

**Bolsover District Council**

**Meeting of the Planning Committee on 4<sup>th</sup> October 2023**

**Annual Infrastructure Funding Statement 2022/23**

**Report of the Portfolio Holder for Corporate Governance**

<b>Classification</b>	This report is Public
<b>Report By</b>	Julie-Anne Middleditch Principal Planning Policy Officer

**PURPOSE / SUMMARY OF REPORT**

- To approve the Council's Annual Infrastructure Funding Statement for 2022/23.

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**REPORT DETAILS**

**1. Background**

- 1.1 Members will be aware that since the introduction of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, the Council has been required to prepare and publish an Annual Infrastructure Funding Statement each year from the financial year 2019/20 onwards.
- 1.2 The Annual Infrastructure Funding Statement is required to include the following three parts:
1. a statement of the infrastructure projects or types of infrastructure which the charging Authority intends will be, or may be, wholly or partly funded by Community Infrastructure Levy (other than Community Infrastructure Levy to which regulation 59E or 59F applies) ("the infrastructure list");
  2. a report about Community Infrastructure Levy, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("Community Infrastructure Levy report");
  3. a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("Section 106 report").

- 1.3 The Council took the decision not to pursue a Community Infrastructure Levy as part of the preparation of the Local Plan for Bolsover District. This decision was due to the Community Infrastructure Levy not being necessary nor the best method of delivering infrastructure in Bolsover District. Underpinning this decision were the facts the district comprises a series of small and dispersed settlements, rather than a large urban area, and that the planned spatial distribution of development through the now adopted Local Plan for Bolsover District meant that the infrastructure required would be directly related to each settlement's planned residential allocations and so more appropriately funded through planning obligations in Section 106 Agreements.
- 1.4 In light of the decision to not to pursue a Community Infrastructure Levy, the Council's Annual Infrastructure Funding Statements report a 'nil return' for parts 1 and 2. However, part 3, the Section 106 report, sets out the following information each year:
- (a) the total amount of money to be provided under any planning obligations which were entered into during the reported year;
  - (b) the total amount of money under any planning obligations which was received during the reported year;
  - (c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority.
  - (d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—
    - (i) in relation to affordable housing, the total number of units which will be provided;
    - (ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;
  - e) the total amount of money (received under any planning obligations) which was allocated, but not spent during the reported year for funding infrastructure;
  - f) the total amount of money (received under any planning obligations) which was spent by the Annual (including transferring it to another person to spend);
  - (g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item;
  - (h) in relation to money (received under planning obligations) which was spent by the Annual during the reported year (including transferring it to another person to spend), summary details of—
    - (i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;
    - (ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);

(iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;

(i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer-term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.

- 1.5 In essence, the Annual Infrastructure Funding Statement and the categories above are intended to show clearly and in a transparent manner the progression from the signing of a Section 106 Agreement through the Council’s receipt of the money to the spend of the money and the delivery of the required infrastructure on the ground.

## **2. Details of Proposal or Information**

- 2.1 The prepared Annual Infrastructure Funding Statement for 2022/23 sets out how 2022/23 compares to 2021/22 and 2020/21 and provides case studies to showcase some of the infrastructure that the Council has delivered with the received Section 106 monies.

- 2.2 This Annual Infrastructure Statement is appended as an Appendix to this report. However, the key headlines for the 2022/23 financial year are as follows:

<b>Newly Secured Money</b>	
Total amount of Section 106 monies signed up in new legal agreements during 2022/23	<b>£1,063,521.50</b>

<b>Money Held by the Council</b>	
Total amount of Section 106 monies received from developers during 2022/23	<b>£366,712.81</b>
Total amount of Section 106 monies held from previous years	<b>£1,466,946.75</b>

<b>Money Spent by the Council</b>	
Total amount of Section 106 monies spent (or transferred to another organisation to spend) during 2022/23 including annual maintenance	<b>£293,132.03</b>

- 2.3 Of the funds already held by the Council, the main spending on infrastructure in the monitoring year was in Sports Provision, totalling £132,989.28, comprising new sports infrastructure across a number of communities. Spending on Health infrastructure followed with £97,188 committed to improvements in primary health care in Tibshelf. The provision of Green Space infrastructure using S106 funding totalled £29,861. Continued investment in these three areas of infrastructure is vital in supporting the Council’s commitment to sustainable growth; building healthy communities and promoting healthy lifestyles as embodied in the Local Plan for Bolsover District 2020 and the Sustainable Community Strategy 2020-23.

- 2.4 Overall, the last 3 years of monitoring the amount of Section 106 monies held by the Council shows that the amount of money being held is increasing year on year.

However, it also shows that the Council is increasing the spend of Section 106 monies and delivery of required infrastructure year on year but that this is being outstripped by new money being received from new developments, particularly for Sports Provision and Green Space, as the Council's planned growth is implemented.

### **3 Reasons for Recommendation**

- 3.1 The preparation of an Annual Infrastructure Funding Statement is a technical exercise but one that is intended to make the system of Section 106 Agreements and developer contributions more transparent and accountable.
- 3.2 The prepared Annual Infrastructure Funding Statement for 2022/23 is attached as an appendix to this report and provides the required factual information about the financial sums agreed, received and spent. However, it also seeks to provide some context to the financial information contained and to highlight examples of infrastructure delivered during the monitoring year.
- 3.3 It is proposed that Planning Committee approve the content of the Annual Infrastructure Funding Statement 2022/23.

### **4. Alternative Options and Reasons for Rejection**

- 4.1 Preparation and publication of an Annual Infrastructure Funding Statement has been a statutory requirement from 2020 onwards. Therefore, officers have not considered alternative options.

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## **RECOMMENDATION(S)**

**That Planning Committee:**

- 1) **note the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements;**
- 2) **approve the format and content of the Annual Infrastructure Funding Statement 2022/23 and endorse the decision to publish it to comply with the regulations.**

**Approved by Portfolio Holder – Corporate Governance**

### **IMPLICATIONS:**

**Finance and Risk:** Yes  No

**Details:** If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and

public confidence in the Council's decision taking. If financial contributions are not spent within a defined period then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring Section 106 Agreements are not sufficiently robust.

On behalf of the Section 151 Officer

**Legal (including Data Protection):** Yes  No

**Details:** The Council has a statutory duty to prepare an Annual Infrastructure Funding Statement under the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019. Publication of the 2020/21 and 2021/22 Statements will bring the Council into compliance with these regulations. There are no specific data protection issues arising from this report.

On behalf of the Solicitor to the Council

**Environment:** Yes  No

*Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.*

**Details:** Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.

**Staffing:** Yes  No

**Details:** There are no human resources implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)</p>	No

<p><b>District Wards Significantly Affected</b></p>	All
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/></p>	<p>Yes</p> <p>Details: Chair of Planning Committee</p>

**Links to Council Ambition: Customers, Economy and Environment.**

- Enabling housing growth;
- Developing attractive neighbourhoods;
- Increasing customers' satisfaction with our services.

**DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
A	Annual Infrastructure Funding Statement 2022/23

**Background Papers**

*(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).*