

Rother District Council

Report to:	Cabinet
Date:	14 December 2020
Title:	Infrastructure Funding Statement 2019/20
Report of:	Tim Hickling, Head of Strategy and Planning
Cabinet Member:	Councillors Dixon and Vine-Hall
Wards:	All
Decision Type:	Key
Purpose of Report:	To approve the Infrastructure Funding Statement attached at Appendix 1.

Officer Recommendation(s): It be **RESOLVED:** That:

- 1) the Infrastructure Funding Statement at Appendix 1 be approved and that the Head of Strategy and Planning be authorised to make any minor amendments to the Statement so that it can be published on the Council's website by the 31 December 2020: and
- 2) future Infrastructure Funding Statements be approved by the Cabinet Portfolio Holder for Strategic Planning in liaison with the Cabinet Portfolio Holder for Finance and Performance Management.

Introduction

1. [The Community Infrastructure Levy \(Amendment\) \(England\) \(No. 2\) Regulations 2019](#) came into force on 1 September 2019. Under these regulations, the Infrastructure Funding Statement (IFS) will replace the adopted [CIL Regulation 123 List](#) as the mechanism through which projects are identified for Community Infrastructure Levy (CIL) funding.

Infrastructure Funding Statement

2. In accordance with the [Community Infrastructure Levy Regulations](#) any authority that receives a contribution from development through CIL or Section 106 planning obligations must prepare an IFS. This includes parish and county councils. Where authorities pass funds to other bodies, this should be on the condition that the other body will provide information back to the authority (Rother District Council) on if and/how contributions have been spent in that reporting year, and how they intend to spend future contributions, to inform the IFS¹.
3. Where the monies are passed directly to these other bodies – in some instances, as per the terms of some Section 106s, monies are paid directly to

¹ Paragraph: 173 Reference ID: 25-173-20190901 - Planning Practice Guidance

East Sussex County Council, rather than coming to the District Council first – in these circumstances it is the responsibility of that body to report how the monies have been spent through their own IFS, as per the relevant Regulations. Where parish councils are passed monies (Section 106 or CIL) from the District Council, it is the Parish Council's responsibility to notify the District Council of any such spend, [regulation 121B](#).

4. Under these Regulations, whilst the IFS will replace the adopted CIL Regulation 123 List the IFS will still be informed by the [Infrastructure Delivery Plan \(IDP\)](#).
5. For the financial year 2019/2020 onwards, any local authority that has received developer contributions (Section 106 planning obligations and/or CIL) must publish online an IFS by 31 December 2020 and by the 31 December each year thereafter. An IFS must cover the previous financial year from 1 April to 31 March².
6. The IFS must set out:
 - Part A: A report regarding CIL relating to the previous financial year.
 - Part B: A report regarding Section 106 obligations relating to the previous financial year; and
 - Part C: A report on the infrastructure projects or types of infrastructure that the authority intends to fund, or may fund, wholly or partly by the levy (excluding the Local CIL which is passed to local parishes, i.e. the neighbourhood portion)³. For this IFS (2019/20), reference is made to the Council's adopted Infrastructure Delivery Plan (IDP) regarding infrastructure outputs that could be funded by the CIL.
7. The IFS should set out future spending priorities on infrastructure and affordable housing in line with up-to-date or emerging plan policies and the needs of major infrastructure providers. This should provide clarity and transparency for communities and developers on the infrastructure and affordable housing that is expected to be delivered. The Infrastructure Delivery Plan (March 2019) sets out the framework for infrastructure needed to support the development targets set out in the adopted Local Plan and is the most up to date position of infrastructure needs in the District.
8. The IFS should set out the infrastructure projects or types of infrastructure that the authority intends to fund, or may fund, either wholly or partly, by the levy or planning obligations⁴. Inclusion of any type of infrastructure in the IFS will not signify a commitment from the Council to deliver or fund, either in whole or in part, the infrastructure set out within it through CIL. Nor does the order set out within the Statement imply any order of preference or weighting of one particular type of infrastructure. It sets out the view regarding the funding of infrastructure at that point in time. The process of reviewing the governance for CIL expenditure will be carried out separately through the CIL Steering Group's Terms of Reference, having regard to the IFS and IDP.

² Paragraph: 175 Reference ID: 25-175-20190901 - Planning Practice Guidance

³ Paragraph: 176 Reference ID: 25-176-20190901 - Planning Practice Guidance

⁴ Paragraph: 177 Reference ID: 25-177-20190901 - Planning Practice Guidance

Update on projects awarded CIL funding

9. In 2019 four applications were awarded strategic CIL funding and updates are provided below on where the projects currently are:
- Battle Health Pathway – completed.
 - Ticehurst Village Centre project – anticipated completion in July 2022.
 - Sidley Recreation Ground Project – anticipated constructing phase commencing in October 2021.
 - London Road Improvement project – consultation on the scheme is currently planned for early 2021 with construction currently estimated to be undertaken in summer/autumn 2022.

Conclusion

10. The IFS provides information on the contributions sought and received from developers for the provision of infrastructure to support development in the Rother District, and the subsequent use of those contributions by Rother District Council covering the financial year 1 April 2019 – 31 March 2020.
11. Members will already be aware that the requirement to publish an IFS is now an annual requirement and therefore Cabinet are asked to approve this IFS so that it can be published on the Council's website by statutory date of the 31 December 2020 and it is recommended that future Infrastructure Funding Statements be approved by the Cabinet Portfolio holder for Strategic Planning in liaison with the Portfolio holder for Finance and Performance Management.

Financial Implications

12. The new legislation improves the flexibility of funding future capital projects both because of the removal of the pooling restrictions and the Council's ability to now fund projects jointly with both Section 106 and CIL.

Legal Implications

13. It is a legal requirement to publish an IFS online by 31 December each year from 2020.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

Chief Executive:	Malcolm Johnston
Report Contact Officer:	Scott Lavocah
Telephone Number:	01424 787863
e-mail address:	scott.lavocah@rother.gov.uk
Appendices:	Appendix 1 – Infrastructure Funding Statement
Background Papers:	
Reference Documents:	¹ Paragraph: 173 Reference ID: 25-173-20190901 - Planning Practice Guidance

² Paragraph: 175 Reference ID: 25-175-20190901 -
Planning Practice Guidance

³ Paragraph: 176 Reference ID: 25-176-20190901 -
Planning Practice Guidance

⁴ Paragraph: 177 Reference ID: 25-177-20190901 -
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