourhood allocation being retained by the City Council, of which £46,000 has already been allocated. The remaining unallocated balance is therefore £114,000.
24. Given the spirit and intention of the CIL Regulations in relation to the neighbourhood allocation portion, in that it is for infrastructure in the neighbourhood impacted by the development it is logical that the residents of these new homes are predominantly part of the community of urban Chelmsford in terms of their access to community infrastructure - education, open space, leisure/sport, community facilities, health and public transport, and specifically northwest Chelmsford.

25. While there may be some indirect links or impacts on Great Waltham, Broomfield and Writtle, allocating neighbourhood CIL to those areas would be inconsistent with the intention of the CIL Regulations. The neighbourhood portion is intended to fund infrastructure in the community to address the demands that development places on an area, and where the impact is greatest.
26. Each of these Parishes continues to receive its own neighbourhood CIL allocation and can decide how to spend it, provided expenditure complies with the CIL Regulations.
27. A summary of the CIL neighbourhood allocation transferred to Chignal, Gt Waltham, Writtle and Broomfield Parish Councils under the requirements of the Regulations is set out below:

Parish	CIL transferred since implementation of CIL in 2014
Broomfield	£351,297.25
Chignal	£124,034.52
Gt Waltham	£39,926.70
Writtle	£78,670.07