

Somerset West and Taunton Council

Executive – 18 March 2020

HPC Planning Obligations Board (POB) – Recommendation to transfer balance of ring-fenced Community Impact Mitigation Funding (CIM)

This matter is the responsibility of Executive Councillor C. Booth, Lead Member for Community

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1 Purpose of the Report

- 1.1 Present the recommendations of the HPC Planning Obligations Board, for the transfer of ring-fenced monies £158,994 for Cannington from the HPC CIM Fund to Cannington Parish Council.
- 1.2 Present recommendations of the HPC Planning Obligations Board for the allocation of £201,545 from the HPC CIM Fund ring-fenced for Stogursey to Stogursey Victory Hall Committee for use as contingency for the Stogursey Victory Hall Project, with any unspent contingency to be returned to the HPC CIM Fund ring-fenced for Stogursey in July 2020.

2 Recommendations

- 2.1 That Executive Committee endorses the recommendation made by the Hinkley Point C Planning Obligations Board (POB) as follows:

To approve the transfer of ring-fenced monies £158,994 for Cannington from the HPC CIM Fund to Cannington Parish Council with the following conditions set out in a Memorandum of Understanding to be signed by Cannington Parish Council:

- CPC must undertake evaluation appraisals of all proposals to ensure they mitigate impacts in line with the criteria set out in Schedule 1 of the HPC Site Preparation Section 106 agreement before approval.
- CPC must report back to Somerset West and Taunton Council (SWT) via the CIM Fund Manager at regular intervals with progress updates.
- Applications for grant funding of over £50,000 must be referred to SWT and follow the decision making procedures set out in the HPC Site Preparation Section 106 agreement to SWT for consideration by POB and SWT in line with obligations within the HPC Site Preparation Section 106 agreement.

- Applications for grant funding by any organisation that have previously been awarded a CIM Fund Grant must be referred to SWT and follow the decision making procedures set out in the HPC Site Preparation Section 106 agreement.

2.2 To allocate £201,545 from the HPC CIM Fund ring-fenced for Stogursey to Stogursey Victory Hall Committee for use as contingency for the Stogursey Victory Hall Project, with any unspent contingency to be returned to the HPC CIM Fund ring-fenced for Stogursey in July 2020.

3 Risk Assessment

- 3.1 In relation to recommendation 2.1 Officers have evaluated and identified risks that may arise if funds are not distributed in line with the criteria set out in the HPC Site Preparation Section 106 agreement. To address this we have produced the MoU (See Appendix A). The MoU also contains clear monitoring arrangements. Any bid for funding to CPC over £50,000 will be submitted to the SWT CIM Fund Manager and referred to the POB and SWT Council for consideration.
- 3.2 SWT officers are working with the Stogursey Victory Hall project consultant and Stogursey Victory Hall Committee to closely monitor the budget of the project to mitigate any risks of unnecessary expenditure, and to closely monitor progress of the project to ensure that any financial risks are identified and mitigated to reduce the amount of contingency required.

4 Background and Full details of the Report

- 4.1 When West Somerset Council gave a grant of planning permission to EDF Energy to commence preparing the site at Hinkley Point C for a new power station a Section 106 legal agreement was signed by West Somerset Council, Sedgemoor District Council and Somerset County Council known as a HPC Site Preparation Section 106 agreement (s106).
- 4.2 As part of the mitigation measures the agreement included a £7.2 million Community Impact Mitigation fund, this fund was made up of £6.7 million Community Impact Contribution and £500,000 Stogursey Contribution to be administered by West Somerset Council.
- 4.3 The s106 sets out that the funds should be spent to support communities that may be directly or indirectly affected by the development at Hinkley Point C or any of its associated projects.
- 4.4 The fund was designed to enable communities within the districts of West Somerset, Sedgemoor and across Somerset to deliver projects and improvements that mitigate the intangible and residual impacts of the development.
- 4.5 To assist with the distribution of the fund a Board was been set up, the HPC Planning Obligations Board including representatives from Somerset County, West Somerset and Sedgemoor District Councils and EDF Energy. The Board assessed applications for grants based on the terms of the legal agreement and made recommendations to West Somerset Council for final approval.
- 4.6 The new Somerset West and Taunton Council adopted the obligations of West

Somerset Council in relation to the HPC Site Preparation s106 agreement in May 2019.

- 4.7 As set out in the HPC Site Preparation s106 agreement the following amounts were allocated with specific purposes:

Ring-fence	Total Available £	Funds remaining as of February 2020
Towards promoting and improving the quality of life in West Somerset	2,134,529	0
Towards promoting and improving the quality of life in Sedgemoor (Bridgwater)	1,067,265	0
Towards promoting and improving the quality of life in Cannington	533,632	158,994
Towards promoting and improving the quality of life in Stogursey	522,632	201,545
Towards promoting and improving the quality of life in Somerset	3,688,969	0
Total	7,958,027	360,539

- 4.8 All funds relating to West Somerset, Sedgemoor (Bridgwater) and Somerset have now been fully allocated and the HPC CIM Fund is closed to new applicants.
- 4.9 On 25th July 2018 West Somerset Council agreed to continue to manage the funds ring fenced for Stogursey and Cannington.
- 4.10 In December 2018 The Planning Obligation Board (POB) agreed to consider applications for projects in Cannington on an ad-hoc basis and recommendations would be made to West Somerset Council and later Somerset West and Taunton Council in line with the procedures set out in the HPC Site Preparation s106 agreement.
- 4.11 POB recently approved an application for a small amount of £4,500 from the Cannington ring-fence for a community resident parking scheme. In light of this, and in regard to the remaining ring-fenced amount of £158,994.10 the POB felt they could

potentially end up receiving lots of small applications resulting in a considerable amount of time and resource to formally appraise and process proposals.

- 4.12 Applications to the CIM Fund have been considered by the Planning Obligations Board against the criteria outlined in the Section 106 legal agreement for the Site Preparation Works at Hinkley Point (Appendix B). In regard to the criteria the CPC will be expected to undertake a similar evaluation process to assess future proposals for the Cannington ring-fenced monies.
- 4.13 As a result the POB voted on and agreed the recommendation to transfer the total remainder of the Cannington ring-fenced monies to the CPC to administer. The following conditions for the CPC to adhere to have been set and agreed by the POB which are as follows:
- CPC must undertake evaluation appraisals of all proposals to ensure they mitigate impacts in line with the criteria set out in Schedule 1 of the HPC Site Preparation Section 106 agreement before approval.
 - CPC must report back to Somerset West and Taunton Council (SWT) via the CIM Fund Manager at regular intervals with progress updates.
 - Applications for grant funding of over £50,000 must be referred to SWT and following the decision making procedures set out in the HPC Site Preparation Section 106 agreement for consideration by POB and SWT.
 - Applications for grant funding by any organisation that have previously been awarded a CIM Fund Grant must be referred to SWT and follow the decision making procedures set out in the HPC Site Preparation Section 106 agreement.
- 4.14 In November 2018 West Somerset Council agreed to allocate a further £110,000 to the Stogursey Victory Hall Project, raising the total amount of funding awarded from the HPC CIM Fund to £1,350,000. The total amount requested was a significant investment into a single project however the POB and Council recognised the significance of the impact of the HPC development in the area, the lack of opportunity due to location and community resource to invest in other impact mitigation projects, that a significant proportion of the community would benefit from the project and that the project would have a transformational benefit to the area.
- 4.15 West Somerset Council also agreed that a condition of this funding was that *'The remaining £201,545 in the Stogursey ring-fenced fund should be used as contingency in the event of any additional costs incurred,'*
- 4.16 The recommendation in this report formalises the allocation of £201,545 from the HPC CIM Fund ring-fence for Stogursey to the project with a further condition that any unspent contingency monies are returned to the HPC CIM Fund ring-fenced for Stogursey to be made available for impact mitigation projects in Stogursey by Somerset West and Taunton Council in line with the criteria set out in the HPC Site Preparation s106 agreement.

5 Links to Corporate Strategy

The allocation of these funds will enable delivery against the Corporate Priorities of Homes & Communities, objective 5 – to engage with voluntary sector in their mission to help support communities.

6 Finance / Resource Implications

- 6.1 To date £374,638.19 has been allocated to Cannington Parish Council from the CIM Fund part of the Hinkley Point C Site Preparation Section 106 allocations (see Appendix C).
- 6.2 This proposal has no impact on Somerset West and Taunton Council General Fund as it is funded entirely from the Hinkley Point C Site Preparation s106 obligations.

7 Legal Implications

- 7.1 These funds have been paid by a developer (NNB Genco) due to the signing of a Section 106 legal agreement for planning permission to carry out the site preparation works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037). As part of this legal agreement the Council shall take into account the recommendations of the Planning Obligations Board when deciding how to apply those elements of the Community Impact Mitigation Contributions (Schedule 1 – General, Para. 5.3 of the S106).

8 Climate and Sustainability Implications

- 8.1 Applicants are encouraged to consider the environmental implications of their project and to demonstrate how their projects will promote environmental sustainability, for example through the use of recycled materials, alternative energy sources, reduction in travel by motor vehicles, improvements to the local environment and regeneration.
- 8.2 There are environmental impacts associated with the wider proposed development of Hinkley Point C. These have been assessed within the Environmental Statement submitted by NNB Genco with the application to carry out Site Preparation Works at Hinkley Point C (West Somerset Council Planning Application No: 3/32/10/037) and additional mitigation measures have been secured.

9 Safeguarding and/or Community Safety Implications

- 9.1 Applicants are encouraged to consider the promotion of community safety and community cohesion as part of their project.
- 9.2 Applications for projects that provide facilities or services to children, young people or vulnerable adults are required to include copies of the applicants safeguarding policy and procedures.
- 9.3 The requirement for organisations to adhere to Safeguarding legislation are included in the CIM Fund grant terms and conditions.

10 Equality and Diversity Implications

- 10.1 Organisations applying to the CPC for funding will be required to describe how their

project will promote equal opportunities and will be accessible to all people in the community regardless of background, ability or personal circumstances.

- 10.2 Projects that restrict membership or access to services without being able to 'objectively justify' their reasons for doing so will not be eligible to be considered for funding. Projects that wish to limit access must be able to show that the less favorable treatment contributes to a 'legitimate' aim and that it is 'proportionate.'
- 10.3 Organisations are required to provide a copy of their Equal Opportunity Policy with their application to demonstrate awareness of their responsibility to deliver accessible services that advance equality.
- 10.4 Wider community benefit and the ability of the project to promote cohesive communities are both taken into account when scoring applications and making recommendations.

11 Social Value Implications

- 11.1 Applications to the CIM Fund must demonstrate that they provide economic, social and or environmental benefits for the local area. Applicants are also encouraged to provide opportunities for volunteering and community involvement wherever possible.

12 Partnership Implications

- 12.1 A signed memorandum of understanding (MoU) between Somerset West and Taunton Council and Cannington Parish Council (CPC) sets out the conditions and expectations in relation to the transfer of the ring-fenced monies and future proposals presented to the CPC.

13 Health and Wellbeing Implications

- 13.1 The Community Impact Contributions are for the purpose of mitigating the impacts of the Hinkley C development on local communities through projects that promote or improve the economic, social or environmental wellbeing of local communities.
- 13.2 The application and scoring process has been developed to prioritise funding of projects that aim to improve the health and wellbeing of people, families and communities affected by the development.
- 13.3 Applications are required to evidence and demonstrate that
 - The communities is taking responsibility for their own health and wellbeing;
 - Projects provide benefits which empower communities to be thriving and resilient
 - Projects provide benefits which support people to live independently

14 Asset Management Implications

- 14.1 Not applicable

15 Data Protection Implications

15.1 Not applicable

15 Consultation Implications

15.1 Applications to the CIM Funding up to £50k are considered by the Cannington Parish Council in line with CIM Fund criteria, anything above the £50k threshold also considered by the Planning Obligations Board. The Board consists of representatives from EDF, Sedgemoor District Council, West Somerset District Council and Somerset County Council.

15.2 All applicants are required to demonstrate that they have consulted with their local and wider communities on project proposals with the aim of informing their need appraisal and to shape delivery of their project.

16 Scrutiny Comments / Recommendations

16.1 This report has not been submitted to Scrutiny for consideration.

Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – Yes**
- **Full Council – No**

Reporting Frequency: ☒ **Once only** ☐ **Ad-hoc** ☐ **Quarterly**
☐ **Twice-yearly** ☐ **Annually**

List of Appendices (delete if not applicable)

Appendix A	Memorandum of Understanding (MoU)
Appendix B	Appraisal criteria
Appendix C	Cannington funding table

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