

# Seeing the Light of Day: Capital funding for Archaeological Archives

This briefing paper outlines the potential for seeking capital funding through the Community Infrastructure Levy and Section 106 Agreements.

## I. Community Infrastructure Levy

*The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Development may be liable for a charge under the Community Infrastructure Levy (CIL), if your local planning authority has chosen to set a charge in its area.*

*Most new development which creates net additional floor space of 100 square metres or more, or creates a new dwelling, is potentially liable for the levy.*

Source: [https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy)

Each Planning Authority (ie a District or Unitary authority) will have developed a strategic planning document for a 10 year period, often called a Core Strategy (part of the Local Plan or Local Development Framework). Once this has been adopted, the Planning Authority is able to levy a charge on development in their area. The money generated through the levy contributes towards the funding of infrastructure to support growth.

The Planning Authority is then able to draw up a list of priority projects that can be funded by the CIL Levy. This is known as a Community Infrastructure Levy Regulation 123 List and can be updated as circumstances change during the life of the Core Strategy.

As enabling public access to archaeological archives is a requirement of the National Planning Policy Framework, archive storage can be included in the CIL Regulation 123 List. This is the case in Wiltshire – see

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.htm>

A Parish Council can be paid 15% of the CIL for a development within its area, or 25% if there is a Neighbourhood Plan in place. This funding can be used more flexibly to 'support development of the area'.

CIL funds can be spent or combined across different local authority areas.

### What you can do

- Find the Core Strategy for your area and identify 'hooks' for the importance of heritage and archaeology in place-shaping of your area.
- Find the CIL Regulation 123 List for your area – see if there are any opportunities in the list.
- Make contact with the Planning Officer who deals with CIL and find out what the review schedule is for the list.
- Work with sector colleagues to develop an advocacy campaign for inclusion in the next revision of the list. This will include making a case with lead councillors for planning as well as those responsible for arts, culture and heritage. At all times, stress that funding is not being sought from the core budget of the Council. Any advocacy campaign will need to be well-planned and will take significant effort. There will be many competing demands for the use of CIL funding.
- Identify any major developments (eg an industrial estate), where an additional building could be constructed as a CIL payment in kind.

- Consider the impact of large-scale developments and significant archaeological archives from a parish or town council area. Make contact with the relevant officer or Councillor and discuss the possibility of support.
- If the Museum is not part of the local Council, then it may be possible to identify surplus buildings or sites owned by your Council that could be included in a Community Asset Transfer programme.

## 2. Section 106 Agreements

*Planning obligations, also known as Section 106 agreements (based on that section of The 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms. The land itself, rather than the person or organisation that develops the land, is bound by a Section 106 Agreement, something any future owners will need to take into account.*

Planning Obligations are used for three purposes:

- Prescribe the nature of development (for example, requiring a given portion of housing is affordable)
- Compensate for loss or damage created by a development (for example, loss of open space)
- Mitigate a development's impact (for example, through increased public transport provision).

Source: [https://www.planningportal.co.uk/info/200126/applications/58/the\\_decision-making\\_process/7](https://www.planningportal.co.uk/info/200126/applications/58/the_decision-making_process/7)

Section 106 Agreements tend to be used for smaller scale developments and are generally restricted to the immediate geographical area of the development. Mitigating a development's impact could include funding for the storage of the archaeological archives generated in advance of development.

### What you can do

- Monitor large-scale planning applications and identify those that may generate substantial archaeological archives.
- Identify the Planning Officer responsible for negotiating Section 106 Agreements and discuss the issue with them. Ask them to identify any unspent Section 106 funds that might be used to mitigate the impact of a significant volume of archaeological archives.
- Discuss the issue with relevant Councillors.
- Work with sector partners to plan and implement a significant advocacy campaign. There will be many competing demands for the use of Section 106 funding.

## 3. Combining CIL and Section 106

*CIL is intended to provide infrastructure to support the development of an area, rather than making individual planning applications acceptable in planning terms. As a result, some site specific impact mitigation may still be necessary in order for a development to be granted planning permission. Therefore, the government considers there is still a legitimate role for development specific planning obligations (ie Section 106 agreements) to enable a local planning authority to be confident that the specific consequences of a particular development can be mitigated.*

Source: <https://www.gov.uk/guidance/community-infrastructure-levy>. (Paragraph: 094)

It is possible for a Planning Authority to require developer contributions under both CIL and Section 106 but cannot be combined to provide funding for the same infrastructure priority. However, it is most likely that planning authorities will be using CIL for larger developments.

David Dawson: 7/11/2017