

Cherwell District Council

Executive

6 December 2021

Infrastructure Funding Statement 2020/21

Report of Assistant Director – Planning and Development

This report is public

Purpose of report

To seek approval of the Council's Infrastructure Funding Statement 2020/21 for publication and for an accompanying data submission to the Department for Levelling Up, Housing and Communities.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Infrastructure Funding Statement 20/21 at Appendix 1 for publication by 31 December 2021, subject to any final changes considered to be necessary by the Assistant Director – Planning and Development in consultation with the Lead Member for Planning.
- 1.2 To authorise the Assistant Director – Planning and Development to publish and submit the associated Infrastructure Funding Statement data as required by the Department for Levelling Up, Housing and Communities.

2.0 Introduction

- 2.1 The Infrastructure Funding Statement (IFS) is an annual published statement of developer contributions either secured 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 Councils arising from changes to the Community Infrastructure Regulations (the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019). The changes came into effect in September 2019 and the Council's first IFS was considered by the Executive in December 2020.
- 2.3 Planning Practice Guidance states, '*Reporting on developer contributions helps local communities and developers see how contributions have been spent and*

understand what future funds will be spent on, ensuring a transparent and accountable system' (para. 029, ref. ID: 23b-029-20190901).

- 2.4 Any authority 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.
- 2.5 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).
- 2.6 An Infrastructure Funding Statement should include a Community Infrastructure Levy (CIL) Report (where relevant), and a 'Section 106' Report – 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.
- 2.7 The IFS (Appendix 1) covers the period 1 April 2020 to 31 March 2021 and has been prepared to meet the regulatory requirements set out at Appendix 2. The accompanying 'raw' data the Council is required to publish, and the format of presentation, is defined by the Department for Levelling Up, Housing & Communities.
- 2.8 The process of preparing the IFS has involved close working between Finance and Planning services to provide as much clarity as possible on the latest s.106 position. The IFS is based on the most robust information available at this moment in time. The data it contains is drawn from current records but it is important to note that those records can change as new information becomes available.
- 2.9 In particular, the IFS does not take into account allocations and transactions undertaken since 31 March 2021 and does not take into account all payments owing to services/infrastructure providers for the forward funding of infrastructure delivery and/or maintenance. There will also be some cases where the Council's records may need updating. For these reasons, the total sum for unspent or unallocated funds (£225,512.88) cannot be considered a fixed or final figure.

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 'secured', 'received', 'allocated', 'transferred', 'spent' or 'returned' with the amount specified.

- 3.2 Planning Practice Guidance advises that local authorities should monitor data in line with the government's data format; that the data should include details of the development and site, what infrastructure is to be provided and when developer contributions are received, spent or transferred.
- 3.3 There is not a requirement to republish historical data other than for contributions previously received which remain unspent.
- 3.4 Where authorities pass funds to other bodies, this should be on the condition that the other body will provide information back to the authority on how contributions have been spent that reported year, and how they intend to spend future contributions, to inform Infrastructure Funding Statements.
- 3.5 The information in the Infrastructure Funding Statement should feed back into reviews of plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan.
- 3.6 The guidance recommends that authorities report on the delivery and provision of infrastructure where they are able to do so. This will give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area.
- 3.7 It acknowledges that data on developer contributions is imperfect, represents estimates at a given point in time, and can be subject to change. However, the data published should be the most robust available at the time.
- 3.8 The Infrastructure Funding Statement has been prepared to provide as much clarity as possible, elaborating on the raw data where achievable. However, data on transactions has had to be presented in its raw form.
- 3.9 The key statistics are:
- Total contributions to be made to the Council, secured through agreements during the reporting year, of £2,400,257.78
 - Total contributions received during the reporting year of £629,186.73
 - Total contributions spent during the reporting year of £105,542.11
 - The council allocated £94,827.22 to infrastructure projects in the District
 - The council secured District monitoring fees of £23,421.42
 - A minimum £592,045.17 towards the provision of or on-going maintenance of community facilities within the district, along with other contributions towards the provision or maintenance of community facilities
 - Contributions towards flood and water management, such as balancing ponds, swales and ditches and their on-going maintenance
 - Contributions towards green infrastructure, such as the provision of biodiversity off-setting or an ecological zone within a development
 - Contributions towards healthcare provision or improvement of around £334,026.00 (i.e. for Oxfordshire Clinical Commissioning Group)
 - A minimum £1,253,843.88 towards open space and leisure provision, such as outdoor or indoor sports provision, public open and amenity space management, the provision of play spaces and their management
 - Other contributions towards public art and refuse management
 - 106 affordable homes were secured in agreements
 - 286 affordable homes were received from developments.

- 3.10 Officers are seeking authority to publish the IFS and to publish and submit the supporting raw data to meet statutory requirements.

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 of information about s.106 developer contributions required for the grant of planning permission. The proposed IFS encapsulates the data that officers propose to publish and submit for 2020/21 to DLUHC to meet that requirement. The information is considered to be the most robust available at this time. Officers will prepare a statement annually and continue to develop monitoring systems on an on-going basis.

5.0 Consultation

- 5.1 Councillor Colin Clarke - Lead Member for Planning

6.0 Alternative Options and Reasons for Rejection

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

Option 1: Not to bring forward an Infrastructure Funding Statement

This is not a lawful option as it would mean that the Council would be 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 robust available at this time.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications identified. The work on the IFS is being completed using existing budget.

The IFS indicates that £225,512.88 s.106 monies have not yet been spent or allocated. This does not present the most up to date position as 1) it does not take into account allocations and transactions undertaken since 31 March 2021; 2) does not take into account all payments owing to services/infrastructure providers for the forward funding of infrastructure delivery and/or maintenance; and 3) in some cases the Council's records may need updating.

Comments checked by:
Janet Du Preez, Service Accountant,
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Legal Implications

- 7.2 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:
Matthew Barrett, Planning Solicitor,
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Risk Implications

- 7.4 Within the IFS, it is explained that the statement has been produced on the basis of 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, and therefore to meet statutory requirements, could cause reputational harm to the Council. This and any other risks that may arise will be managed accordingly through the service Operational Risk and escalated as and when necessary to the Leadership Risk Register.

Comments checked by:
Louise Tustian, Head of Insight and Corporate Programmes
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Equality & Diversity Implications

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

Comments checked by:
Emily Schofield, Acting Head of Strategy
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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 2021-2022:

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

Lead Councillor

Councillor Colin Clarke – Lead Member for Planning

Document Information

- Appendix 1: Infrastructure Funding Statement 2020/21 – Summary Report
- Appendix 2: Section 106 Report – Prescribed Matters

Background papers

None

Report Author and contact details

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