

CABINET

21st December 2021

INFRASTRUCTURE FUNDING STATEMENT

Report of the Portfolio Holder for Planning, Highways and Transport

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/200821	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr I Razzell, Portfolio Holder for Planning, Highways and Transport	
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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Cabinet approves for publication the 2020/21 Infrastructure Funding Statement (as set out in Appendix 1).

1 PURPOSE OF THE REPORT

- 1.1 The Community Infrastructure Levy (CIL) regulations and National Planning Policy Framework require for the financial year 2019/2020 onward, any local authority that has received developer contributions must publish online an Infrastructure Funding Statement (IFS) by 31 December 2020 and by 31 December each year.
- 1.2 The intention is that the data and infrastructure funding statements will give policy makers better insights into how developer contributions are supporting new development and local infrastructure.
- 1.3 The Infrastructure Funding Statement for 2020/21 has been prepared and is set out in Appendix 1. This seeks to provide the most up to date information on the amount of developer contributions received by the Council from new developments, in addition to information on expenditure of these monies.
- 1.4 Cabinet is requested to consider and approve the publication of 2020/21 Infrastructure Funding Statement. This statement also sets out an interim approach

for the prioritisation of CIL expenditure pending the adoption of a Local Plan for Rutland.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Infrastructure Funding Statement (IFS) is an annual report required to be published on the Council's website by December 31st each year, to provide a summary of the financial and non-financial developer contributions relating to Section 106 Legal Agreements (S106) and the Community Infrastructure Levy (CIL) within Rutland County Council for a given financial year. In addition, this also includes information relating to highway works completed as part of new developments through Section 278 agreements (S278).
- 2.2 The 2020/21 IFS is attached as Appendix 1 to this report. Whilst Cabinet have delegated this decision to the Director of Places, for this year it has been determined to seek Cabinet approval following the decision made by Council in September to withdraw the submitted Local Plan.
- 2.3 The previous 2019/20 IFS included a list in its appendix of the infrastructure that was approved by Council in January 2016 by Regulation 123 as part of the RCC CIL charging schedule. It had been intended that this list of infrastructure would be reviewed as part of the process for adoption of a new local plan. However, in September 2021 Council determined to withdraw the submitted Local Plan and commence on the preparation of a new Local Plan for Rutland. An updated list of infrastructure projects will be prepared to coincide with the preparation of a new Local Plan, which is scheduled for submission in 2024 and adoption in 2025.
- 2.4 The 2019/20 IFS recognised that it was logical to defer any spending of CIL until the then emerging Local Plan had been adopted. Given the decision made to withdraw the Local Plan, there is an imperative for the County Council to determine priorities and governance for determining the strategic element of CIL expenditure in the interim period pending the adoption of a new Local Plan.
- 2.5 A flow chart for the interim prioritisation of strategic CIL expenditure by the County Council is set out in the appendix to the 2020/21 IFS. This is based on good practice from other local authorities and will enable any spending to be focused on key infrastructure needs that will support identified growth in the interim period until the adoption of a new Local Plan.
- 2.6 It is recommended that Cabinet approve this approach as the basis for decision making on Community Infrastructure Levy pending the adoption of a new Local Plan for Rutland. Initially, it is proposed that expenditure is focused on critical infrastructure that is necessary to unlock and enable development or is considered essential to mitigate the impact of development.
- 2.7 Alongside the preparation of the IFS, the Council has taken part in the Planning Advisory Service (PAS) Stage 2 pilots for good governance for developer contributions. The outcome of this work is currently being finalised and will advise the Council on future governance for determining the strategic element of CIL expenditure.

3 CONSULTATION

- 4.1 There is no requirement to consult on the preparation of publication of the Infrastructure Funding Statement

4 ALTERNATIVE OPTIONS

- 4.1 The preferred option is to approve the 2020/21 Infrastructure Funding Statement for publication.
- 4.2 If the IFS is not approved for publication then the Council will not fulfil its responsibility to publish details of developer contributions.

5 FINANCIAL IMPLICATIONS

- 5.1 The report deals with the management and administration of the Community Infrastructure Levy as well as other developer contributions.
- 5.2 It also gives consideration to the prioritisation and governance for the determination of CIL income received by the Council.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The Council adopted the Community Infrastructure Levy on 1st March 2016 pursuant to the Community Infrastructure Levy Regulations (as amended) 2010.
- 6.2 Decisions regarding the use of CIL will be undertaken in line with the Council's Finance Procedure Rules by Cabinet, Council or under delegated powers.
- 6.3 As per paragraphs 2.5 and 2.6 decision makers are asked to use the methodology set out in the Annexe to the IFS and to identify whether infrastructure is critical and to only bring forward proposals where this is the case.
- 6.4 The identification of infrastructure as critical in itself does not automatically mean that funding will be made available. Any proposals will have to have regard to the level of funding required, level of CIL funding available, other funding sources available and timing issues.

7 DATA PROTECTION IMPLICATIONS

- 7.1 A Data Protection Impact Assessment (DPIA) has not been completed.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment has not been undertaken.

9 COMMUNITY SAFETY IMPLICATIONS

- 9.1 There are no direct community safety implications arising from this report although there is scope for expenditure from developer contributions to be used to support community safety infrastructure arising from additional development and growth.

10 HEALTH AND WELLBEING IMPLICATIONS

- 10.1 There are no direct health and wellbeing implications arising from this report

although there is scope for expenditure from developer contributions to be used to support health infrastructure arising from additional development and growth.

11 ORGANISATIONAL IMPLICATIONS

- 11.1 Environmental implications – there are no environmental implications arising from this report although there is scope for expenditure from developer contributions to be used to mitigate environmental impact arising from additional development and growth.
- 11.2 Human Resource implications – to be considered once PAS pilot report is available.
- 11.3 Procurement Implications – none.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 12.1 The 2020/21 IFS set out in Appendix 1 of this report meets the requirements of the Community Infrastructure Levy (CIL) regulations and the National Planning Policy Framework. It is appropriate therefore that this information is published.

13 BACKGROUND PAPERS

- 13.1 National planning guidance on the Community Infrastructure Levy
<https://www.gov.uk/guidance/community-infrastructure-levy>
- 13.2 National Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

14 APPENDICES

- 14.1 Appendix 1 – 2020/21 Infrastructure Funding Statement.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.