

**Decision Maker:** DEVELOPMENT CONTROL COMMITTEE

**Date:** Thursday 19 November 2020

**Decision Type:** Non-Urgent      Non-Executive      Non-Key

**Title:** INFRASTRUCTURE FUNDING STATEMENT 2020

**Contact Officer:** James Renwick, Infrastructure Delivery Team Leader  
E-mail: james.rewick@bromley.gov.uk

**Chief Officer:** Tim Horsman, Assistant Director (Planning)

**Ward:** (All Wards);

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1. Reason for report

1.1 This report seeks the Committee's agreement to publish an annual 'Infrastructure Funding Statement' as required under the Community Infrastructure Levy Regulations 2010 (as amended) by 31 December 2020. Under the regulations the Council is designated as a 'contribution receiving authority' and is required to publish certain information in respect of S106 amounts collected.

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2. RECOMMENDATION(S)

2.1 That the Development Control Committee approve the Infrastructure Funding Statement at Appendix 1, noting that it will be published on the Council's website by 31 December 2020 to comply with the requirements of the Community Infrastructure Levy Regulations 2010 (as amended).

## Impact on Vulnerable Adults and Children

1. Summary of Impact: No Impact
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## Corporate Policy

1. Policy Status: Not Applicable
  2. BBB Priority: Excellent Council Quality Environment Vibrant, Thriving Town Centres Healthy Bromley:
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## Financial

1. Cost of proposal: Not Applicable:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre: Planning Policy and Strategy
  4. Total current budget for this head: £0.568m
  5. Source of funding: Existing Revenue Budget for 2020/21
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## Personnel

1. Number of staff (current and additional): 3 FTE
  2. If from existing staff resources, number of staff hours: N/A
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## Legal

1. Legal Requirement: The Community Infrastructure Levy Regulations 2010 (as amended)
  2. Call-in: Not Applicable
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## Procurement

1. Summary of Procurement Implications: N/A
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## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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## Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments: N/A

### **3. COMMENTARY**

#### Background

- 3.1 The Community Infrastructure Levy (CIL) Regulations were amended in 2019 to include a new statutory requirement on “contribution receiving authorities” (which includes local planning authorities) to publish an Infrastructure Funding Statement (IFS) detailing the collection and spend of the Community Infrastructure Levy (CIL) and planning obligations in the Borough. The IFS must be published annually; the deadline for publication of the first IFS is 31 December 2020.
- 3.2 The Council does not currently operate a local CIL, and as such much of the IFS statutory requirements do not currently apply to the Borough. The Council does collect planning obligations through the use of S106 agreements; to date, a report detailing information on planning obligations has been periodically presented to the Executive, Resources and Contract Policy Development and Scrutiny (ERC PDS) Committee.

#### Infrastructure Funding Statement – December 2020

- 3.3 As an authority which collects contributions via S106 agreements, the Council must publish an IFS. The CIL regulations provide a list of matters to be included in the IFS. This data has recently been published in a report to the ERC PDS Committee, albeit that the IFS regulations requires certain breakdowns of information not specifically articulated in the PDS report. The information required under the regulations, as presented in the proposed IFS at Appendix 1 of this report, has been extracted from the latest S106 Agreement Update report presented to the ERC PDS on 8 October 2020.

#### Infrastructure Funding Statement – future years

- 3.4 The Council is currently in the process of introducing a local CIL; public consultation on a Draft Charging Schedule started on 6 November 2020 and is to run to 20 December 2020. Following consultation and pending a successful outcome of the CIL examination, officers anticipate that a local CIL could be introduced in late summer 2021. Should the Council adopt a local CIL, information in respect of local CIL collection would also need to be reported in future IFSs – the information that would need to be published is listed in Appendix A of the proposed IFS at Appendix 1.
- 3.5 A key requirement in future reports will be a list of projects the Council intends to spend CIL towards, and a narrative distinguishing the future use of S106 from that of CIL. This work will be developed by officers during 2021 and presented to members. At present the Council’s Infrastructure Delivery Plan<sup>1</sup> contains details on infrastructure requirements in the Borough across various services, and information on the types of projects that may in future be funded via CIL.
- 3.6 National Planning Practice Guidance (PPG)<sup>2</sup> seeks more narrative on the delivery of infrastructure, to provide the public with a clearer understanding of what infrastructure is being delivered or planned for delivery in the Borough. The current information contained in the

<sup>1</sup> The Infrastructure Delivery Plan was updated in September 2020 as part of preparation of the Borough CIL Draft Charging Schedule preparation. It is available here:

[https://www.bromley.gov.uk/info/1004/planning\\_policy/1179/bromleys\\_community\\_infrastructure\\_levy](https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy)

<sup>2</sup> Paragraph: 177 Reference ID: 25-177-20190901, available here: <https://www.gov.uk/guidance/community-infrastructure-levy>

ERC PDS reports is a transparent account of the funds held and spent at a given point in time; it does not however provide a clear picture of emerging projects and how the public are involved in decision making processes.

- 3.7 At the 8 October 2020 ERC PDS committee, Members recommended that officers should make use of the individual PDS committees to articulate for each service area how S106 funds will be used future expenditure. This would require each service to provide a thematic narrative on the types of projects they will pursue in future years, the funding proposed and how priorities have been identified - on a bi-annual basis. These reports will greatly assist with preparing narrative for future iterations of the IFS, as envisaged by the PPG

#### **4. POLICY IMPLICATIONS**

- 4.1 Planning obligations must only be sought where they meet the three tests set out in Regulation 122 of the CIL Regulations. The National Planning Policy Framework (NPPF)<sup>3</sup> and PPG<sup>4</sup> sets out national policy and guidance relating to planning obligations.
- 4.2 Development Plan policies play a crucial role in securing appropriate planning obligations. Policy 125 of the Local Plan (2019) sets out the Council's approach to Section 106 agreements. The Planning Obligations Supplementary Planning Document (SPD) (2010) provides further guidance on the Council's general approach to planning obligations, and where possible the requirements, and mechanisms for infrastructure contributions. The SPD also incorporates the implication of CIL regulations which came into force on 6 April 2010. The SPD will be updated upon the adoption of a local CIL in the Borough.
- 4.3 Policies in the adopted and draft new London Plan set out priorities for planning obligations, which includes affordable housing and public transport improvements.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 The production of an Infrastructure Funding Statement will be funded from the administrative proportion the Council is permitted to retain from CIL receipts.

#### **6. PERSONNEL IMPLICATIONS**

- 6.1 There are no personnel implications

#### **7. LEGAL IMPLICATIONS**

- 7.1 Regulation 121A of the Community Infrastructure Levy Regulations 2010 (as amended) requires the publication of an IFS by 31 December each year, reporting planning obligations data from the preceding financial year. Schedule 2 of the regulations sets out the information to be contained in the IFS, while the PPG provides guidance on the how the Council should seek to provide such information.

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<sup>3</sup> NPPF paragraphs 54-57, available here: <https://www.gov.uk/guidance/national-planning-policy-framework/4-decision-making#para54>

<sup>4</sup> PPG, Planning Obligations, available here: <https://www.gov.uk/guidance/planning-obligations>

<b>Non-Applicable Sections:</b>	IMPACT ON VULNERABLE ADULTS AND CHILDREN PROCUREMENT IMPLICATIONS
Background Documents: (Access via Contact Officer)	Bromley Local Plan 2019 - <a href="https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf">https://www.bromley.gov.uk/download/downloads/id/4768/bromley_local_plan.pdf</a> Bromley Draft CIL Charging Schedule (including Infrastructure Delivery Plan) <a href="https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy">https://www.bromley.gov.uk/info/1004/planning_policy/1179/bromleys_community_infrastructure_levy</a>