

Tuesday, 23 November 2021

**Report of the Portfolio Holder for Regulatory & Community Safety**

**Infrastructure Funding Statement 2020/21**

**Exempt Information**

None.

**Purpose**

The purpose of this report is to inform the Committee on the recommendation that will be put before Cabinet on 02 December 2021 in relation to the spending of Community Infrastructure Levy income and the publication of the Infrastructure Funding Statement.

**Recommendations**

It is recommended that:

1. Regeneration projects within Tamworth remains the priority for spending the strategic element of CIL;
2. A further £6,208.10 be added to the neighbourhood projects budget for 2022/23; and
3. The draft Infrastructure Funding Statement at Appendix A be approved for publication on the Council's website.

**Executive Summary**

The Council is required to produce an annual Infrastructure Funding Statement (IFS) in order to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area. A copy of the draft IFS for 2020/21 is included at Appendix A.

It is recommended that the spending priority for the strategic element of Community Infrastructure Levy income remains as 'regeneration projects within Tamworth' and that Cabinet approve the publication of the IFS.

An additional £6,208.10, forming the neighbourhood element of CIL income, is available to be spent in line the relevant regulations and guidance. It is recommended that these funds be added to the existing neighbourhood project budget, set up at the Cabinet meeting of 18 February 2021, for Cabinet to spend on a neighbourhood project basis.

**Options Considered**

The Council is required to publish an Infrastructure Funding Statement (IFS) by the end of 2021 and the majority of the content is factual and are prescribed by guidance published by Government. Therefore no alternative options have been considered for this element.

Part of the required IFS is a section setting out the Council's priorities for spending the strategic element of CIL income. At the Cabinet meeting of 08 April 2021, which approved the 19/20 IFS, the strategic priority was set as 'regeneration projects within Tamworth'. Alternative priorities could be set, provided that they are within the framework set out in the relevant regulations. However, as no specific projects have been identified at this time and

the current strategic priority is sufficiently broad to allow a number of projects to come forward, retaining the existing strategic priority is considered to be the best option.

### **Resource Implications**

There are no resource implications associated with the retention of the current CIL spending priorities. CIL income to date amounts to £260,012.12 of which 80% (£208,009.69) forms the strategic element. This income is available to the Council for funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of Tamworth Borough. The money is available to be spent at the Council's discretion so long as the spending is in accordance with the regulatory framework as set out in the following section of this report.

15% of CIL income per year forms the neighbourhood element, which is to be spent in consultation with the public. At the Cabinet meeting of 18 February 2021 it was resolved to form a budget in 2021/22 of £35,000 (from the neighbourhood portion of CIL income at that point) for Cabinet to allocate on a neighbourhood project basis. Additional CIL income of £41,387.36 was received during 2020/21, of which £6,208.10 forms the neighbourhood element. This brings the balance to £39,577 that remains unspent for Cabinet to spend on neighbourhood projects.

There are no resource implications associated with the publication of the Infrastructure Funding Statement.

### **Legal/Risk Implications Background**

The relevant legal basis for the collecting and spending of CIL is the Planning Act 2008 (the act) and the Community Infrastructure Levy Regulations 2010 (as amended) (the regulations). The regulations allow a charging authority (in this case the Council) to apply CIL to administrative expenses incurred by it in connection with CIL.

As regards the strategic element, the regulations state that a charging authority must apply CIL to funding the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of its area and the act sets out the types of infrastructure to which this element of CIL can be applied. These are:

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities,
- (f) open spaces

At this point, no specific projects have been identified on which to spend the strategic element of CIL. Any project within the proposed broad strategic priority of regeneration would need to fit within one of the categories listed above in order to comply with the regulations.

### **Equalities Implications**

None.

### **Sustainability Implications**

The proposals set out relate to the delivery of infrastructure to support the sustainable development of Tamworth in line with the objectives of the Local Plan. There are no additional sustainability implications as a result of the proposals set out in this report.

### **Background Information**

In 2019 the CIL regulations were amended to include a requirement for councils to produce an annual Infrastructure Funding Statement (IFS) in order to give communities a better understanding of how developer contributions have been used to deliver infrastructure in their area. The statement should include details of the money received through s106 and CIL during the previous financial year and information on what projects that money has been allocated to and/or spent on. The statement should also set out the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partly through CIL.

The IFS sets out income and expenditure of both CIL and s106 income each year along with the Council's spending priorities for the strategic element of CIL. At the Cabinet meeting of 08 April 2021, it was resolved that 'regeneration projects within Tamworth' should be set as the Council's spending priority for CIL. As no specific infrastructure projects have been identified as an alternative, it is recommended that 'regeneration projects within Tamworth' remains the Council's strategic CIL spending priority until such time as specific regeneration projects, or alternative infrastructure projects, are identified.

At the Cabinet meeting of 18 February 2021 it was resolved to form a budget in 2021/22 for Cabinet to allocate the neighbourhood portion of CIL on a neighbourhood project basis. CIL income for the year 2020/21 totalled £41,387.36 means that an additional £6,208.10 was added to the neighbourhood portion. It is therefore recommended that the additional £6,208.10 be added to the neighbourhood project budget for 2022/23.

A draft of the latest Infrastructure Funding Statement, covering the period 01 April 2020 to 30 March 2021, is included at Appendix A and it is recommended that Cabinet approve the publication of this document.

### **Report Author**

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### **List of Background Papers**

Report of the Portfolio Holder for Heritage and Growth – Community Infrastructure

Levy – Council meeting - 17 July 2018;

Minute of the meeting of Cabinet – 18 February 2021;

Report of the Portfolio Holder for Regulatory & Community Safety – CIL Spending – Cabinet – 08 April 2021.

### **Appendices**

Appendix A – Draft 2020/21 Infrastructure Funding Statement

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