

Subject:	Developer Contributions – Infrastructure Funding Statement 2020/21
Date of Meeting:	25 November 2021
Report of:	Executive Director, Economy, Environment & Culture
Contact Officer: Name:	Debra May
Email:	Debra.may@brighton-hove.gov.uk
Ward(s) affected:	All Wards

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report is for information and seeks agreement to publish the Council's annual 2020/21 Infrastructure Funding Statement (IFS) by the end of December 2021 as required by Government regulations.
- 1.2 The Infrastructure Funding Statement sets out Community Infrastructure Levy (CIL) and Section 106 money (secured via the planning process) that has been secured, received, held and spent over the previous financial year (April 2020 - March 2021).

2. RECOMMENDATIONS:

- 2.1 That Committee notes the annual Brighton & Hove City Council 2020/21 Infrastructure Funding Statement, attached in Appendix 1.
- 2.2 That Committee agrees for the Head of Planning to publish the updated 2020/21 annual IFS statement on the BHCC website, subject to any minor alterations (numerical, grammatical and spelling) to be agreed by the Head of Planning in consultation of the Joint Chairs of TECC Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Changes to Community Infrastructure Levy (CIL) regulations were introduced in September 2019 requiring the publication of an Infrastructure Funding Statement every December reporting on the previous financial year.
- 3.2 CIL Regulation 121A states that "no later than 31st December each calendar year a Contribution Receiving Authority (CRA) must publish a document which comprises the following:

- A statement of the infrastructure projects or types of infrastructure which the charging authority will be or may be partly funded by the Community Infrastructure Levy (CIL);
- A report about CIL in relation to the previous financial year;
- A report about Section 106 planning obligations in relation to the reported year”

The first annual IFS was produced in 2020 and must continue to be published annually on the contribution receiving authority’s website.

3.3 The IFS includes all developer contributions from both s106 obligations together with CIL receipts secured, received, spent and held from new developments.

3.4 Developer contributions financial contributions

The obligations, receipts, expenditure and balances for S.106 and CIL contributions in 2020/21 are summarised by category in the tables below. The previous years’ figures in the s106 table are for information only.

s106 Obligation Category	New Contributions Secured	Contributions Paid	Contributions Spent	20/21 Contributions Held
Affordable Housing (Commuted Sums)	£ 2,342,513	£ 238,955	£ 1,072,426	£ 4,910,979
Community	£ -	£ -	£ -	£ 114,737
Digital	£ -	£ -	£ -	£ -
Economic Development (Local Employment)	£ 618,930	£ 319,413	£ 155,595	£ 1,212,679
Education	£ 826,780	£ 1,066,312	£ 273,624	£ 3,462,170
Flood / Water	£ -	£ -	£ -	£ -
Green Infrastructure / Public Realm (inc SUDS)	£ -	£ 428,810	£ 47,651.00	£ 452,682
Health	£ -	£ -	£ -	£ -
Monitoring	£ -	£ -	£ -	£ -
Open Space / Leisure	£ 2,644,115	£ 1,972,146	£ 160,718	£ 7,439,376
Artistic Component		£ 72,788.00	£ 39,546	£ 129,560
Sustainable Transport	£ 1,178,823	£ 843,707	£ 715,804	£ 3,640,301
Total 2020/21	£ 7,611,161	£ 4,942,131	£ 2,465,364	£ 21,362,484
TOTAL - 2019/20	£ 7,407,153	£ 8,868,182	£ 2,046,485	£ 18,885,717
TOTAL - 2018/19	£ 5,905,855	£ 6,635,912	£ 964,126	£12,064,020

Community Infrastructure Levy (CIL)	Value of Demand Notices Issued	CIL Collected	CIL Expenditure	2020/21 CIL Receipts Held
2020/21 Reporting Year period	£ 90,209	£ 7,689	£ -	£ 7,689

The tables and files in Appendix 1 set out the CIL and S.106 financial contributions secured, received, spent and held in the last financial year 2020/21 together with the s106 Agreement details of the individual development schemes providing those contributions.

3.5 Income from CIL is shown as low for two main reasons. First, CIL started in October 2020 so the IFS only reports CIL income from October 2020 to March 21. Second, CIL is received on commencement of development (permissioned post October 2020). There is always a delay between granting permission and commencement and planning permissions last for three years. As a result, it will take at least two years to build up the CIL pot.

- 3.6 Governance arrangements for the spending of CIL receipts were approved by TECC Committee in June 2021 which include arrangements for the administration of the spend of the Citywide and Neighbourhood Portion in local communities.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The report updates and provides information on developer contributions secured through the Planning application process.
- 4.2 The alternative would be for this committee not to accept the Brighton & Hove City Council IFS 2020/21 in contravention of the Community Infrastructure Regulations 2010 (as amended).

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation has not been undertaken and is not required for the Infrastructure Funding Statement which carries technical information. However, securing developer contributions is in accordance with the policies in City Plan Part One that was adopted following extensive public consultation. There was also consultation undertaken in relation to adopting a CIL Charging Schedule.

6. CONCLUSION

- 6.1 The Infrastructure Funding Statement provides a comprehensive overview of CIL S.106 income and expenditure for 2020-21 financial year. The appendices, which accompany the IFS, provide further detail to show how each planning permission in the city has provided funding for specific infrastructure projects including financial contributions as well as non-monetary provision (including affordable housing and public realm). It is therefore recommended for noting and publication in accordance with the CIL Regulations.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications from the recommendations of this report. The administrative costs of managing and monitoring both Section 106 planning obligations and the Community Infrastructure Levy (CIL) are funded from the levy (CIL) or contained within existing service revenue budgets (Section 106). Developer contributions are a source of funding for the provision of infrastructure within the city.

Finance Officer Consulted: John Lack

Date: 14/10/21

- 7.2 Legal Implications:

The legislative background to the report's recommendations is set out in the body of the report.

Lawyer Consulted:

Hilary Woodward

Date: 22/10/21

Equalities Implications:

- 7.3 Developer contributions provide benefits through supporting infrastructure and facilities upgrades for residents and visitors to the city with the timely and effective provision of for example, affordable housing, local employment training opportunities, recreation space, improved pedestrian transportation and education facilities.

Sustainability Implications:

- 7.4 Sustainable development is a key priority to the council and developer contributions assist in ensuring necessary obligations are secured towards appropriate enabling infrastructure for instance to help provide meeting long-term blue and green infrastructure measures and objectives and biodiversity targets for the city.

7.5 Public Health Implications:

Developer contributions contribute to the creation of healthy communities for example recreation and open space provision for the wellbeing of physical and mental health.

Corporate / Citywide Implications:

The provision of new infrastructure secured through developer contributions supports the corporate objectives and particularly in respect of sustainable transport upgrades and blue and green infrastructure objectives this supports the council's commitment to become carbon neutral by 2030.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix 1 – Infrastructure Funding Statement 2020/21

Background Documents

1. City Plan Parts 1 and 2
2. Community Infrastructure Regulations 2010 (as amended)