

PUBLISHING INFRASTRUCTURE FUNDING STATEMENTS 2019-2022

Cabinet	25th July 2024
By	Iain Livingstone, Planning Applications Manager
Cabinet Portfolio Member	Cllr Rick Everitt, Leader of Council
Key Decision	No
Decision classification	Unrestricted
Call in status	N/A
Ward:	All

Purpose of the Report

To report to the Cabinet on the publishing of three years worth of Infrastructure Funding Statements for the years 2019/2020, 2020/2021 and 2021/2022, which outlines the money that the Council has secured, received and spent in relation to Planning Obligations from Section 106 Planning agreements connected to planning permissions.

Recommendation(s):

Councillors note the report and the Annexes.

1. Summary of Reasons

- 1.1 The Council is seeking to publish statements for three financial year's worth of Infrastructure Funding Statements which outlines the money that the Council has secured, received and spent in relation to planning obligations. Planning obligations are secured through Section 106 planning agreements, referring to Section 106 of the Town and Country Planning Act, which consist of charges of land in association with planning permissions for development.

2. Background

- 2.1 Amendments to the Community Infrastructure Levy Regulations 2010 mean for the financial year 2019/20 onwards, any local authority that has received developer contributions (either through Section 106 planning obligations or the Community Infrastructure Levy (CIL)) must prepare and publish online an Infrastructure Funding Statement (IFS).
- 2.2 The Infrastructure Funding Statement is an annual report, published by the Council to provide a summary of all financial and non-financial developer contributions relating

to Section 106 agreements within the District. Guidance sets out the Government's preferred format for reporting the required information and makes recommendations for additional information local authorities could publish alongside the statement.

- 2.3 Authorities that charge CIL have had to produce an Infrastructure Funding Statement since the regulations were introduced in 2010. There is now a requirement to report on Section 106 agreements (in addition to CIL if applicable). The first Infrastructure Funding Statement was due for publication by 31st December 2020 covering the period 1st April 2019 to 31st March 2020. We are presenting 3 years worth of Infrastructure Funding Statements relating to receipts and expenditure for the period 1st April 2019 to 31st March 2020, 1st April 2020 to 31st March 2021 and 1st April 2021 to 31st March 2022. The publication of this information has been delayed due to Covid and securing staff to support the preparatory work to be able to publish the required information.

3. Relevant Issues

- 3.1 Planning obligations or 'developer contributions' are legal obligations which are used to help mitigate the impacts of a development proposal and make it acceptable in planning terms. In order for planning obligations to constitute a reason for granting planning permission they must meet the statutory tests set out in legislation and as policy tests in the National Planning Policy Framework. Planning obligations must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonable related in scale and kind to the development

- 3.2 Mitigations and contributions towards infrastructure can be sought in a number of ways. Developers may provide infrastructure directly, secured by conditions attached to planning permissions or through financial contributions in the form of the Community Infrastructure Levy (CIL) which is a fixed charge levied on new development. Finally, developer contributions can be secured through Section 106 agreements which are negotiated agreements made between local authorities and developers and commonly involve payment of money to the Council to mitigate for the impacts of a proposed development, such as providing community infrastructure. Thanet District Council does not have a Community Infrastructure Levy and therefore seeks developer contributions through the mechanism of Section 106 agreements.

- 3.3 Thanet District Council also requires planning obligations for development affecting Special Protection Areas (SPA). Following a significant decline in important bird species in Kent, Thanet District Council, alongside specialist consultants, have produced a Strategic Access Management and Monitoring Plan (SAMM) to mitigate against the in-combination effects of new development, through the pathway of recreational pressure on the Thanet Coast SPA and Ramsar site. A financial contribution is required towards an in-perpetuity access management scheme, collected via a Section 106 agreement or Unilateral Undertaking.

- 3.4 Thanet District Council alongside the other Kent Authorities collects some contributions on behalf of Kent County Council which include Education, Adult Social Care and Libraries. Kent County Council produces an annual Infrastructure Funding Statement where further information can be found.
- 3.5 In addition to the regulatory requirements, detailed guidance published alongside the amended regulations sets out recommendations of how the government would like the data formatted, labelled and published in spreadsheet form. The Council has utilised its existing spreadsheets detailing contributions and excel sheets are published alongside the reports outlining where the figures in the reports have come from.
- 3.6 Three years worth of Infrastructure Funding Statements are appended covering the periods 1st April 2019 to 31st March 2020 (Annex 1), 1st April 2020 to 31st March 2021 (Annex 2) and 1st April 2021 to 31st March 2022 (Annex 3). The spreadsheets for each respective year are contained at Annex 4 and 5.
- 3.7 The Council intends to publish two further Infrastructure Funding Statements for 1st April 2022 to 31st March 2023, and 1st April 2023 to 31st March 2024, by the end of March 2025 or earlier. This is in accordance with the target following an Audit of the Section 106 process by East Kent Audit Partnership.

4. Alternative Options

- 4.1 None, as the information is required to be published.

5. Consultation

- 5.1 No consultation is required.

6. Corporate Implications

6.1 Finance and Resources

- 6.1.1 There are no financial implications arising directly from this report.
- 6.1.2 The responsibility of overseeing the financial contributions made by developers as part of their section 106 agreement falls under the remit of the finance department. Their primary role is to ensure that these contributions are allocated correctly and in alignment with the agreement. Regular monitoring is undertaken to confirm that the funds are received and utilised for their intended purposes and in a timely manner, as stipulated in the agreement.

6.2 Legal and Constitutional

6.2.1 The Council is required to produce and publish an Infrastructure Funding Statement on an annual basis under the CIL (Amendment) (England) (No.2) Regulation 2019. The Infrastructure Funding Statement is required to be published on a website at least annually by a Local Planning Authority (LPA). There are no legal implications as a result of this decision to publish the information.

6.3 Council Policies and Priorities

6.3.1 This report relates to the following corporate priorities: -

- To deliver the housing we need
- To create a thriving place

6.4 Risk

6.4.1 No risks are identified with publishing the information for the 3 years of funding statement, however inaction in publishing the 3 years (and the subsequent 2 years) presents a risk to the Council in not according to the CIL (Amendment) (England) (No.2) Regulation 2019.

6.5 Climate Change and Biodiversity

6.5.1 Climate change and biodiversity are not relevant to this decision and the decision to publish the statements has no discernible impact on either matter.

7. Equality, Equity and Diversity Implications

7.1 The Public Sector Equality Duty is not engaged for the publishing of the information in relation to the content of information within the statements, however in this case, the IFS reports will be published to meet accessibility guidelines.

8. Crime and Disorder Implications and Community impact

8.1 The decision to publish the statements has no discernible impact on either matter.

Appendices

Annex 1 - Infrastructure Funding Statement 1st April 2019 to 31st March 2020

Annex 2 - Infrastructure Funding Statement 1st April 2020 to 31st March 2021

Annex 3 - Infrastructure Funding Statement 1st April 2021 to 31st March 2022

Annex 4 - Spreadsheet 1st April 2019 to 31st March 2021

Annex 5 - Spreadsheet 1st April 2021 to 31st March 2022

Background Papers

None

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Report Sign Off

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