

DECISION TAKER: CABINET MEMBER FOR BUILT ENVIRONMENT AND WELLBEING, CLLR JACKIE PORTER

REPORT TITLE: INFRASTRUCTURE FUNDING STATEMENT FOR CIL AND S106 AGREEMENTS

7 DECEMBER 2020

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WARD(S): ALL

PURPOSE

The purpose of the report is to agree the attached Infrastructure Funding Statement for publication, which is a legal requirement under the Community Infrastructure Levy (Amendment) Regulations 2019. This is required to be published by 31 December 2020.

RECOMMENDATIONS:

1. That the Infrastructure Funding Statement for the reporting period from 1 April 2019 to 31 March 2020 be noted and agreed for publication.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The infrastructure supported by CIL and s106 Agreements aim to provide and improve community facilities and accessibility to and the provision and improvement of open space
- 1.3 Homes for all
- 1.4 Much of the infrastructure requiring both CIL funding and inclusion in s106 agreements assists projects which support new facilities in areas where new residential development is planned or has an impact.
- 1.5 Vibrant Local Economy
- 1.6 Helping to provide local infrastructure can support employment and ensures greater community engagement, which in turn can boost the local economy.
- 1.7 Living Well
- 1.8 The application of both CIL and s106 agreements supports the provision and improvement of sporting and recreational facilities in an area and greater accessibility to open space.

2 FINANCIAL IMPLICATIONS

- 2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The Community Infrastructure Levy Regulations place a legal obligation on collecting authorities to produce a Funding Infrastructure Statement for a chosen reporting period, by 31st December 2020. The information to be reported is specified by the Regulations. There are no procurement implications with this report.

4 CONSULTATION AND COMMUNICATION

- 4.1 It was not necessary for any consultation in regard to the production of the IFS as it is a reporting mechanism for the allocation and expenditure of CIL and s106 agreements. There has been liaison and communication with both Hampshire County Council and all the other districts in Hampshire to ensure the same reporting period was agreed for all other Hampshire authorities including the South Downs National Park, and to coordinate the approach to the IFS.

5 ENVIRONMENTAL CONSIDERATIONS

5.1 None

6 EQUALITY IMPACT ASSESSEMENT

6.1 None that arise as a result of the content of this report. Officers will have regard to the considerations as set out in the Equalities Act 2010 and whether an equality impact assessment will be required to be undertaken on any specific recommendation or future decisions made.

7 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property</i> <i>Assets may not have the capacity to cope with increased pressure from new developments</i>	CIL and s106 agreements ensure provision is made to improve facilities to meet the increasing demand.	Communities will benefit from infrastructure provided as part of new development or enhanced from CIL secured through smaller scale development
<i>Community Support</i> <i>Failure to report on CIL and s106 spending could harm the Council's reputation with local communities especially in areas where new development is taking place</i>	CIL funds are allocated using the agreed spending protocol and s106 agreements are negotiated to ensure the required infrastructure is provided along with new development	Communities can engage with CIL funded schemes to ensure an outcome which is of maximum benefit. The Infrastructure Funding Statement gives the opportunity to publicise the projects which benefit from developer contributions
<i>Timescales</i> <i>The Infrastructure Funding Statement is required to be published by 31st December 2020</i>	This report seeks the required agreement to publish the Infrastructure Funding Statement	
<i>Project capacity</i> <i>Lack of resources could hinder the monitoring and reporting of CIL funding and s106 agreements</i>	Up to 5% of the CIL collected can be used to provide support for the collection and implementation of CIL. S106 is monitored separately.	
<i>Financial / VfM</i>		

<i>CIL and s106 Funding is not spent on infrastructure projects.</i>	The assessment process for CIL schemes is in accordance with agreed spending protocol. The s106 agreements specify the infrastructure for which funding must be provided	The system of awarding CIL to community projects is to be reviewed to ensure value for money.
<i>Legal CIL are not spent in accordance with the approved programme and s106 spending is not spent in accordance with the legal agreements</i>	Projects are monitored to ensure funds are used in accordance with the agreed details. S106 agreements are monitored separately to ensure compliance with legal agreements.	
<i>Innovation N/A</i>		
<i>Reputation Failure to deliver schemes could harm the Council's reputation</i>	Ensure funds are allocated appropriately using the spending protocol and regularly review the programme	
<i>Other N/A</i>		

8 OTHER KEY ISSUES

8.1 None

9 SUPPORTING INFORMATION:

9.1 The Community Infrastructure Levy Regulations 2010 have been amended each year since coming in to effect. In September 2019 the amended regulations introduced a legal requirement for all Local Authorities to publish an annual Infrastructure Funding Statement (IFS) which would report on both the Community Infrastructure Levy collected and spent, as well as planning obligations (s106 agreements) entered in to for a particular reporting period.

9.2 The information contained in the IFS is prescribed by the 2019 (Amendment) Regulations which set out the required financial information to be reported and the exact order in which each item is reported. The Winchester City Council IFS accompanying this report follows the specified order of reporting and contains as much information as was possible to coordinate, given that s106 agreements are often complex and long term commitments, linked to large developments, and the reporting period is focussed on the year from 1 April 2019 to 31 March 2020.

9.3 A number of meetings were held (in person pre-Coronavirus, and via Teams during the rest of the year) with Hampshire County Council and other district councils, including the South Downs National Park, to discuss the

requirements of the IFS. The reporting period of 1 April 2019 to 31 March 2020 was agreed by all the representatives from the various district and borough councils involved with the meetings, and the County Council. This was to allow time for the information to be recorded and collated and checked. This is also a timescale which has been widely adopted by other local authorities throughout the rest of the country.

- 9.4 The Infrastructure Funding Statement accompanying this report must be published by 31 December, therefore it is recommended that the report is agreed for publication on the City Council website.

10 OTHER OPTIONS CONSIDERED AND REJECTED

- 10.1 There were no alternative options considered and rejected. The publication of the Infrastructure Funding Statement is a legal requirement.

BACKGROUND DOCUMENTS:-

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

CAB3123 Proposed Revisions to the Community Infrastructure Levy (CIL) Regulations 123 List and the proposed allocation of CIL Funds – 13th February 2019

CAB3194 Community Infrastructure Levy Spending Programme – 23rd October 2019

WTF277 Community Infrastructure Levy (CIL) Update -23rd January 2020

CAB3257 Community Infrastructure Levy Spending Programme Update – 21st October 2020

Other Background Documents:-

None

APPENDICES:

Appendix A Winchester Infrastructure Funding Statement for the period from 1 April 2019 to 31 March 2020.