

12 December 2022

Report of	Assistant Director of Place and Client Services	Author	Karen Syrett Yana Saxby 506477 & 282403
Title	Infrastructure Funding Statement (IFS)		
Wards affected	All		

1. Executive Summary

- 1.1 This report is for Members' information and provides a summary of the amount of developer contributions obtained, allocated and spent in the previous financial year.
- 1.2 In the IFS for the period between the 1st April 2021 and 31st March 2022 the following information is presented;
 - £7,884,324.44 was agreed by the Council through S106 obligations
 - £2,312,037.65 was received in S106 receipts
 - £1,361,479.38 of S106 receipts was spent
 - £1,120,847.61 was held by the Council in contributions which were allocated to a project but not yet spent
 - £9,690,983.64 was held by the Council which was yet to be allocated to a specific project
 - 29 affordable homes were delivered as a result of previous S106 agreements
 - 161 affordable homes were secured through S106 agreements finalised during the year

2. Recommended Decision

- 2.1 No decision is required since the report is for information only. The information contained within the statement is factual and the statement must be published before the 31st December.

3. Reason for Recommended Decision

- 3.1 To ensure members are aware of the amount of developer contributions obtained, allocated and spent in the previous financial year.

4. Alternative Options

- 4.1 There are no alternative options as the Council is required to publish an Infrastructure Funding Statement (IFS) in accordance with the Community Infrastructure Levy (CIL) Regulations.

5. Background Information

- 5.1 Since December 2020, planning authorities have been required to publish an Infrastructure Funding Statement (IFS) in accordance with the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019: "Part 10a Reporting and monitoring on CIL and planning obligations; paragraph 121A. The purpose of an IFS is to give communities a better understanding of how developer contributions have been or are planned to be used to deliver infrastructure in their area.
- 5.2 Infrastructure Funding Statements must be published annually, before 31 December, and cover the previous financial year running from 1 April to 31 March.
- 5.3 Developer contributions in the Borough of Colchester include section 106 planning obligations and unilateral agreements secured as part of the planning application process. Planning Obligations (also known as S106 Agreements) are legal agreements which can be attached to a planning permission to mitigate the impact of development.
- 5.4 Obligations can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms. S106 obligations include:
- Site specific financial contributions- these are secured and must be used for defined purposes; for instance, the provision of community facilities, sport provision, open space contributions and affordable housing contributions (when accepted in lieu of on-site provision)
 - Provision of on-site affordable housing; and
 - Non-financial obligations, including requirements such as employment and skills strategies, construction management plans and travel plans.
- 5.5 Colchester City Council is responsible for securing funding and the delivery of affordable homes, community facilities, sport and recreation including public open space. The IFS provides details of how funds have been spent in these service areas. The CCC Infrastructure Funding Statement does not include details of contributions secured for Education, Highways and Transportation. Essex County Council are responsible for these matters and details of planning obligations to provide things like additional school places and highway improvements can be found by referring to the Essex County Council Infrastructure Funding Statement as they are the responsible authority.
- 5.6 The data collected is split into three files;
1. Developer Agreements 2021/22
 2. Developer Agreement Contributions 2021/22
 3. Developer Agreement Transactions 2021/22
- 5.7 The IFS should include a register in a format provided by the Government (a CSV file) and an explanatory report which identifies infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the authority has made about how these contributions will be used.
- 5.8 The Department for Levelling Up, Housing and Communities (DLUHC) recommends that local planning authorities follow their specification on how to format, label and publish their development contributions data. DLUHC recommend publishing infrastructure contributions in three steps:
1. Create three developer contribution CSV files to store the data: one showing developer agreements; one showing the amount and purpose of the contributions;

and a third one showing the transactions and their current status ('secured', 'received', 'allocated', 'transferred', 'spent' and 'returned')*.

2. Publish the CSV files and a short, written report illustrating the data.
3. Submit the data to the national register of developer contributions; set up and maintained by MHCLG.

5.9 The Infrastructure Funding Statement is attached as an Appendix. This will be published on the website following the committee meeting. Please note the links in the document do not work but will be added when the Statement is published.

6. Equality, Diversity and Human Rights implications

6.1 An Equality Impact Assessment has been prepared for the Local Plan, and is available to view by clicking on this link:

<https://cbccrmdata.blob.core.windows.net/noteattachment/Equality%20Impact%20Assessment%20June%20202017.pdf>

7. Strategic Plan References

7.1 All themes in the Strategic Plan are relevant, in particular: Delivering homes for people who need them; creating safe, healthy and active communities and tackling the climate challenge.

8. Consultation

8.1 N/A

9. Publicity Considerations

9.1 The publication of information in relation to S106 agreements may generate publicity for the Council. Although it should be seen in a positive light there will always be criticism that not enough infrastructure is provided to support new development.

10. Financial implications

10.1 S106 funding is used to mitigate the impact of new development.

11. Health, Wellbeing and Community Safety Implications/ Health and Safety Implications/ Risk Management Implications

11.1 No direct implications.

12. Environmental and Sustainability Implications

12.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

12.2 S106 agreements have been used specifically to deliver green infrastructure, electric charging points and sustainable travel measures.

Appendices

1. Infrastructure Funding Statement 2021/22