

CABINET

3RD DECEMBER 2020

REPORT OF HEAD OF PLANNING, ECONOMY AND REGENERATION

INFRASTRUCTURE FUNDING STATEMENT: INFRASTRUCTURE LIST

Cabinet Member(s): Councillor Richard Chesterton, Cabinet Member for Planning and Economic Regeneration

Responsible Officer: Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

Reason for Report: To approve the list of Infrastructure items, including affordable housing to be included in the Council's Infrastructure Funding Statement, which is required to be published on the Council's website by 31 December 2020.

RECOMMENDATION:

That Cabinet approves

- 1. The list of infrastructure and affordable housing in Appendix 1 that the Council intends to fund, either wholly or partly, by planning obligations and / or a Community Infrastructure Levy, and the future spending priorities on these**
- 2. The inclusion of Appendix 1 – Infrastructure List in the Mid Devon Infrastructure Funding Statement to be published on the Council's website by 31st December 2020**

Financial Implications: There are no direct financial implications arising from this report. The infrastructure funding statement will set out the future spending priorities on infrastructure and affordable housing and what projects or types of infrastructure that the authority intends to fund, either wholly or partly, by planning obligations and / or a Community Infrastructure Levy. This will not dictate how funds must be spent but will set out the local authority's intentions.

Legal Implications: There is a legal requirement placed through Regulation 121A and new Schedule 2 of the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 (which exercises the powers of Part 11 of the Planning Act 2008) for the Council to publish no later than 31st December in each calendar year an annual infrastructure funding statement. The first year to which this new requirement relates is the financial year 19/20 with publication of the infrastructure funding statement by 31st December 2020.

Risk Assessment: Failure to produce an infrastructure funding statement within the required timeframe could undermine the credibility of the Local Plan and potentially harm the Council's reputation as a plan making authority.

Equality Impact Assessment: The information in the Infrastructure List has been informed through the work undertaken for the preparation of the Mid Devon Local Plan Review 2013 – 2033. The Local Plan has been screened through an Equalities Impact Assessment.

Relationship to Corporate Plan: The Infrastructure List includes infrastructure items relating to affordable housing, transport, education, libraries, waste, health, community facilities, emergency services, where these relate to built development and Local Plan objectives. Funding the delivery of these items can also help the Council achieve its four Corporate Plan priorities - Homes, Environment, Community and Economy.

Impact on Climate Change: The Infrastructure List includes provision for carbon offsetting and air quality improvements. The information in the infrastructure funding statement should feed back into reviews of local plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan. The Local Plan has been prepared within a legal framework and national planning policy that has at its heart the principle of sustainable development and policies to help address climate change through the development and use of land.

1.0 Introduction/Background

1.1 Reporting on developer contributions helps local communities and developers see how contributions have been spent and understand what future funds will be spent on. This ensures a transparent and accountable system.

1.2 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 which exercises the powers of Part 11 of the Planning Act 2008 requires in each calendar year a contribution receiving authority to publish an annual infrastructure funding statement. The first annual infrastructure funding statement must be published by 31st December 2020.

1.3 Infrastructure funding statements must set out:

- A report relating to the previous financial year on Community Infrastructure Levy ('CIL').
Mid Devon is not currently a CIL charging authority so no CIL has been collected.
- A report relating to the previous financial year on planning obligations (Section 106 agreements and Section 278 highways agreements)
Members will be advised of the contents of this prior to publication. This record is currently being compiled in a format to meet the publication requirements.
- A report on the infrastructure projects or types of infrastructure that the authority intends to fund wholly or partly by the levy (excluding the neighbourhood portion).
This report relates to this component of the requirements of the infrastructure funding statement.

- 1.4 The National Planning Policy Guidance also advises that the infrastructure funding statement should set out the future spending priorities on infrastructure and affordable housing and what projects or types of infrastructure that the authority intends to fund, either wholly or partly, by planning obligations and the Community Infrastructure Levy. This will not dictate how funds must be spent but will set out the local authority's intentions.
- 1.5 Infrastructure funding statements must cover the previous financial year from 1 April to 31 March (note this is different to the tax year which runs from 6 April to 5 April).
- 1.6 The information in the infrastructure funding statement should feed back into reviews of Local Plans to ensure that policy requirements for developer contributions remain realistic and do not undermine the deliverability of the plan.

2.0 How infrastructure can be funded

- 2.1 There are several ways in which a Local Authority can require a developer to contribute towards infrastructure. This is so as to help with the impact of development and make it acceptable in planning terms.
- 2.2 Planning obligations can be sought in accordance with Section 106 of the Town and Country Planning Act 1990. These planning obligations are a legal agreement between the applicant seeking planning permission and the local planning authority.
- 2.3 Local Authorities can also secure funding towards infrastructure through a Community Infrastructure Levy (CIL). The CIL is a flat rate and non-negotiable charge which can be levied on new development in their area and it is a tool to use to help deliver the infrastructure needed to support development in their area. The CIL can only apply in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website
- 2.4 The Council currently secures funding for infrastructure and affordable housing through the use of Section 106 planning obligations and Section 278 highways agreements.
- 2.5 There is currently no CIL in place in Mid Devon and as such the Council's first Infrastructure Funding Statement will not include information about CIL for the previous year. The Council submitted its CIL draft charging schedule and supporting documentation to the Planning Inspectorate on 31st March 2017 for its examination, together with the Proposed Submission Mid Devon Local Plan Review 2013 – 2033 (Local Plan Review). The examination of the draft CIL charging schedule currently remains in abeyance. This is the subject of a separate report to the Cabinet, which sets out options available for the Council about the future of CIL in the District and whether to seek to progress the draft CIL charging schedule through its examination and implementation. The format of future Mid Devon Infrastructure Statements may need to be revised depending on whether the Council chooses to implement a CIL in Mid Devon.

- 2.6 Members will also recall the intent of the Government as set out in the White Paper August 2020 'Planning for the Future' to reform the current system of developer contributions and that this forms part of a consultation exercise.

3.0 Mid Devon Infrastructure Funding Statement

About the Mid Devon Infrastructure Funding Statement

- 3.1 The Mid Devon Infrastructure Funding Statement will be prepared as two parts:

Part A (Report relating to the previous financial year on planning obligations and Community Infrastructure Levy). This will be a factual statement and will be published for information purposes

Part B (Infrastructure List), which is the subject of this Cabinet report.

- 3.2 The Infrastructure Funding Statement Part B (Infrastructure List) **Appendix 1** identifies 51 infrastructure items, including affordable housing. These are listed by:

- Settlement / area (District-wide, Tiverton, Cullompton, Crediton, rural)
- Type (i.e. Transport, education, libraries, waste, health, community facilities, emergency services)
- Strategic Priority (Critical, important, desirable, local priority)

Prioritising the list of infrastructure items

- 3.3 A key element of infrastructure planning is ensuring that the importance of various infrastructure schemes is clear. This enables decision makers to prioritise resources and funding towards those schemes that create the greatest benefit for the area, and unlock development in the most appropriate way. These priorities relate to the delivery of built development and Local Plan objectives, rather than the over-arching objectives of the local authorities or organisations named as delivery partners.

- 3.4 The Mid Devon Infrastructure Funding Statement will use the following infrastructure priority criteria to reflect the importance of infrastructure in relation to the implementation of the Local Plan:

(1) Critical:

Infrastructure required to deliver the strategic vision and objectives of the Local Plan. Critical requirements contribute to delivering the wider strategic aims of the Plan, and may also mitigate the impacts of development schemes. The plan may fail without the delivery of this infrastructure.

(2) Important:

Infrastructure required to deliver specific schemes and provide services and facilities to meet the needs of new residents. The delivery of an allocated site may fail without the delivery of this infrastructure.

(3) Desirable:

Infrastructure required that would enhance the effectiveness, efficiency and quality of infrastructure or services, creating a better place to live and work.

Local Priority

Identified as desirable or beneficial to the local community through Parish and Town Council consultation.

- 3.5 The Cabinet is being asked to approve the inclusion of the 51 infrastructure items, including affordable housing, in the Infrastructure Funding Statement and the priority to be given to each of these items.

Future reviews of the Infrastructure List

- 3.6 The Mid Devon Infrastructure Funding Statement Part B (Infrastructure List) is a snap shot in time and includes the best information that is available at the point of its approval and publication. It has been informed through work undertaken as part of the preparation of the Mid Devon Local Plan Review 2013 – 2033 including the 2016 Infrastructure Plan.
- 3.7 The Mid Devon Infrastructure Funding Statement Part B (Infrastructure List) will be kept up to date through an annual review and will be subject to future approval by the Cabinet before being published on the Council's website.

4.0 Planning Policy Advisory Group

- 4.1 The Planning Policy Advisory Group (PPAG) was consulted on 18th November 2020 on a draft version of the Mid Devon Infrastructure Funding Statement Part B (Infrastructure List). The PPAG has approved the Infrastructure List subject to a number of comments made by Members. It was agreed these comments would be subject to further consideration by officers and that the Infrastructure List would be amended where necessary. The table below includes the comments made by the PPAG Members and the officer responses to these. The Mid Devon Infrastructure Funding Statement Part B (Infrastructure List) in **Appendix 1** to this report includes the amendments where officers have agreed with the comments made by the PPAG Members.

PPAG Member comments / infrastructure item	Officer response and justification of priority
--	--

The list should include active travel and transport including cycle schemes (including a cycleway along the A396 Exe Valley)	The cycleway along the A396 Exe Valley has been added to the Infrastructure List as a 'strategic provision' and is prioritised as 'desirable' since the plan would not fail without the delivery of this infrastructure and the delivery of site allocations is not dependent on it.
Rural - Boniface Trail route cycle feasibility study should be identified as a 'Strategic provision' and not 'Rural'	The Boniface Trail has been moved on from 'Rural' to 'Strategic provision' on the Infrastructure List
The Infrastructure List should include public electric vehicle charging infrastructure	Public electric vehicle charging infrastructure has been added to the Infrastructure List as a 'district wide' matter. It has been prioritised as 'desirable' since the plan would not fail without the delivery of this infrastructure and the delivery of site allocations is not dependent on it.
Strategic provision - Community transport – should have a higher priority than '(3) Desirable'	This infrastructure item is prioritised as 'desirable' since the plan would not fail without the delivery of this infrastructure and the delivery of site allocations is not dependent on it.
Tiverton – the development of the Tiverton Youth and Community Centre as a youth hub should be 'important' not 'desirable'	This infrastructure item is prioritised as 'desirable' since the plan would not fail without the delivery of this infrastructure and the delivery of site allocations is not dependent on it.
Tiverton - Community Theatre – what is the justification for the inclusion of this item in the Infrastructure List	This infrastructure item is included in the infrastructure list based on information available to the Council at the time of the preparation of the Local Plan. Officers are not aware that the need for this infrastructure item has changed.
Cullompton - extra care provision of 79 units should be identified as 'important' not 'desirable'	The infrastructure item is prioritised as 'desirable' since the plan would not fail without the delivery of this infrastructure and the delivery of site allocations is not dependent on it.

The Infrastructure List should include a new recycling centre at Cullompton (in addition to the Ashley recycling centre at Tiverton)	A new recycling centre at Cullompton has been added to the Infrastructure List and is prioritised as 'important' to provide services and facilities to meet the needs of new residents at a town where there is current planned strategic growth.
--	---

4.2 It was also suggested by an individual member of PPAG that:

- The Infrastructure List may need to be updated if the Council does not have a Community Infrastructure Levy
- The MDDC Infrastructure Funding Statement includes sentences to the effect that the infrastructure requirements and priorities arising from planned developments in and around Crediton are being reviewed as part of a wider reappraisal of the Strategic Planning in the area.
- A discussion paper examining local Planning options for the development of Crediton is prepared for discussion with local MDDC members. The intent being to reframe planning for the Crediton area ahead of the new Local Plan.

It is anticipated that the new Local Plan will consider the settlement hierarchy, level and distribution of growth together with any associated infrastructure needs. Accordingly these issues can be considered in that context.

5.0 Next Steps

- 5.1 Subject to Cabinet approval, the Council will publish the Mid Devon Infrastructure Funding Statement 2020 (Parts A and B) on the Council website by 31 December 2020.
- 5.2 There is no requirement for the Council to consult on the infrastructure funding statement or formally submit this to the Government.
- 5.3 The infrastructure funding statement will be kept under review and an updated version will be subject to approval for publication annually.

Contacts for more Information:

Mr Tristan Peat, Forward Planning Team Leader 01884 234344 / 07967 179669
tpeat@middevon.gov.uk

Mrs Jenny Clifford, Head of Planning, Economy and Regeneration 01884 234346
jclifford@middevon.gov.uk

Circulation of the Report: Cabinet Members

List of Background Papers and relevant links:

Mid Devon Infrastructure Funding Statement (Part B) – Infrastructure List of types or projects that the authority intends to fund wholly or partly by the levy and developer contributions.

Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019
<https://www.legislation.gov.uk/ukxi/2019/1103/made/data.pdf>