

# Championing archives and libraries within local planning

Guidance for  
archives and  
libraries

June 2019

Arts Council England in partnership  
with The National Archives

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# 1. Foreword

## Placing archives and libraries at the heart of local planning

The archive and library sectors have a long tradition of inspiring and enabling individuals and communities to explore their local area's history and heritage, engage in its present and influence its future. From group activities and events to individual research, archives and libraries can link people with their surroundings in deeply personal and meaningful ways.

At The National Archives we recognise the common ground shared by archives and libraries in creating better places to live. Collective advocacy can enable archives and libraries to play a greater role in the development of their local areas. We want all archives and libraries to be represented in their communities.

As the population grows and demand for housing increases, we want to see archives and libraries being part of local infrastructure development decisions. In order to realise this ambition we have been working in partnership with the Arts Council England libraries team to develop and Produce this guide on championing archives and libraries within local planning.

By working strategically with the library sector we aim to support colleagues at both pragmatic and strategic levels. The updates on changes to the planning frameworks provide an insight into the potential opportunities for both archives and libraries to realise benefits for themselves and the communities they serve.

Crucially, the guidance also comprises a springboard from which both sectors can work in partnership to raise awareness of the contribution archives and libraries can make to local planning issues, undertake high level advocacy and influence key stakeholders going forward.

### Val Johnson

Director of Research and Collections  
The National Archives

## Libraries, archives and place shaping

Arts Council England and The National Archives have commissioned this report to provide guidance for public libraries and archives on influencing local authority planning. Libraries and archives have benefited from planning support through Section 106 funding for many years. This is because they are seen as playing an important role in establishing a community and in contributing to the place shaping agenda.

### What do we mean by place shaping?

Place shaping as an idea is a reaction to the current model where local government agendas are defined by central government. This can result in service provision that does not meet the needs of specific communities as one size cannot fit all. In July 2017, Arts Council England published a report compiled by Shared Intelligence on the contribution that public libraries make to place shaping. 'Rewriting the Story: The Contribution of Public Libraries to Place Shaping' examines the role that five library services serving five very different communities play in contributing to this agenda.

People feel that libraries enhance and enrich their community and their area; estate agents point to them in their brochures as a contributory factor in influencing people to choose a particular neighbourhood in which to settle. They are perceived to be safe, neutral and trusted spaces, free from political agendas and able to give unbiased but verifiable information on major topics. Libraries reach all sections and demographics within the community.

Arts Council England and The National Archives recognise the role they have to play in brokering partnerships and raising awareness at a national level. Using its convening power and its role as the development agency for public libraries, Arts Council England will continue to work with key sector stakeholders such as Libraries Connected and CILIP to support libraries in engaging with planning processes. We are aware that, as planning regulations are constantly being updated, this is an ever-changing landscape and we are keen to keep this area alive and up to date.

We have agreed to work collaboratively with The National Archives in response to the recommendations in this report, undertaking high level advocacy within the Local Government Association (LGA) and the Planning Advisory Service (PAS). Wherever possible, we will undertake 'single conversations' with local authorities and the LGA and review existing documentation to ensure it is relevant and fit for purpose.

### **Sue Williamson**

Director: Libraries  
Arts Council England

# 2 ● Introduction

This guide is intended for anyone working within or with library and archive services. It aims to provide you with information about the planning process. Understanding the operating context of planning can help you to influence decision-makers and ensure your library or archive (or both) are considered in future neighbourhood planning activities.

A survey of archive and library staff undertaken in late 2018 noted that most respondents had some level of engagement with planning departments. However, the majority of respondents to this survey either didn't know or stated no to the question 'Is your library and/or archive included within a local neighbourhood plan?'

In addition to this, most survey respondents stated that they had not received any funding through developer contributions (Community Infrastructure Levy or S106) within the last five years.

This guide aims to raise awareness of the planning process and enable library and archive staff to broker discussions with planners and others across the council responsible for infrastructure developments.

Libraries and archives have a vital role to play in defining their areas, giving communities a sense of space and purpose. One way to make sure this continues is to ensure libraries and archives are being considered early on in any wider local development plans.

Funding through developer contributions can never cover the core costs of library and archive services. They are a means by which a council can offset the impact of new housing and other developments on a local area and its infrastructure.

Of course, libraries and archives are a core component of local infrastructure and should be considered as part of wider regeneration and development plans. Through effective engagement early on in the planning process, libraries and archives can influence the planning decisions which shape towns, cities and villages across the country.

This guide outlines information about:

- The national planning context
- Local and neighbourhood plans
- Developer contributions: Community Infrastructure Levy (CIL) and Section 106 (S106)
- Archives, libraries and planning: engagement to date

It includes updates on planning frameworks nationally and was developed following consultation with the library and archive sectors.

It builds on an earlier guide to CIL and S106 for museums and archives which was commissioned by The National Archives and the London Museum Development team in 2017. This 2019 guide also draws on guidance from the Planning Advisory Service (PAS) and the 2013 Town and Country Planning Association's (TCPA) 'Improving Culture, Arts and Sporting Opportunities through Planning. A Good Practice Guide'.

The TCPA good practice guide is recommended as accompanying reading to this guide. It highlights how culture, arts and sport can be used to meet local planning needs. The guide also includes useful checklists and specific guidance for libraries, archives and museums.

Historically, libraries and archives have primarily benefited from S106 developer contributions. While CIL has been in existence for a number of years there are limited examples at present of library or archive developments which are supported by CIL. Therefore, the libraries and archives referenced in this document refer to examples of projects which were supported mainly by S106 contributions.

This is not a static area. Arts Council England and The National Archives are aware that some library and archive services are in the planning stages of projects which involve CIL developer contributions. If you are working on a CIL supported project and would like to share your experience please contact:

The National Archives:  
asd@nationalarchives.gov.uk

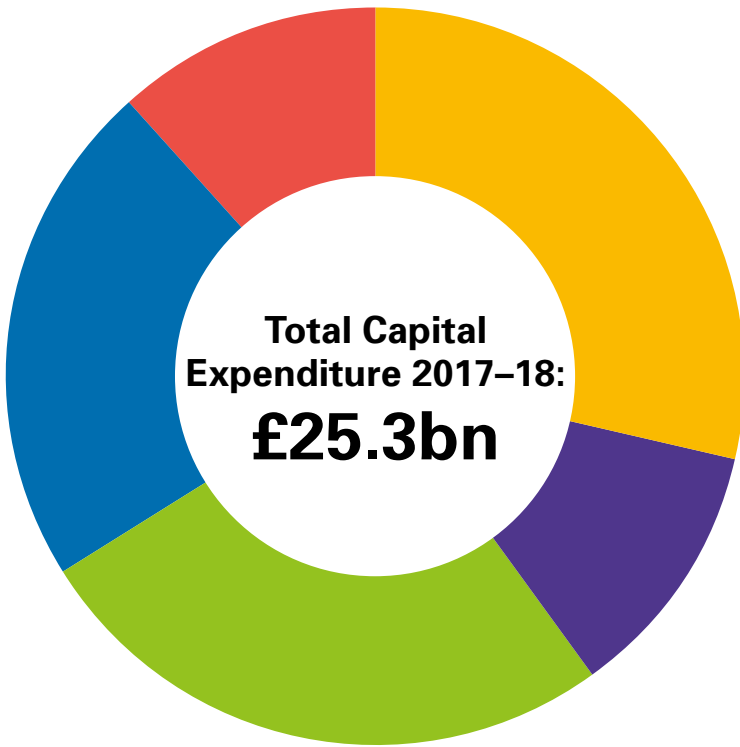
Arts Council England:  
enquiries@artscouncil.org.uk or 0161 934 4317

## Capital expenditure and financing

It is worth bearing in mind the wider context for capital expenditure and financing in local authorities across England. This informs the decisions of local planners and decision makers within local authorities. The data presented below is based on the Ministry of Housing Communities and Local Government's 'Local Authority Capital Expenditure and Receipts, England: 2017-18 Final Outturn' report.<sup>1</sup>

The report notes that capital expenditure in England covers a range of areas of which culture and related services accounts for 4% of the overall expenditure.

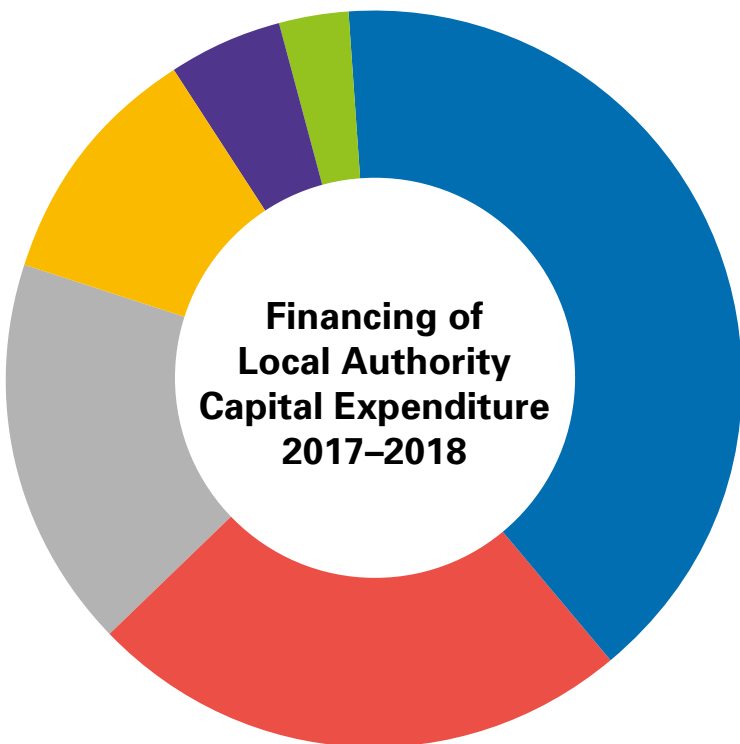
<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/748292/Local\\_Authority\\_Capital\\_Expenditure\\_and\\_Receipts\\_\\_England\\_2017-18\\_Final\\_Outturn.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/748292/Local_Authority_Capital_Expenditure_and_Receipts__England_2017-18_Final_Outturn.pdf)



- Trading (e) £2,887
- Housing £5,629
- Other £7,278
- Highways & Transport £6,612
- Education (a) £2,858

\*Other category includes: Social care, Public Health, Culture & Related services, Environmental, Planning & Development, Police, Fire & Rescue and Central services

Total financing for local authority capital expenditure was £25.1 billion for 2017/18. Grants from private developers (contributions) and leaseholders made up just 5% of this overall total.



- Total prudential borrowing 40%
- Grants from central government departments 24%
- Total revenue resources 17%
- Total capital receipts 11%
- Grants from private developers & Leaseholders etc 5%
- Other capital grants 3%

# 3 National Planning Policy Framework

Archives and libraries are well positioned to support the delivery of cultural well-being and are often providing vital services to communities. It is useful to be aware of this context in discussions with planning advisors.

The National Planning Policy Framework (NPPF)<sup>2</sup> sets out the Government’s planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

The NPPF must be taken into account in the preparation of local development plans. This includes local and neighbourhood plans and any spatial development strategies produced by combined authorities or elected mayors (as is the case in London).

The NPPF is the sole government planning policy guidance document. It consolidates and replaces previous government guidance such as Planning Policy Statements and Planning Policy Guidance Notes.

Sustainability is a golden thread within NPPF. The framework covers all aspects of planning and development, specifically:

- Plan-making
- Decision-making
- Delivery of new homes
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport

- Supporting high-quality communications
- Making effective use of land
- Achieving well-designed places
- Protecting Green Belt land
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment
- Facilitating the sustainable use of minerals

Within the section on ‘Promoting healthy and safe communities’, the framework suggests that local authorities should aim to provide planning policies and the social, recreational and cultural facilities and services the community needs, and that decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, and social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;

<sup>2</sup> National Planning Policy Framework, 2019



- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.<sup>3</sup>

The chart below highlights the relationship between National Planning Policy, local development plans, Community Infrastructure Levy (CIL), planning permission and implementation of CIL and Section 106.

<b>National Planning Policy and Guidance</b>	<ul style="list-style-type: none"> <li>• National Planning Policy Framework (2019)</li> <li>• Set of national policies covering the economic, social and environmental aspects of development</li> <li>• Local plan, Joint Plans, Spatial Development Strategies (Mayor), Neighbourhood plans</li> <li>• Supporting guidance (eg. Supplementary Planning Documents)</li> <li>• Requirement for robust evidence base eg. Infrastructure Development plan</li> </ul>
<b>Local Policy Development Plans</b>	<ul style="list-style-type: none"> <li>• Local plan, Joint Plans, Spatial Development Strategies (Mayor), Neighbourhood plans</li> <li>• Supporting guidance (eg. Supplementary Planning Documents)</li> <li>• Requirement for robust evidence base eg. Infrastructure Development plan</li> </ul>
<b>Community Infrastructure Levy</b>	<ul style="list-style-type: none"> <li>• Development, implementation and governance of CIL</li> <li>• Linked to local plan (justified through robust evidence)</li> <li>• Determined in accordance with national and local policy</li> <li>• Secure developer obligations where necessary through Section 106 agreements (where development is of a relevant scale)</li> <li>• Payment of CIL on commencement of development</li> </ul>
<b>Obtaining planning permission</b>	<ul style="list-style-type: none"> <li>• Determined in accordance with national and local policy</li> <li>• Secure developer obligations where necessary through Section 106 agreements (where development is of a relevant scale)</li> <li>• Payment of CIL on commencement of development</li> </ul>
<b>Governance of CIL and Section 106</b>	<ul style="list-style-type: none"> <li>• Spend and delivery must be in accordance with S106 agreement or for CIL infrastructure to support development which links back to local plan.</li> </ul>

Image credit: Planning Advisory Service, January 2019

<sup>3</sup> National Planning Policy Framework, 2019

# 4 ● The Local Plan

## The Local Plan

Local authorities are required to produce a Local Plan for the development and use of land. The Local Plan should span a 15 to 20 year period and include information on sites identified for development and guidelines on planning permission. All decisions on planning applications are should be made in accordance with policies and strategic priorities which are outlined within the Local Plan. Local Plans must be supported by a proportionate evidence base and must conform with requirements set out in the NPPF.

Your ability to influence the Local Plan will depend in part on how far in development it is. Early engagement will be of greater benefit than waiting to respond to a draft consultation. In other words, get in early, don't wait for the point at which developer contributions are sought (CIL and S106). Ensure your library and archive is referenced within the wider strategic framework for local development. The Local plan should align with the council's corporate strategies and priorities.

In London, the boroughs' local development documents have to be 'in general conformity' with the London Plan, which is also legally part of each borough's development plan.

## Case study 1: Kent archives and library centre

### Engaging developers and council members in the creation of a combined library and archive service.

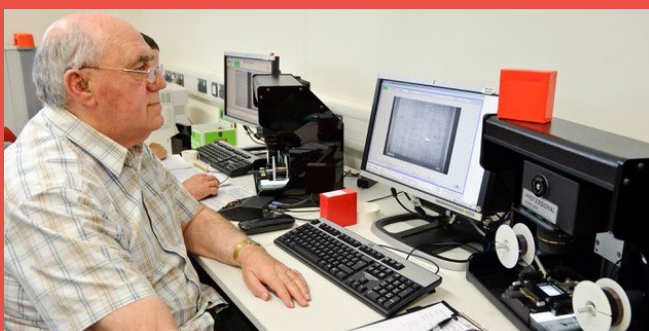
Kent County Council's History and Library Centre's landmark building in Maidstone was built on unused Kent County Council land. It brought library and archive services together in one central location. Through the project, four separate services – Maidstone and County Central Public Libraries (including the headquarters function), East Kent Archives, the archive collection at Kings Hill, and the Centre for Kentish Studies – were relocated to the new History and Library Centre, including all associated staff, archives, and files.

The new building opened to the public in April 2012 and was officially launched by HRH The Duke of Kent in December 2012.

The main driver for the project was to consolidate the county archives and staff from three centres into one central location. Furthermore, the existing archive facilities at the Centre for Kentish Studies in County Hall were no longer fit for purpose and needed modernisation.

## Case study 1: (continued)

The Kent History and Library Centre provides a new, modern fit-for-purpose building. It delivers integrated, open and accessible provision for both Kent archives (including a public search room, a conservation studio, and strong rooms to house 14 kilometres of archives and records dating back to 699 AD) and Maidstone Public Library which includes 40,000 books, DVDs, 25 computers with free internet access, Wi-Fi, and IT assistance provided by volunteers. An extensive range of local and family history resources (such as maps, photographs, books and online resources) are available with self-service book issue and return, a photocopier, scanner and a print magnifier. In addition



to birth and death registration, the centre provides facilities for book groups and author events, community activities and volunteering opportunities.

The total cost of the project was £12.25 million, including the build and fit-out. The cost was largely met from the sale of the sites that were vacated, plus additional Section 106 funding from the Council. Key partners included Housing 21 and West Kent Housing, who provided social housing and whose involvement was crucial to the development to make it financially viable.

Kent Libraries, Registration and Archives. Photos © David Cosens

## Outcomes

- Political will was vital in achieving the goal of creating an exciting new History and Library Centre for Kent. Council members were committed to achieving the ambition for a new County archive and town centre library for Maidstone, in line with Kent County Council's corporate priorities.
- A key benchmark of performance is that our satisfaction rates that have increased by 95% in 2011 and 97% in 2018. Satisfaction with quality and appropriateness of staff advice has increased from 98% in 2011 to 100% in 2018.
- The Kent History and Library Centre building achieved a 'Very Good' BREEAM building sustainability rating.
- The archive service has now attained a key goal of achieving archive accreditation from The National Archives. The service has also begun to digitise key areas of the collections to further enhance the reach of the archives beyond Maidstone.

# 5 ● Neighbourhood planning

Neighbourhood planning was introduced through the Localism Act in 2011. It allows local communities and business districts to develop statutory neighbourhood planning documents. These can be adopted by the local planning authority as part of the statutory Local Plan, and it will be used for making decisions on planning applications. It is an important and powerful tool that gives communities statutory powers to shape how their communities develop.<sup>4</sup>

Groups such as Local Enterprise Partnerships (LEPs), Local Nature Partnerships (LNPs), health and wellbeing boards, clinical commissioning groups and cultural and leisure groups play an important role in neighbourhood planning.

This new statutory level of planning for community groups and businesses provides an opportunity for area-focused planning. Neighbourhood planning can be a powerful tool in delivering culture, arts and sports facilities in the local area if all the key stakeholders are involved and communities are sufficiently resourced to undertake the preparation process. It can also lever in additional money from developments through the Community Infrastructure Levy (CIL). (In parish areas where a neighbourhood plan is in place the CIL charging authority must pass on 25% of CIL funds resulting from the grant of planning permission in the neighbourhood plan).<sup>5</sup>

Examples of where CIL funds have been used through neighbourhood plans include:

- Keats Community Library, Hampstead (£12,850)
- Kensal Rise Community Library, Brent (£95,500)
- Cricklewood Library, Brent (£93,996)
- Preston Community Library, Brent (£267,983)<sup>6</sup>

The funds were allocated to capital costs of repair, refurbishment and equipment.

<sup>4</sup> Locality, Neighbourhood Planning, <https://locality.org.uk/services-tools/neighbourhood-planning/>

<sup>5</sup> TCPA, <https://www.tcpa.org.uk/culture-guidance>

<sup>6</sup> Planning Advisory Service

# 6 ● Developer contributions

Developer contributions are contributions from developers which are assigned to local infrastructure. They are collected primarily through two mechanisms:

- Section 106 planning obligations
- Community Infrastructure Levy

## **S106 planning Obligations**

Section 106 of the 1990 T&CPA gives the right to negotiate obligatory contributions that are necessary to grant planning permission and are secured through a legal agreement.



## **Community Infrastructure Levy (CIL)**

Introduced in 2008 Planning Act and cil regulations 2010 (as amended) to supplement S106. Fixed charge(s) based on viability of development types in different areas. Must mostly be spent on delivering infrastructure to support development in an LPA's area.



## **Developer contributions**

to support development and deliver infrastructure.

Image credit: Planning Advisory Service, January 2019

## Case study: Nottinghamshire County Council and Inspire

### Maintaining and developing strong libraries

Nottinghamshire County Council has a statutory responsibility under the terms of the 1964 Public Libraries and Museums Act, to provide ‘a comprehensive and efficient library service for all persons desiring to make use thereof’.

In Nottinghamshire, public library services are delivered through a network of library buildings and mobile libraries, under contract with Inspire: Culture, Learning and Libraries, a non-profit organisation. These libraries are at the heart of the communities. They provide access to books and DVDs, a wide range of information services, the internet, Wi-Fi, and delivery of a wide range of cultural, heritage and learning programmes and activity.

The County Council has a commitment to maintain and develop a strong libraries network across the County and confirms the purpose of libraries as being places that aim to be at the heart of

Nottinghamshire’s community life and that offer facilities to:

- Inspire the enjoyment of books and reading
- Create knowledge through access to learning, information and local heritage
- Stimulate and encourage cultural activities
- Offer excellent and inclusive customer service for all every time

The County Council has a clear vision that its libraries should be:

- Modern and attractive
- Located in highly accessible locations
- Of suitable size and standard for intended users

Therefore, contributions from developments which place demand on library services are required in order to maintain this statutory responsibility and vision for libraries.

The table below outlines how contributions are calculated and what they can be used to pay for. Further details are available in the Planning Obligations Strategy.



<p><b>What contributions could pay for</b></p>	<p>Construction and fit out costs of extensions/alterations to existing libraries, and stock costs.</p>
<p><b>Type and size of development which may trigger need</b></p>	<ul style="list-style-type: none"> <li>• Residential (including student accommodation) of over 50 dwellings. May trigger a requirement for a contribution</li> <li>• Where new development generates a need for additional library provision, a contribution will be required</li> <li>• The need for a contribution will be established by comparing the current capacity of the library and population it serves against the number of people likely to be generated by the new development</li> <li>• Where the existing library’s capacity would be exceeded, a contribution will be required</li> </ul>
<p><b>How are the costs calculated and what are they?</b></p>	<p>Where new development places demands on the library above its physical capacity, ie a new library or an extension to an existing facility is required, the following standard build cost charges (including stock) will be applied:</p> <ul style="list-style-type: none"> <li>• Building costs linked to the RICS BCIS Tender Price Index and new build prices</li> <li>• Fitting out costs including furniture and technology based upon current fitting out costs of new provision in Nottinghamshire</li> </ul> <p>Where such a contribution is required the cost will be determined at the time of the planning application and will be subject to negotiation with the developer.</p> <p><b>Stock costs only:</b></p> <p>Where a library building is able to accommodate the extra demand created due to a new development but it is known that the stock levels are only adequate to meet the needs of the existing catchment population, a ‘stock only’ contribution will be sought.</p> <p>The National Library standard upper threshold cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £10 per stock item (based on Askews Library Services book prices at September 2017), the costs for the provision of stock only is as follows:</p> <ul style="list-style-type: none"> <li>• £35.24 per dwelling (based on 2.3 occupants per dwelling).<sup>8</sup> When contributions for stock are sought they will be calculated as follows:             <ul style="list-style-type: none"> <li>o Number of dwellings x 2.3 per dwelling = Number of people generated by the development</li> <li>o Number of people generated by development x 1.532 (items per 1,000 population) x £10 (cost per stock item)</li> </ul> </li> </ul>
<p><b>Form in which contributions should be made</b></p>	<p>Land, where required, and either the costs of construction of buildings to the County Council’s specification and fitting out costs including initial book stock and IT, or contributions towards stock increases.</p>

Credit: Nottinghamshire County Council, Planning Obligations Strategy.

# 7 ● Section 106

Section 106 (S106) planning obligations allow for the provision of local infrastructure on the site of a proposed development. It aims to reduce the impact of the development within the site identified. S106 obligations remain in use alongside CIL and they are commonly used to support affordable housing. However, they can also be used to:

- restrict the development or use of the land in any specified way
- require specified operations or activities to be carried out in, on, under or over the land
- require the land to be used in any specified way; or
- require a sum or sums to be paid to the authority (or, to the Greater London Authority) on a specified date or dates or periodically.<sup>7</sup>

The details of S106 agreements are outlined within a planning obligation:

‘The planning obligation is a formal document, a deed, which states that it is an obligation for planning purposes, identifies the relevant land, the person entering the obligation and their interest and the relevant local authority that would enforce the obligation. The obligation can be a unitary obligation or multi-party agreement. The obligation becomes a land charge.’<sup>8</sup>

Developments cannot be charged for the same items of infrastructure through both planning obligations under S106 and CIL. Each charging authority can implement their own approach to how they use S106 and CIL and it will also depend on the type of development being undertaken and the needs of the area in which the development is proposed.

At the time of writing this guide, the S106 contributions for a single library or archive are limited to a maximum of five housing developments. This limit may be revised or removed in future legislation.

<sup>7</sup> Planning Advisory Services, Section 106 obligations, 19/11/16

<sup>8</sup> Planning Advisory Services, Section 106 obligations, 19/11/16



## Case study: Milton Keynes Council

### Special tariff supporting cultural development

In 2004 Milton Keynes Council alongside the Homes and Communities Agency introduced a special building tariff. This tariff aimed to fund social and physical infrastructure in its strategic expansion areas – Milton Keynes, Eastern Western and Northern.

Unlike a typical S106 agreement, Milton Keynes was able to borrow money from the Homes and Communities Agency to forward-fund infrastructure against expected tariff receipts, as HM Treasury was confident about the long-term certainty of receipts. Under the tariff model, the developer pays 75% of the charge on completion rather than upfront, reducing their need for borrowing and allowing for greater certainty for both partners.<sup>9</sup>

To date the tariff has yielded £311 million (building is still ongoing as of 2019). Of this, £3.6 million was allocated to museums and archives and £2.8 million was allocated to the Milton Keynes Museum Expansion project (referenced as the City Museum in the 2005 Supplementary Planning Document). A further £170,000 has been used for developing the City Archive plans – the remainder is capital for the new archive build once the planning is complete.

Milton Keynes Council's Supplementary Planning Document for Social Infrastructure (2005) identifies the main requirements for infrastructure and facilities, which may be required as a consequence of development in Milton Keynes. The document ensures that the Council meets the Local Plan policy objectives with regards to providing key social infrastructure for effective functioning of the city.

Planning Obligations (sometimes referred to as S106 contributions) within Milton Keynes Council are usually made under S106 of the Town Country Planning Act 1990. To date, Milton Keynes Council has not implemented CIL.

Future plans for culture in Milton Keynes are outlined in the Creative and Cultural Strategy (2018). It sets out a vision of Milton Keynes as an internationally recognised creative and cultured city, known for the excellence and diversity of its borough-wide, year-round cultural offer. It includes plans for a new redeveloped Central Library and City Archive.

<sup>9</sup> Centre for Cities, <https://www.centreforcities.org/reader/delivering-change-building-homes-need/can-cities-make-opportunities/milton-keynes-tariff-funding-infrastructure-upfront/>

# 8 The Community Infrastructure Levy

The Community Infrastructure Levy (CIL) was introduced in 2010 as 'a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.'<sup>10</sup> It is a levy placed on all new developments which rely on local infrastructure. Unlike Section 106, the CIL can be used by a local authority to support the development of infrastructure away from the specific site of development. This approach to funding infrastructure is considered by the government to be fairer, faster and more transparent than Section 106 (which is still in place).

CIL regulations do not specify the types of infrastructure which can be funded. It is up to each authority to decide. In England, the levy is collected by district and metropolitan district councils, London borough councils, unitary authorities, national park authorities, The Broads Authority, Mayoral Development Corporations and the Mayor of London. It is up to each authority to decide how to best implement the levy in their area and to identify the priority areas of infrastructure to allocate the funds to.

## CIL headlines

- It is a local authority's choice to adopt CIL as a 'Charging Authority'
- It is a charge for the developer calculated per square metre of development
- Charging rates of CIL vary by geography, type of land use and scale
- CIL has to be spent on the provision, improvement, replacement, operation or maintenance of infrastructure
- It replaces some – but not all – Section 106 planning obligations
- Where an LA is a 'Charging Authority' the payment of CIL is mandatory although there are some limited opportunities for relief or exemption
- The Mayor of London has adopted a Mayoral CIL to fund Crossrail. All London Boroughs are required to collect the Mayoral CIL

In 2017 the Department for Communities and Local Government (DCLG) published a report on the value, impact and delivery of CIL. The report noted that CIL charging by local authorities was initially slow, by March 2015 only 54 authorities had adopted the levy. It also highlighted the following:

- The partial take-up of CIL has resulted in a complex patchwork of authorities charging and not charging CIL. It varies across town, district and unitary areas
- Development is delayed by negotiations for Section 106 planning obligations, which can be sought alongside CIL contributions
- Developers can seek to reduce previously agreed Section 106 planning obligations on the grounds that they will make the development unviable. This renegotiation reduces accountability to local communities

<sup>10</sup> Planning Practice Guidance, Community Infrastructure Levy, 9/11/2016

- CIL is not responsive to changes in market conditions
- There is a lack of transparency in both CIL and Section 106 planning obligations – people do not know where or when the money is spent
- Developer contributions do not enable infrastructure that supports cross boundary planning<sup>11</sup>

If you have library and/or archive services based across different councils you will need to establish which planning teams have implemented CIL as it may not be consistent across a county.

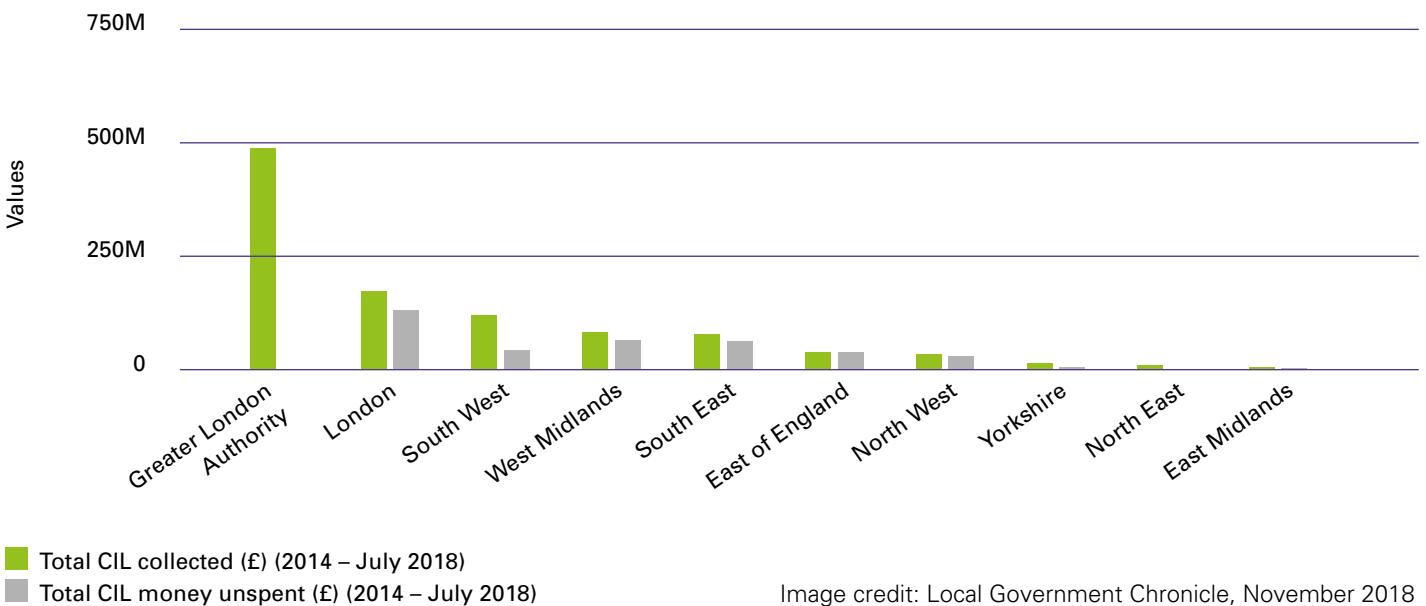
While initial take up of CIL was slow this has increased significantly. In 2017, 151 authorities were charging CIL in England (44% of all potential charging authorities). A further 74 authorities have taken steps towards adopting CIL, meaning 225 authorities (66%) are either charging CIL or have taken steps towards doing so.

Where land values are higher, CIL has been adopted sooner. Areas that have not adopted CIL have conducted viability analysis and maintain that they would need to set rates very low or at zero in order for development to be viable in the area.<sup>12</sup>

A regional analysis of collection rates by the Local Government Chronicle highlighted that 69% of all CIL collected between 2014 and July 2018 was raised in London and the South East (see chart below).

London and the Greater London Authority have collected significantly more CIL money than any other region. However, it is worth noting there are two types of CIL collected in London, The Mayoral CIL and individual borough’s CIL. The Mayoral CIL is restricted to funding roads and other transport facilities, including Crossrail. It was introduced in 2012 to help finance the major new rail link that will connect central London to Reading and Heathrow in the West and Shenfield and Abbey Wood in the East.<sup>13</sup>

### Total CIL collected and spent (by region)



<sup>11</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/589635/CIL\\_Research\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589635/CIL_Research_report.pdf)

<sup>12</sup> Supporting Housing Delivery Through Developer Contributions, Ministry of Housing, Communities and Local Government

<sup>13</sup> <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/mayoral-community-infrastructure-levy>

A regional analysis of collection rates by the Local Government Chronicle ‘showed 69% of all CIL collected between 2014 and July 2018 was raised in London and the south-east’.

### What can CIL be used to fund?

CIL can be used to fund a broad range of infrastructure including museums, archives and libraries. The decision on what to fund lies with each individual authority. The levy cannot be used to fund affordable housing as this is made possible through Section 106 agreements.<sup>14</sup>

This flexibility gives local areas the opportunity to use the levy to support the delivery of their development plans. The levy is intended to support the provision of new infrastructure, not for repair or maintenance. It can only be used to increase the capacity of existing infrastructure or repair failing existing infrastructure if it is deemed necessary to support development.<sup>15</sup>

Since the adoption of the CIL, restrictions have been imposed on the pooling of planning

obligations, even if CIL is not yet in place. Local authorities cannot pool more than five Section 106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure.

### Exemption of CIL

There are two forms of relief which may be available for charities – full and discretionary. A charity landowner can apply for full relief if the development will be used ‘wholly, or mainly, for charitable purposes’ and they meet the requirements of Regulation 43.

An authority can also choose to offer discretionary relief to a charity landowner where the greater part of the chargeable development will be held as an investment, from which the profits are applied for charitable purposes (see Regulation 44 for details). If you are planning a development you will need to apply for an exemption or relief on CIL. You should do this as early as possible in the planning cycle and complete the relevant forms required.

Section 106	CIL
Used for site specific requirements and must meet the legal tests for set out in Regulation 122 and 123 of the CIL Regulations 2010 as amended.	Not restricted to mitigating the impact of development on a specific site. It can be used to fund infrastructure anywhere, providing it supports development in the local planning authority’s area.
Negotiated mainly on larger scale developments.	Rates are non-negotiable and includes relevant developments at a smaller scale.
Carries pooling restrictions – councils are limited to securing a maximum of five planning obligations per infrastructure project regardless of whether the development is implemented.	No pooling restrictions – the majority of the fund goes into one ‘infrastructure fund’ for the council to develop its own arrangements.
Cannot be used to fund infrastructure on the Regulation 123 list or any infrastructure where there is no list.	Can fund items on and off the Regulation 123 list.

Credit: Planning Advisory Service, January 2019

<sup>14</sup> Planning practice guidance, Community Infrastructure Levy 10/11/16

<sup>15</sup> Planning practice guidance, Community Infrastructure Levy 10/11/16

## Regulation 123 lists

A report by DCLG, 'Supporting housing delivery through developer contributions', published in 2018, noted that there is a considerable amount of confusion and variation in relation to Regulation 123 lists. The report states that in many cases the lists do not serve a useful purpose, as authorities sometimes add as little as possible on the lists and they can be updated at any time without consultation.

Some Regulation 123 lists set out generic expenditure headings, while others list particular pieces of infrastructure. Some lists also have little relationship with local infrastructure plans.

It was therefore proposed within this report that Government remove regulatory requirements for Regulation 123 lists which do not provide clarity or certainty about how developer contributions will be used.<sup>16</sup>

## Case study: Warwickshire County Council

### Developer contributions supporting libraries

Warwickshire County Council has responsibility for 31 libraries across the county. Developer contributions (CIL and S106) are used to improve, enhance and extend library facilities or services of a specified library service point, including:

- Providing new and replacement library stock
- Targeted collections
- Targeted promotions to inform new residents of the Development of available services

The CIL has only been introduced in Warwick District Council and Stratford District Council. There is a system in place which allows the library service to calculate and apply for developer contributions. It works as follows:

- The library team receive a list of weekly planning applications
- These are checked to establish that developments are greater than 25 dwellings, to meet with community infrastructure levy criteria

- Planning application details are checked in respect of housing mix and location
- Application details are entered onto a spreadsheet, which will calculate expected influx of people and amount of contribution to be requested
- The nearest library to the development that will benefit from the Section 106 request is identified and listed in the application
- A standard response tab is completed (see example below) from details transposed within the spreadsheet
- Completed forms are returned to the planning department

When plans have been approved, building commences and the development hits a trigger. The planning team then notify the relevant people, who then raise an invoice, including indexation, to the developer

<sup>16</sup> DCLG, 'Supporting housing delivery through developer contributions': [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/691182/Developer\\_Contributions\\_Consultation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691182/Developer_Contributions_Consultation.pdf)

## Case study: Warwickshire County Council (continued)

Invoices are checked regularly for payment and spreadsheets updated for each library with the amount and date income was received. Records of the expenditure are maintained against each development. If the income is not spent within seven years, the developer is within their rights to request the money be returned

Warwickshire County Council have identified some challenges with the use of developer contributions for libraries, such as those outlined below:

‘[We] understand that libraries are funded by Council Tax revenue. Therefore, to request a contribution for this development amounts to double counting. It is estimated that the residents of the scheme will generate an additional £11.9m in Council Tax revenue over 10 years.’

## Sample standard response tab

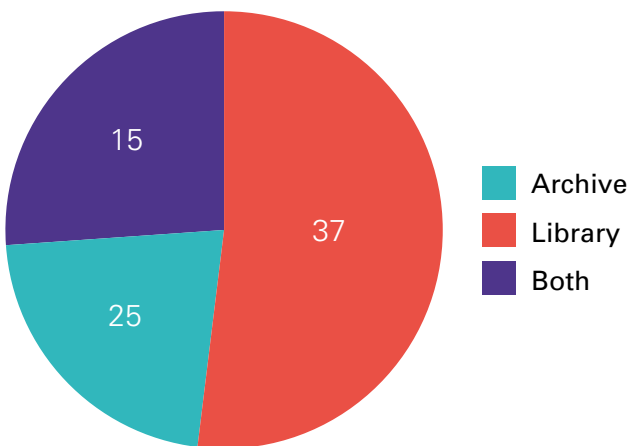
WCC Libraries S106 - Contribution Request		SAMPLE						
<b>Planning Reference</b>	19/01234/FUL							
<b>Name of Development</b>	Anytown, Bell Lane							
<p>1. WCC may seek contribution to support the expansion of service to meet customer needs generated by residential developments.</p> <p>2. Monies will be used to improve, enhance and extend the facilities or services of a specified library service point where local housing development will mean an expected increase in numbers of people using those facilities. This may include purchase of additional stock, targeted collections, additional seating/study spaces or related facilities, improved family facilities and targeted promotions to inform new residents of services available to them.</p> <p>3. A contribution request will be made if the number of dwellings is 25 or more.</p> <p>4. The following calculation will be applied - (av. % of residents who are members of the library within the county x n° of expected inhabitants of development) x cost per visit 2013/14</p> <p>5. Calculation is based on the av. % of residents who are members of the library within the county x no of expected inhabitants of development x annual cost per visit (£)*</p>								
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Number of Dwellings**</td> <td style="text-align: right; font-weight: bold;">600</td> </tr> <tr> <td>Expected n° of inhabitants from development</td> <td style="text-align: right; font-weight: bold;">1252.5</td> </tr> <tr> <td colspan="2">On behalf of the Library Service, the contribution required under s.106 is <b>£11,423.00</b></td> </tr> </table>			Number of Dwellings**	600	Expected n° of inhabitants from development	1252.5	On behalf of the Library Service, the contribution required under s.106 is <b>£11,423.00</b>	
Number of Dwellings**	600							
Expected n° of inhabitants from development	1252.5							
On behalf of the Library Service, the contribution required under s.106 is <b>£11,423.00</b>								
<p>* Annual cost per visit based on 2013/14 cost per visit £2.85 multiplied by avg. n° visits per registered users.                  ** Expected number of inhabitants is based on the following ready reckoner.                  Where no breakdown is provided claims will be based on 3 Bed.</p>								



# 9 Libraries and archives ● engagement with planning

Between November and December 2018, archive and library staff across England were invited to respond to a survey on planning. The aim of the survey was to establish the level of engagement between archives, libraries and local planning departments. There were 91 responses to the survey. A small majority of respondents (42) stated their primary place of work as a library. There were 31 archive respondents and 18 working across both libraries and archives.

## In what sector do you principally work (or work with)?

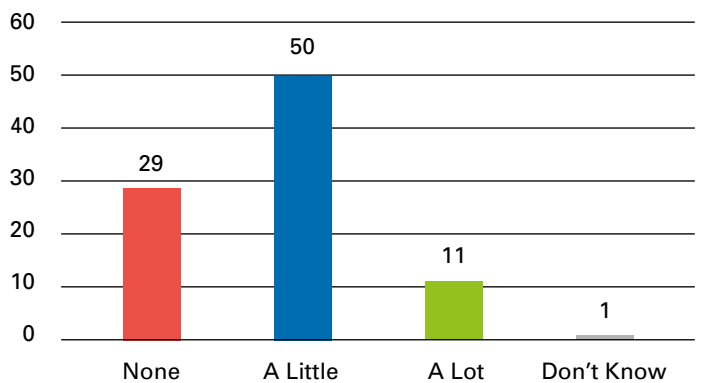


## Engagement with planning departments

Most respondents noted that they have some engagement with planning departments. Fifty respondents stated that they had a little engagement and 11 respondents stated a lot.

Within the filtered responses there was little difference in the responses other than proportionally more library respondents (19%) stating they have a lot of engagement with planning departments compared to archive respondents (3.2%).

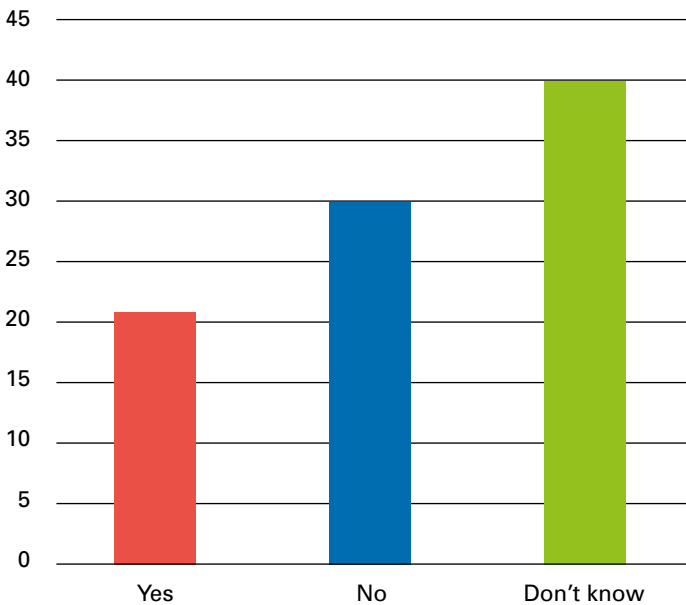
## What if any engagement do you have with your local planning department?



## Neighbourhood plan

The majority of respondents either didn't know (40) or stated no (30) to the question: 'Is your library and/or archive included within a local neighbourhood plan?' Only 21 respondents stated yes. Proportionally more library respondents (33%) stated that they were included than archive respondents (9.7%).

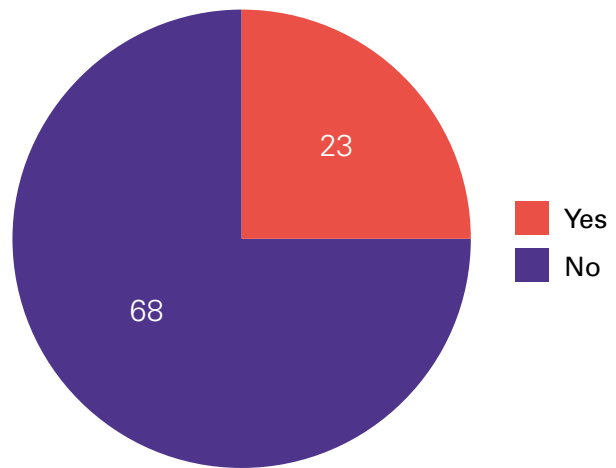
### Is your library an/or archive included within a local neighbourhood plan?



## Funding

The majority of respondents (68) stated that they had not received funding from CIL or S106 within the last five years; 23 respondents stated that they had.

### Have you received funding for your archive or library from planning related initiatives within the last 5 years?



There was a significant difference between libraries and archives in this response. Only one archive respondent (3.2% of total) stated that they had received funding from planning related initiatives in comparison to 19 (45.2%) library respondents.



## What funding has been used for

In relation to funds received, 18 respondents added comments. Common themes included:

- The majority of respondents (14) made a specific reference to Section 106
- Funds have been used for improvements, refurbishments, and small and large scale capital projects
- Items funded included:
  - o new and refurbished libraries
  - o cultural space creation
  - o redeveloped outside space
  - o lift installation
  - o community meeting rooms with kitchen areas
  - o creation of confidential meeting spaces
  - o RFID kiosks
  - o new scanning equipment and a digital microfilm reader
  - o flexible shelving (to allow flexible use of space)
  - o reminiscence packs
  - o acoustic pods
  - o improvement of children's area
  - o improvement to customer/partner welfare facilities (loos, kitchens etc)
  - o Wi-Fi provision on a mobile library.
  - o stock
  - o digital equipment
  - o refreshed ICT infrastructure
  - o installation of Open Plus Swipe card access

## Comments included:

'We have been granted funding, about 5 years ago, though it is yet to come through.' There was one other respondent who noted a delay in receiving S106 funding.

'We have received £100,000s of mainly s106 funding towards new and improved public libraries, based on a formula approach, in turn, based on MLA/ACE guidance. Further details available on request.' The use of MLA guidance was raised outside of the survey by a respondent as needing to be updated.

'S106 now limited as CIL has replaced it for major developments. CIL will mean less but better-targeted funding over a longer period when combined with other services and their needs.'

# 10 ● Conclusions and recommendations

It is fair to say that CIL and S106 are not by any means a source of core funding for libraries and archives. However, both services have an excellent track record of working with wider council partners to benefit from planning initiatives.

Planning regulations will continue to change and it is important that within these changes libraries and archives are aware of the potential impact of new approaches on their services. By working in collaboration with planners they can keep you updated on key changes. You can continue to highlight the benefits library and archive services bring to communities and why they should be an integral consideration in any form of town or neighbourhood planning.

Arts Council England and The National Archives recognise the role they have to play in brokering partnerships and raising awareness at a national level. They have agreed to work collaboratively in response to the following recommendations:

1. Continue to raise awareness of planning frameworks and updated regulations and clarify how libraries and archives can engage in local planning. *Suggested actions:*

- Update this guide as required
- Regional teams to disseminate the key messages in this guide
- Staff at Arts Council England and The National Archives to liaise with the Local Government Association and Planning Advisory service about key updates

- Work with Libraries Connected to develop and distribute training focused on raising awareness of the planning process and how libraries can engage with it.

2. Continue to raise awareness with other strategic bodies of the role libraries and archives have in place making and planning. *Suggested actions:*

- The National Archives and Arts Council England representatives to meet with Local Government Association and Planning Advisory Service collectively to discuss the ways in which libraries and archives respond to local and national planning agendas.

3. Develop and raise awareness of how and where developer contributions (both S106 and CIL or any other form) are supporting libraries and archives and any arising opportunities. *Suggested actions:*

- Arts Council England and The National Archives to feature initiatives and new developments
- Arts Council England and The National Archives to feature case studies highlighting the use of developer contributions on websites.

4. Consider how libraries and archives can work with the wider cultural sector in relation to planning initiatives. *Suggested actions:*

- Arts Council England to consider how libraries and archives can work with the wider cultural sector in relation to planning initiatives
- Identify how best to support heads of service to be part of wider planning decisions, especially where culture is being considered.

5. Promote single conversations between archive and library services within local authorities. *Suggested actions:*

- Regional Arts Council England library and The National Archives archive teams to liaise and identify ways in which they can collaborate to support joint library and archive conversations
- The National Archives and Arts Council England to schedule future national meetings of library and archive sector staff.

6. Review existing documentation to establish if it still relevant and fit for purpose.

*Suggested actions:*

- Review and update the standard charge based on MLA guidance on square footage
- Investigate the possibility of updating the Town and Country Planning's 'Improving culture, arts and sporting opportunities through planning toolkit'.

# 11. Further information and guidance

[Community Infrastructure Levy, an overview](#), Department of Communities and Local Government

The [Planning Portal](#) website provides guidance and a range of forms which can be useful when applying for exemption or relief from CIL

[Mayor of London, Community Infrastructure Levy](#) provides details on the charges and use of the levy

The Planning Advisory Service provide advice on planning obligations including [Section 106 obligations](#)

Town and Country Planning Act, 1990, [Section 106](#)

Town and Country Planning Association have developed [resources and publications](#) for arts and cultural organisations to support their role in planning and development.

They also have a publication highlighting culture case studies

LocalGov, [Scrapping the Levy: Why we need a change in approach to CIL](#)

Locality: <https://neighbourhoodplanning.org>

LGA and CLOA, [People, Culture Place, the role of culture in placemaking](#)

CLOA, [The Role of Local Authorities in Leading Place Making](#)

Worcestershire County Council, [Your Place Matters: Community Planning for the Future of Rural Buildings in their Setting](#)

Project for Public Spaces, [What is Placemaking](#)

# 12 ● Acknowledgements

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