

Cheltenham Borough Council

Cabinet – 18 November 2025

Notification of decisions made by the Community Infrastructure Levy Joint Committee

Accountable member:

Cllr Rowena Hay – Leader

Accountable officer:

Tracey Birkinshaw – Director Planning & Building Control

Ward(s) affected:

All

Key Decision: No

Executive summary:

The Community Infrastructure Levy (CIL) Joint Committee (CIL Joint Committee) met on 25 September 2025 to consider and make decisions on the allocation of funding for infrastructure projects. This report fulfils the requirements of the CIL Joint Committee Terms of Reference (ToRs).

This report relates only to the 'Infrastructure Fund' portion of CIL receipts specifically.

The CIL Joint Committee date was brought forward at short notice to make decisions on an urgent matter relating to supporting Gloucestershire County Council in identifying opportunities to contribute to closing the funding gap to support the submission of information to Ministry of Housing Communities and Local Government in connection with the Homes England Housing Infrastructure Fund that the County Council had secured for the project.

This CIL Joint Committee considered the availability of CIL Regulation 59(1) CIL receipts paid between the 6 February 2025 and 26 August 2025 and focused on the additional amount available to allocate from the 75% share of the Strategic Infrastructure Fund. In addition, it considered a recommendation to commit to allocating up to £20 million of CIL receipts from the pooled CIL Regulation 59(1)

Infrastructure fund to support the M5 Junction 10 scheme, and the likelihood of this share generating sufficient income to support this within the required timescale.

Decisions were made to:

- Allocate the available unallocated pooled CIL regulation 59(1) Infrastructure fund receipts to the M5 Junction 10 project.
- Commit to the principle of allocating up to £20 million (inclusive of the allocated amount) to support the project in the future, and
- Keep the current split of the Infrastructure Fund as currently agreed so that 25% is retained to support local strategic infrastructure projects, yet recognising the need to keep this under review.

Recommendation: That Cabinet

- 1. notes the decisions of the Community Infrastructure Levy (CIL) Joint Committee made on 25 September 2025. (see Appendix 6)**
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1. Implications

1.1 Financial, Property and Asset implications

The CIL Joint Committee allocation decisions relate to the CIL Infrastructure Fund receipts of all the member councils; however, Cheltenham Borough Council's financial commitments only relate to the CIL payments received by it that are held by Cheltenham Borough Council relating to the CIL Reg 59(1) Infrastructure Fund portion of CIL receipts it receives. The payment of up to 15% capped to (Parish Councils) or up to 15% capped for the Neighbourhood Fund for unparished areas and up to 5% towards administration cost of collecting the levy being unaffected.

In allocating the reported available Cheltenham Borough Council CIL receipts agreed from the 75% strategic infrastructure fund proportion amount of paid CIL receipts unallocated paid up to 26 August 2025 to the M5 Junction 10 Project Cheltenham Council has made a commitment to make its allocated sum available for payment to Gloucestershire County Council in accordance with the terms of the relevant funding agreement that will be completed by all three member councils of the CIL Joint Committee, to be paid at the time it is required for payment.

Gloucestershire County Council has already indicated that it will require the additional £4,448,369.66 (and thus the £1,621,854.36 that is Cheltenham Borough Council's proportion) to be transferred to it before 2025/26 financial year end. Cheltenham Borough Council will need to ensure that it has the funds available to meet the payment date committed too in the completed funding agreement.

The CIL Joint Committee can only make decisions on the allocation of CIL receipts that have been paid to its member councils, therefore future CIL Joint Committee meetings will need to consider future funding allocations. The next meeting is currently organised for 04 February 2026 so could potentially also commit to future funding payments within this financial year.

The decision of the CIL Joint Committee on 25 September 2025 will now leave Cheltenham Borough Council with £0.00 in the 75% strategic infrastructure fund share and £1,442,497.17 unallocated in the 25% local strategic infrastructure fund projects share (see *Table 5 in Appendix 1 of the 25 September CIL Joint Committee Report*), plus any other CIL receipts paid since the date of the data in the CIL Joint Committee report, that will subsequently be allocated to the CIL Reg 59(1) Infrastructure Fund and split 75% / 25% for consideration at a future date for allocation to projects.

The Community Infrastructure Levy is allocated for specific purposes, and it is not at the discretion of this Council to decide to use it for an alternative purpose. Although the inflow will have a positive impact on the Council's cash flow position, there should be no impact on the revenue or capital budget unless a situation occurs where the funds are not available to be paid at the required time, and thus the Council may need to borrow to cover any payment agreed in the funding agreement at the required time.

Any implications for the property portfolio will be funding for some projects which have previously paused due to budget shortfalls.

Signed off by: Jon Whitlock, Director of Finance & Assets & Deputy Section 151 Officer jon.whitlock@cheltenham.gov.uk

1.2 Legal implications

The “strategic” element of CIL receipts (being otherwise than up to 5% for administration and the 15% (capped) to 25% neighbourhood portion) must be spent on ‘infrastructure’ (Regulation 59). Charging authorities can choose to pool a proportion of their Community Infrastructure Levy receipts to fund infrastructure including for out of their own area spending. Each of the charging authorities included in the pooling arrangements should be content that funding for infrastructure outside the authority's area will support development of its own area.

The Joint Committee's Terms of Reference sets out how the pooled levy will be administered and spent.

As set out in the agreed Terms of Reference for the Joint Committee (See Appendix 3) any allocation decisions require a full consensus vote of the Committee. Further, the decisions made by the Joint Committee shall be subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member

Councils. Any decision by the Joint Committee, except those agreed as urgent, shall not be implemented until the member Councils have formally reported back through their own Cabinet/Executive Committee. All decisions of the Joint Committee (unless considered urgent) shall be subject to the “call in” process of each member Council. If not called in during that period any decision shall then be available for implementation.

Further Legal Implications in respect of the decisions made by the Joint Committee are set out in the 25 September 2025 CIL Joint Committee report (See Appendix 5).

Signed off by: Charlotte Lockwood (Locum Senior Lawyer, OneLegal
(legalservices@onelegal.org.uk)

1.3 Environmental and climate change implications

The Climate Change Impact Tool was a requirement for each CIL scheme submitted for assessment. Some of the projects supported for the allocation of CIL funding will contribute towards delivering against the respective councils’ carbon emergency aspirations. Each submitted scheme was assessed against sustainability criteria through the applied scoring matrix.

Signed off by: Maizy McCann, Climate Officer
(Maizy.McCann@cheltenham.gov.uk)

1.4 Corporate Plan Priorities

This report contributes to the following [Corporate Plan Priorities](#):

Key priority 1: Securing our future

Key priority 3: Reducing carbon, achieving council net zero, creating biodiversity

Key priority 4: Reducing inequalities, supporting better outcomes

Key priority 5: Taking care of your money

1.5 Equality, Diversity and Inclusion Implications

See Appendix 2. Some of the projects are likely to be subject to their own separate Equalities Impact Assessment in due course (where these have not already been completed) and as appropriate this will be considered by the CIL Joint Committee.

1.6 Performance management – monitoring and review

Schemes that have been allocated funding will be awarded funding via a grant agreement. These agreements will be monitored via the CIL Officer Working Group and the Strategic Infrastructure Planning Manager and reported to the CIL Joint Committee.

2 Background

- 2.1 On 11 December 2023, Council approved the establishment of a Community Infrastructure Levy Joint Committee under s101(5) and s102 Local Government Act 1972 and under Part 1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012. The decision to establish the CIL Joint Committee was also approved by the two other partner authorities of Gloucester City Council (25 January 2024) and Tewkesbury Borough Council (23 January 2024).
- 2.2 At the same meeting approval was given for:
- The Community Infrastructure Levy Joint Committee ‘Terms of Reference’ (see Appendix 3).
 - The pooling of strategic infrastructure CIL monies by the three partner Councils of Cheltenham Borough, Gloucester City and Tewkesbury Borough; and
 - Engagement with wider infrastructure providers, outside the local authorities, should be entered into.
- 2.3 The CIL Joint Committee is the decision maker subject to the decisions being reported back through relevant Cabinet/Executive Committee of each of the member Councils. All decisions of the Committee (unless considered urgent) shall be subject to the “call in” process of each member Council. If not called in during that period any decision shall then be available for implementation. This is the basis of this report to Cabinet.
- 2.4 The strategic CIL receipts, which the Councils have named the Infrastructure Fund is the 70% to 80% of receipts that remain, once administration costs and neighbourhood funding has been deducted, that each Council, as an individual CIL Charging and Collection Authority, has collected and pooled together. At the CIL Joint Committee Meeting 4 March 2025 a decision was made to split the CIL Infrastructure Fund so that 75% of the Infrastructure Fund receipts are allocated to ‘strategic infrastructure’ projects and 25% to be ringfenced for allocation to ‘local strategic infrastructure’ projects.
- 2.5 This paper and the governance provided by the Joint Committee relate primarily to the larger strategic ‘Infrastructure Fund’ portion of CIL receipts. More specifically the seventy-five percent share of this which the Joint CIL Committee has decided to ringfence (as reported to Cabinet on 9 April 2025) for use on ‘strategic infrastructure’ projects and the amount of this as unallocated, available to be allocated against the CIL the Infrastructure Fund

receipts on 26 August 2025 and potential CIL receipts into this share of the Infrastructure Fund.

- 2.6 Cllr Declan Wilson acted as appointed substitute voting member for Gloucester City Council for this CIL Joint Committee meeting on 25 September 2025. This was approved by the Monitoring Officer.

The strategic Infrastructure Fund

- 2.7 The CIL Joint Committee was presented with an updated position associated with the total of unallocated CIL Receipts on 26 August 2025 in the CIL Regulation 59(1) Infrastructure Fund and how this was split between its previously agreed 75% for strategic infrastructure projects and 25% for Local Strategic Infrastructure Projects (see Table in **Appendix 6**). It was also presented with the following additional indicative data:
1. In respect of potential anticipated CIL Infrastructure Fund receipts associated with current CIL Demand Notices issued with unpaid instalments as position on 3 September 2025 which include CIL instalment payments up to mid-March 2027,
 2. Potential future CIL receipts into the CIL Reg 59(1) Infrastructure Fund that could become payable as a result of the implementation of developments that already have a CIL liability notice issued against them, and
 3. Potential future CIL receipts for the CIL Regulation 59(1) Infrastructure Fund that that may potentially trigger CIL Demand being raised and thus CIL payments up to 2030 calculated using Housing Monitoring data.
- 2.8 The purpose of all this data was to provide evidence as to the likelihood of the 75% strategic infrastructure portion having available sufficient funds to cover the £20 million that Gloucestershire County Council were requesting as an additional commitment from CIL receipts to support the closing of the £110 million funding gap for the M5 Junction 10 project it had reported to [its Cabinet on 17 September 2025](#).
- 2.9 The decisions of CIL Joint Committee are set out in Appendix 6 of this report.
- 2.10 The decision to allocate the £4,448,369.66 of unallocated pooled CIL Receipts in the CIL Reg 59(1) Infrastructure Fund 75% share to the M5 Junction 10 project as the first amount toward that £20 million commitment results in the following commitment by each of the member Councils of the CIL Joint Committee as set out in Table 5 in Appendix 1 of the CIL Joint Committee 2025 Report as repeated below:

CIL Charging Authority	75% CIL Strategic Infrastructure Fund (£)	25% CIL Local Strategic Infrastructure Fund (£)
Cheltenham Borough Council	£1,621,854.36	£1,442,497.17
Gloucester City Council	£298,512.11	£99,504.04
Tewkesbury Borough Council	£2,528,003.19	£3,724,297.68
Totals (£)	£4,448,369.66	£5,266,298.89

3 Reasons for recommendations

3.1 The purpose of this report is not to debate the decisions of the CIL Joint Committee, but to note the allocation decisions made and facilitate the scrutiny provisions.

3.2 The CIL Joint Committee is a fully constituted Committee. The Joint CIL Committee Terms of Reference require the reporting of its decisions to the Executive / Cabinet as relevant for each of the CIL authorities prior to the implementation of decisions it has made. The decisions of the CIL Joint Committee are subject to each member council scrutiny provisions.

4 Alternative options considered

4.1 None. The Terms of Reference require each partners council of the CIL Joint Committee to report back through their relevant constitutional arrangements.

5 Consultation and feedback

5.1 Not relevant for the purposes of this report.

6 Key risks

6.1 See **Appendix 1**.

Report author:

Sarah Screen, Strategic Infrastructure Planning Manager, for the councils of Cheltenham Borough, Gloucester City and Tewkesbury Borough.
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Appendices:

1. Risk Assessment

2. Equality Impact Assessment – Screening
3. [Community Infrastructure Levy Joint Committee – Terms of Reference](#)
4. [Community Infrastructure Joint Committee, 14 July 2025 – Agenda Papers](#)
5. CIL Joint Committee [25 September 2025](#) Agenda Reports pack
6. CIL Joint Committee 25 September 2025 Decisions

Background information:

1. [Cheltenham Borough Council Corporate Plan Update – Council 21st July 2025](#)
2. Gloucestershire County Council [Cabinet 17 September 2025](#) Item 8 page 161 (specific p 173)

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
1	If the partner councils do not report the decisions of the CIL Joint Committee through their relevant Cabinet/Committee processes, then the funding allocated cannot be drawn down in funding agreements	CIL Joint Committee	4	1	4	Accept	Each partner council reports the decisions as required through its own constitutional arrangements	Director Planning & Building Control	Cabinet meeting 18 November 2025 (12 November 2025 Cabinet for Gloucester City Council and 19 November 2025 Executive for Tewkesbury Borough Council)

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function, or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Sarah Screen	Service Area: Planning
Title: Strategic Infrastructure Planning Manager (on behalf of Director Communities and Economic Development)	Date of assessment: 15 October 2025
Signature: <i>Sarah Screen</i>	

b. Is this a policy, function, strategy, service change or project?

Function

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Community Infrastructure Levy Regulations 2010 (as amended)

Is this new or existing?

Other

Please specify reason for change or development of policy, function, strategy, service change or project

No change. The report facilitates compliance with the CIL Joint Committee Terms of Reference

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

To comply with the CIL Joint Committee Terms of Reference

Objectives:

To allocate CIL Strategic Infrastructure funding through a full and transparent assessment

Outcomes:	Decision making within the context of the CIL Joint Committee Terms of Reference.
Benefits:	The communities, businesses and visitors across Cheltenham, Gloucester, and Tewkesbury.

e. What are the expected impacts?

Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.

Yes

Do you expect the impacts to be positive or negative?

Positive

Please provide an explanation for your answer:

CIL monies are collected under the CIL Regulations to help support development through funding relevant infrastructure. CIL awards will be monitored via the CIL Joint Committee.

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate

Stage Two required

No

Owner of Stage Two assessment

Completion date for Stage Two assessment

Appendix 6

CIL Joint Committee 25 September 2025 Decisions

1. The unallocated £4,448,369.66 held within the current 75% portion of the Infrastructure Fund be allocated and funding agreement entered into with Gloucestershire County Council to support the delivery of M5 Junction 10 scheme.
2. Future CIL income from the 75% portion of the Infrastructure Fund be ringfenced for allocation to Gloucestershire County Council to support the delivery of M5 Junction 10 scheme up to a maximum of £20m (including the £4,448,369.66 set out above) with specific allocations of any such sums being brought back to future meetings of the CIL Joint Committee for consideration.
3. Regular monitoring will be reported to the CIL Joint Committee and should the 75% portion of the Infrastructure Fund not reach the anticipated levels within the report further consideration will be given as regards the portion of Infrastructure Fund currently ringfenced for allocation to local strategic infrastructure projects

The above CIL receipts allocation decisions were informed by CIL Joint Committee 25 September 2025 Appendix 1 Table 4:

Total Pooled CIL Reg 59(1) Infrastructure Fund Received to 26 August 2025 reflecting allocation status under the agreed 75% Strategic Infrastructure Project to 25% Local Strategic Infrastructure Project Split

	Total Pooled CIL Infrastructure Fund Received to 26.08.2025	Total pooled CIL Infrastructure Fund allocated to 26.08.2025	Total Pooled CIL Infrastructure Fund unallocated to 26.08.2025
75% Strategic infrastructure Fund (£)	£18,211,649.47	£13,763,279.81	£4,448,369.66
25% Local Strategic Infrastructure Fund	£6,070,549.82	£804,250.94	**£5,266,298.89
	£24,282,199.29	£14,567,530.74	£9,714,668.55

**The 25% of the CIL Reg 59(1) Infrastructure Fund unallocated to 26 August 2025 date is a larger financial value because a significant amount of this share of the fund from receipts up to 05 February 2025 having not previously been allocated to projects by the CIL Joint Committee.