

CABINET	DATE 15.12.2021	ITEM NO 11
TITLE Infrastructure Funding Statement (2020/21)	WARD (S) ALL	
CHIEF OFFICER Director of Regeneration Enterprise & Skills	CABINET MEMBER Finance and Resources	
DECISION CLASSIFICATION Non-Key Decision Subject to call in Non-exempt	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

1. **Decision Required**

The Cabinet is requested to:

- 1.1. Note the content of the Royal Borough of Greenwich Infrastructure Funding Statement (IFS) (Appendix 1).
- 1.2. Agree that the IFS can be published on the Royal Borough of Greenwich website by 31 December 2021.

2. **Links to the Royal Greenwich high level objectives**

- 2.1. This report sets out how Community Infrastructure Levy (CIL) and Section 106 (S106) funds were collected and allocated in FY2020/21 and the types of infrastructure which the Council as the charging authority intends will be, or may be, wholly or partly funded by CIL going forward. Developer contributions fund a range of Council priorities and projects, and as such this report cuts across all of the high-level objectives:

- a Healthier Greenwich
- a Safer Greenwich
- a Great Place to Grow Up
- Delivering Homes Through Economic Growth
- a Cleaner, Greener, Greenwich
- Economic Prosperity for All
- a Great Place to Be
- a Strong Vibrant and Well-run Borough

3. Purpose of Report and Executive Summary

- 3.1. To report on the developer CIL and S106 contributions received and spent in FY2020/21, in accordance with Regulation 121a of the CIL Regulations and set out the types of infrastructure which the Council as the charging authority intends will be, or may be, wholly or partly funded by CIL going forward.

4. Introduction and Background

- 4.1. Developer contributions are a planning tool used by local authorities to mitigate the impact of development and deliver the required investment in local infrastructure and services to support sustainable growth.
- 4.2. The Royal Borough collects two types of developer contributions:
- **S106:** Section 106 of the Town and Country Planning Act 1990 (as amended) allows local authorities to seek planning contributions from developers to make development proposals acceptable in planning terms, where they otherwise would not be. A S106 is a legal agreement between the landowner and the local planning authority, which focuses on site-specific mitigation of the impact of development.
 - **CIL:** The Royal Borough of Greenwich's CIL Charging schedule was adopted by full Council on 25 March 2015 and came into effect on 6 April 2015. Since the introduction of the borough's CIL in April 2015, this is now the primary means by which the Borough secures developer contributions. There is also the Mayor of London's CIL collected by the Council and passed to the GLA (other than administrative expenses).
- 4.3. In September 2019 the CIL Regulations were updated to require charging authorities to publish an annual Infrastructure Funding Statement from December 2020, a report that sets out the projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL, as well as reporting on CIL and Section 106 income and expenditure (Regulation 121 a).
- 4.4. The first Infrastructure Funding Statement for FY2019/20 was approved at Cabinet in December 2020 and published on the Council website.
- 4.5. An Infrastructure Funding Statement for FY2020/21 has been prepared and is provided as an Appendix to this report.

4.6. Headlines from the report are set out below.

CIL

- £1,016,563 was collected in Borough CIL
- £411,708 of CIL was transferred to TfL as a contribution to the fit-out costs of the Woolwich Crossrail Station, taking the total amount paid at the end of March 2021 to £6,917,253.
- £151,348 of neighbourhood CIL was collected and made available to the local community through Round 4 of Greenwich Neighbourhood Growth Fund (GNGF).
- £1,705,898 has now been allocated to neighbourhood projects over the past four GNGF funding rounds, including improvements to children's play spaces, resurfacing tennis courts and making public buildings fully accessible.

S106

- £1,681,204 was secured in FY2020/21.
- £2,670,664 was received in FY2020/21.
- In total £3,185,481 was spent in FY2020/21.

5. Available Options

- 5.1. Option 1: Publish the IFS as set out in Appendix I on the Council website by 31 December 2021.
- 5.2. Option 2: Recommend changes to the IFS prior to the publication of the report by 31 December 2021.
- 5.3. Decide not to publish an IFS for FY2020/21.

6. Preferred Option

- 6.1. Option 5.1 - publish the IFS as set out in Appendix I by 31 December 2021.

7. Reasons for Recommendations

- 7.1. To report on the income and expenditure for 2020/21 and ensure that RBG is compliant with the CIL regulations.

8. Consultation Results

- 8.1. There was no consultation necessary for this report.

9. Cross-Cutting Issues and Implications

Issue	Implications	Sign-off
<p>Legal including Human Rights Act</p>	<p>Under Regulation 121A of the CIL Regulations 2010, from December 2020, the Council has been obliged to publish an annual infrastructure funding statement no later than 31 December each year. The infrastructure funding statement must comprise:</p> <p>(a) The infrastructure projects or types of infrastructure which the Council as the charging authority intends will be, or may be, wholly or partly funded by CIL (infrastructure list);</p> <p>(b) A report about CIL, in relation to the previous financial year, including a number of detailed matters set out in the legislation; and</p> <p>(c) A report about S106 planning obligations, in relation to the reported year, including a number of detailed matters set out in the legislation.</p> <p>The Infrastructure Funding Statement accompanying this report is the Reg 121A statement for the 2020-21 and, as such, the Council is obliged to publish it before 31 December 2021 under the legislation (either in the form accompanying this report or with any amendments the Cabinet requires and approves).</p>	<p>Eleanor Penn, Assistant Head of Legal Services (Planning & Procurement), 18th November 2021</p>

	<p>Although the detail of the Infrastructure Funding Statement for 2020-21 is a matter for the relevant officers in the Directorate of Regeneration Enterprise & Skills, a review of the Statement indicates that it generally conforms with the requirements contained in the CIL Regulations 2010.</p> <p>There is no apparent clear legal sanction in the legislation for the Council not approving and publishing the report before the 31 December deadline, but the system mainly operates on transparency and the Council being held to account by its constituents and the wider public as disclosure of the receipt and expenditure of CIL and S106 monies. As such, in order to comply with the legislation, the only real options available to the Cabinet set out in this report are as follows:</p> <p>Option 1: Publish the IFS as set out in Appendix 1 on the Council website by 31 December 2021.</p> <p>Option 2: Recommend changes to the IFS prior to the publication of the report by 31 December 2021.</p> <p>It is recommended that Option 3 of not publishing an Infrastructure Funding Statement for 2020-21 should be discounted.</p>	
<p>Finance and other resources</p>	<p>Cabinet are requested to note the content of the 2020/21 Infrastructure Funding Statement</p>	<p>Michael Horbatchewskyj</p>

	<p>and agree to its publication in accordance with CIL regulations.</p> <p>The income and expenditure positions set out in the IFS are reported on a cash basis and are reflective of previous decisions and agreements.</p> <p>No direct financial implications arise from this report.</p>	<p>Accountancy Business Change Manager (P&I) 18/11/2021</p>
Equalities	<p>The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p>	<p>Alex Wood, Performance and Planning Obligations Manager, 17/11/2021</p>
Climate Change	<p>Developer contributions help to mitigate the impact of development, including carbon offsetting.</p>	<p>Alex Wood, Performance and Planning Obligations Manager, 17/11/2021</p>

10. Report Appendices

Appendix I: Infrastructure Funding Statement (2020/21)

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