

INFRASTRUCTURE FUNDING STATEMENT

Head of Service:	Viv Evans, Head of Planning
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Infrastructure Funding Statement 2019/2020 Appendix 1: CIL demand notices Appendix 2: CIL receipts Appendix 3: S106 agreements

Summary

This report relates to the Council's first Infrastructure Funding Statement (IFS), which is required under the Community Infrastructure Levy Regulations. It contains information on CIL monies, Section 106 and Section 278 agreements along with an 'infrastructure list' setting out the infrastructure projects or types which the Council intended to fund wholly or partly by the levy. It must be published on the Council's website by 31 December 2020.

Recommendation (s)

The Committee is asked to:

- (1) **Note the content of the Infrastructure Funding Statement for publication by 31 December 2020.**

1 Reason for Recommendation

- 1.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 require any local authority which receives developer contributions to publish online an Infrastructure Funding Statement by 31 December 2020.

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2 Background

- 2.1 The Council introduced its Community Infrastructure Levy (CIL) on 29 April 2014. The purpose of the community infrastructure levy is to raise funds from new building projects in the area in order to help pay for infrastructure that is needed to support new development. The introduction of the CIL means that a flat fee can be charged for each square metre of additional floor area on new qualifying developments (convenience retail, student accommodation and care homes).
- 2.2 Following amendments to the Community Infrastructure Regulations¹ any local authority that has received developer contributions (Section 106 planning obligations or Community Infrastructure Levy) is now required to publish online an Infrastructure Funding Statement (IFS). The first IFS, relating to the financial year 2019/2020, must be published by 31 December 2020. An IFS must be published by the 31 December for each year thereafter and must cover the previous financial year from 1 April to 31 March.
- 2.3 Previously, charging authorities were required to report annually on how much CIL had been received, and how it has been spent; this was known as the Regulation 62 statement. Additionally regulation 123(4) required charging authorities to set out a list of projects or types of infrastructure intended to be funded by CIL. CIL monies could only be spent on items or infrastructure types included in the 'Regulation 123 list' which identifies those infrastructure projects that the levy will be spent on.
- 2.4 There was found to be significant variation in the level of detail provided by authorities in these documents. The amendments to the CIL Regulations seek to standardise the information provided through the requirement to produce an IFS. The content of an IFS is now prescribed by the regulations and once published, an IFS will replace the Regulation 123 list.
- 2.5 An IFS must contain:
- A report relating to the previous financial year on the Community Infrastructure Levy, section 106 planning obligations and section 278 highways agreements.
 - A report on the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partially by the levy (excluding the neighbourhood portion). This is to be known as the 'Infrastructure List'.
- 2.6 To collect data to populate the IFS, government guidance recommends that local authorities monitor data on the Community Infrastructure Levy and Section 106 planning obligations using the government's data format. Data must be published on the Council's website under the 'open government licence' on at least an annual basis. MHCLG will then 'harvest' this data maintain a national register of developer contributions.

¹ Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

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- 2.7 Government guidance recommends that authorities report on the delivery and provision of infrastructure, where they are able to do so in an IFS. This will give communities a better understanding of how developer contributions have been or are intended to be used to deliver infrastructure in their area.
- 2.8 The IFS should set out future spending priorities on infrastructure and affordable housing in line with up-to-date or emerging plan policies. This should provide clarity and transparency for communities and developers on the infrastructure and affordable housing that is expected to be delivered.
- 2.9 Local authorities can publish updated monitoring data and IFSs more frequently if they wish, for example if a new infrastructure priority/scheme was identified.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

- 3.1.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 require any local authority which receives developer contributions to publish an Infrastructure Funding Statement by 31 December 2020. This replaces the requirement to publish a Regulation 62 Statement and Regulation 123 list.

3.2 Crime & Disorder

- 3.2.1 Publication of the IFS provides transparency for the collection and use of developer contributions.

3.3 Safeguarding

- 3.3.1 None.

3.4 Dependencies

- 3.4.1 None.

3.5 Other

- 3.5.1 None.

4 Financial Implications

- 4.1 The requirement to report on developer contributions is not new, although the IFS requires greater detail and additional monitoring.

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- 4.2 **Section 151 Officer's comments:** S106 agreements and CIL receipts and expenditure for financial year 2019/20 are detailed in the appendices to this report.

5 Legal Implications

- 5.1 These are set out within the body of the report.
- 5.2 **Monitoring Officer's comments:** None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Green and Vibrant, Safe and Well, Cultural and Creative, Opportunity and Prosperity, Smart and Connected, Effective Council.
- 6.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report.
- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report.
- 6.5 **Partnerships:** The production of the IFS requires collaborative working across various Council departments.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

Regulation 62 reports (2016 to 2019)

- Regulation 123 List