

Tuesday, 22 November 2022

Report of the Portfolio Holder for Skills, Planning, Economy & Waste

Infrastructure Funding Statement 2021/22

Exempt Information

None.

Purpose

The purpose of this report is to seek Committee endorsement of the recommendation that will be put before Cabinet on 15 December 2022 in relation to the publication of the Infrastructure Funding Statement for 2021/22.

Recommendations

It is recommended that the Committee endorse the following recommendations to go to Cabinet:

1. Regeneration projects within Tamworth remains the priority for spending the strategic element of CIL; and
2. The draft Infrastructure Funding Statement at Appendix A be approved for publication on the Council's website subject to confirmation of the final figures.

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 2021/22 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.

Options Considered

The Council is required to publish an Infrastructure Funding Statement (IFS) by the end of 2022 and the majority of the content is factual and 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. No specific projects have been identified within the timeframe that the Infrastructure Funding Statement covers, however a number of projects are being explored currently and an update will be able to be provided within the 2022/23 Infrastructure Funding Statement. It is therefore considered that retaining 'regeneration projects within Tamworth' as the spending priority would allow sufficient flexibility for relevant projects to come forward.

Resource Implications

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

The draft IFS at Appendix A sets out the income, allocation, and expenditure of planning obligations (both via s106 agreements and CIL) during the period 01 April 2021 to 31 March 2022.

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.

Environment and Sustainability Implications (including climate change)

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 at this time, 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.

Report Author

List of Background Papers

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

Appendices

Appendix A – Draft 2021/22 Infrastructure Funding Statement

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