

Cherwell District Council

Executive

4 December 2022

Infrastructure Funding Statement 2022/23

Report of Assistant Director – Planning and Development

This report is public

Purpose of Report

To seek approval of the Council's Infrastructure Funding Statement 2022/23 for publication by 31 December 2023 and to note the updated guidance removing the previous requirement to submit accompanying data to the Department for Levelling Up, Housing and Communities.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Infrastructure Funding Statement 22/23 at Appendices 1 and 2 to this report for publication by 31 December 2023, subject to any minor or presentational changes considered to be necessary by the Assistant Director – Planning and Development in consultation with the Portfolio Holder for Planning and Development.

2.0 Introduction

- 2.1 The Infrastructure Funding Statement (IFS) is published annually, and details developer contributions secured either to mitigate the impact of approved development or for which there has been a transaction during the financial year.
- 2.2 The publication of a Statement is a statutory requirement for the Council arising from changes to the Community Infrastructure Regulations (the Community Infrastructure Levy) (Amendment) (England) (No.2) Regulations 2019. The Council's first IFS was considered by the Council in 2020.
- 2.3 Any Council that receives a contribution from development must prepare an Infrastructure Funding Statement. The Council reports on the contributions it receives. It is for Oxfordshire County Council to report on its contributions, such as those for highways and education.

- 2.4 Local Planning Authorities continue to be required to keep a copy of any Planning Obligation, together with details of their modification or discharge, and make these publicly available on their planning register (i.e. the Council's Public Access System) and Local Land Charges Register.
- 2.5 An Infrastructure Funding Statement should include a Community Infrastructure Levy (CIL) Report (where relevant) and a Section 106 Report which refers to the section of the Town and Country Planning Act 1990 under which developer contributions are sought. As the Council has not introduced a CIL, the Council's IFS includes only a Section 106 report.
- 2.6 The IFS at Appendix 1 covers the period 1 April 2022 to 31 March 2023 and has been prepared to meet regulatory requirements. This year, the requirement to provide accompanying "raw" data to Central Government has been removed.
- 2.7 The IFS does not take into account allocations and transactions undertaken since 31 March 2023 and does not take into account all payments owing to services/infrastructure providers for the forward funding of infrastructure delivery and/or maintenance. It should also be noted that the IFS reflects a moment in time and that there may be cases where the data will be updated.
- 2.8 The process of producing the IFS report has naturally evolved as lessons are learned and more collaborative and effective ways of working have been identified, in particular between the Planning and Finance teams. This process will continue to develop to assist both with the swift and effective production of the Infrastructure Funding Statement but also as part of the process of understanding future infrastructure requirements within the district.
- 2.9 The current "unallocated" figure for developer contributions is £79,811.58 which represents a reduction of £116,821.81 on the previous unallocated figure of £196,633 from 21/22. Examination of the finance records suggest that is a legacy recording issue for a commuted sum rather than unspent funds that need to be allocated. All monies secured during 22/23 are allocated. The total sums for unspent or unallocated funds cannot be considered to be fixed or final.

3.0 Report Details

- 3.1 The data return has been produced following national guidance. There are three broad categories of data collected:
1. developer agreements – details of those agreements entered into during the reporting year;
 2. developer agreement contributions – those individual obligations or sums within an agreement assigned to particular purposes/specified categories (e.g. community facilities, affordable housing, monitoring fees);

3. developer agreement transactions – those that are secure `secured`, `received`, `allocated`, `transferred`, `spent` or `returned` with the amount specified.
- 3.2 There is not a requirement to republish historical data other than for contributions previously received that remain unspent. There is no longer a requirement for the Council to publish its raw IFS data.
- 3.3 Where the Council passes funds onto third parties, this should be on the condition that they will provide information back to the Council on how contributions have been spent that reported year and how they intend to spend future contributions.
- 3.4 The Infrastructure Funding Statement should be used to feed back into reviews of plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the delivery of the plan.
- 3.5 The guidance recommends that authorities report on the delivery and provision of infrastructure where they are able to do so in order to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.
- 3.6 It also acknowledges that data on developer contributions is imperfect, represents a snapshot in time and can be subject to change. However, the Statement published should contain the most robust data available at the time.
- 3.7 The key messages from this year's report are as follows:
 - Total developer contributions secured in 22/23 was £11,138,237.96 significantly higher than in previous years as a result of the contributions secured on two major development sites.
 - This is also reflected in a significant uplift in the number of affordable housing units secured at 869 in s106 agreements during 22/23.
 - Total contributions received in the reporting year were £3,038,025.31. compared to £2,929,691 received the previous year.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The publication of an Infrastructure Funding Statement (IFS) is a statutory requirement that provides transparency and accessibility to information about developer contributions secured by the Council through Section 106 Agreements.
- 4.2 The report has been produced in collaboration with Financial Services and the information contained within it is considered to represent the most robust data available at this time.

5.0 Consultation

- 5.1 Councillor Dan Sames – Portfolio Holder for Planning and Development

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons set out below:

Option 1 – Not to bring forward and Infrastructure Funding Statement

This is not a lawful option and would leave the Council in breach of its statutory duty.

Option 2 – Seek review of the key statistics and proposed Infrastructure Funding Statement

Officers consider that this is not required as the information is the most available at this time.

7.0 Implications

Financial and Resource Implications

- 7.1 The IFS has been prepared in consultation with the Council's Finance team. No direct financial implications are identified. The work on the IFS has been completed within existing budgets.
- 7.2 The IFS indicates that £79,811.58 s.106 monies have not yet been spent or allocated. These are likely to represent legacy payments that have been allocated and still require further investigation to link them to the project they were intended for.

Comments checked by:

Kelly Wheeler– Strategic Business Partner

kelly.wheeler@cherwell-dc.gov.uk

Legal Implications

- 7.3 There is a statutory requirement to publish an IFS that meets prescribed requirements and officers consider that the information presented to meet those requirements is, in accordance with guidance, the most robust available at this time.

Comments checked by:

Shiraz Sheikh, Monitoring Officer and Assistant Director – Law and

Governance Shiraz.sheikh@cherwell-dc.gov.uk

Risk Implications

- 7.4 Within the IFS, it is explained that the statement has been produced on the best information available at this moment in time. The data it contains is drawn from current records which may change or be updated. Failure to publish an IFS could cause reputational harm to the Council as well as potential challenge for failing to meet a statutory requirement. This and any other risks that may arise will be managed accordingly by the services and escalated as and when necessary to the Leadership Risk Register.

Comments checked by:

Celia Prado-Teeling – Performance and Insight Team Leader

celia.prado-teeling@cherwell-dc.gov.uk

Equality and Diversity Implications

- 7.5 There are no Equalities or Inclusion implications arising directly from the gathering and publication of this data.

Comments checked by:

Celia Prado-Teeling – Performance and Insight Team Leader

celia.prado-teeling@cherwell-dc.gov.uk

Sustainability Implications

- 7.6 There are no implications arising from the gathering and publication of the data.

Comments checked by:

Jo Miskin, Climate Action Manager

jo.miskin@cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2023-2024

- Housing that meets your needs
- Supporting environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

Lead Councillor

Councillor Dan Sames – Portfolio Holder for Planning and Development

Document Information**Appendix number and title**

- Appendix 1: Infrastructure Funding Statement 2022/23
- Appendix 2: Accompanying IFS Appendices

Background Papers

None

Report Author and Contact Details

Jane Law – Planning Enforcement Team Leader

Tel: 01295 221826, jane.law@cherwell-dc.gov.uk