

Thursday, 12 December 2024

Report of the Portfolio Holder for Housing, Homelessness and Planning

Publication of Infrastructure Funding Statement

Exempt Information

None.

Purpose

The purpose of this report is to seek Cabinet approval for the publication of the Infrastructure Funding Statement 2023/24 and delegate authority where recommended for the publication of future Infrastructure Funding Statements.

Recommendations

It is recommended that:

1. The draft Infrastructure Funding Statement at Appendix 1 is approved for publication on the council's website; and
2. Authority for the publication of future reports is delegated to the Assistant Director – Growth & Regeneration in consultation with the Portfolio Holder for Housing, Homelessness and Planning and Section 151 Officer.

Executive Summary

The Council is required to publish an Infrastructure Funding Statement (IFS) each year which sets out details of the money received through s106 and the Community Infrastructure Levy during the previous financial year and information on what projects that money has been allocated to and/or spent on. The draft 2023/24 IFS is included at Appendix 1 and Cabinet approval is sought for its publication.

Delegated authority is also sought for the publication of future IFS documents where the spending priorities for Strategic CIL income remain unchanged from the previous year.

Options Considered

Publication of the Infrastructure Funding Statement (IFS)

The council is required to publish an IFS by the end of 2024 and most of the content is factual and prescribed by guidance published by Government. Therefore, no alternative options have been considered for this element.

Delegation of authority for future reports

The IFS is almost entirely a factual document produced in line with the relevant regulations and guidance. The single element of the report that is not factual is the section on the priorities for spending the strategic element of the Community Infrastructure Levy (CIL). This has been set as 'regeneration projects within Tamworth' since the 2019/20 iteration of the report.

The alternative option to delegating authority for publication of the IFS in future would be for the report to continue to be presented to Cabinet each year for approval prior to publication. This was considered to be a less favourable option due to it being an inefficient use of time compared to the proposed approach.

Resource Implications

The draft IFS at Appendix 1 sets out the income, allocation, and expenditure of planning obligations (both via s106 agreements and CIL) during the period 01 April 2023 to 31 March

2024. 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 to comply with the regulations.

Equalities Implications

There are no equalities implications for the publication of the Infrastructure Funding Statement.

Environment and Sustainability Implications (including climate change)

The proposals set out relate to 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

Infrastructure Funding Statement

In 2019 the Community Infrastructure Levy (CIL) regulations were amended to include a requirement for councils to produce an annual Infrastructure Funding Statement (IFS) 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 draft 2023/24 IFS is included at Appendix 1 and covers the period 01 April 2023 to 31 March 2024.

Delegation of authority for publication of future reports

The IFS has been reported to Cabinet for approval for publication since they were introduced by the 2019 changes to the regulations. This was due to the section of the report that sets out spending priorities for CIL income, which is the only part of the report requiring a decision. However this priority has been set as 'regeneration projects within Tamworth' since the requirement to publish the IFS was introduced.

It is therefore proposed to delegate authority for publishing the report to the Assistant Director – Growth & Regeneration in consultation with the relevant Portfolio Holder. Where the spending priority remains unchanged from the previous year, the report will be published without the need to be approved by Cabinet. However, where, in consultation with the Portfolio Holder, it is determined that the Council wishes to set a new spending priority, then the report will be brought before Cabinet for approval prior to publication.

Report Author

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List of Background Papers

None.

Appendices

Appendix 1 – Draft 2023/24 Infrastructure Funding Statement
Community Impact Assessment

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