

## **CABINET**

**30<sup>TH</sup> NOVEMBER 2021**

### **REPORT OF DIRECTOR OF PLACE**

#### **INFRASTRUCTURE FUNDING STATEMENT: INFRASTRUCTURE LIST**

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

**Responsible Officer:** Richard Marsh, Director of Place

**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 2021.

#### **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 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 31<sup>st</sup> December 2021**

**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. 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 Community Infrastructure Levy largely applicable to CIL charging authorities to publish no later than 31<sup>st</sup> December in each calendar year an annual infrastructure funding statement which comprises—"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 CIL ("the infrastructure list)". In line with the approach taken previously, although Mid Devon District Council is not a CIL charging authority (instead having to publish an annual 'S106 report' as detailed in the Regulations), the Council may still consider it useful (as well as transparent) for it to publish a list of the infrastructure to be funded wholly or partly (albeit in its case by S106 contributions) over the forthcoming year or so.

**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 feedback 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 by 31<sup>st</sup> December each year.

1.3 Infrastructure funding statements must set out:

- 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 (CIL) ('the infrastructure list')

*This report relates to this component of the requirements of the infrastructure funding statement.*

- a report about CIL, in relation to the previous financial year

*Mid Devon is not 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) ('the S106 report')

*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.*

- 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 no CIL in place in Mid Devon and as such the Council's Infrastructure Funding Statement will not include information about CIL for the previous year. On 6<sup>th</sup> January 2021 the Council (Minute 112) resolved to adopt the recommendations of the Cabinet (Minute 270) that the Mid Devon Community Infrastructure Levy draft Charging Schedule is withdrawn from its examination and is no longer progressed. The Planning Inspectorate was notified on 21<sup>st</sup> January 2021 of the withdrawal of the Mid Devon Community Infrastructure Levy (CIL) draft charging schedule from its examination.

2.6 Members will 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 with potential for the introduction of a nationally set infrastructure levy. While the consultation on the White Paper has closed, it is understood the Government is currently rethinking the planning reforms.

### **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 S106 planning obligations i.e. the S106 report). 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 64 infrastructure items, including affordable housing. These are listed by:

- Settlement / area (District-wide, Tiverton, Cullompton, Crediton, rural)
- Type (i.e. Energy, telecommunications, flood mitigation, transport, education, libraries, waste, health, community facilities, emergency services, environment, ecology)
- 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 64 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 in relation to the implementation of development sites in the adopted Local Plan and their associated infrastructure needs, and will be subject to future approval by the Cabinet before being published on the Council's website.
- 3.8 The preparation of a new Local Plan for Mid Devon ('Plan Mid Devon') will provide an opportunity to review the infrastructure needed to support new development where this is planned across the district. This will be informed through technical work and engagement with transport, education and other

infrastructure and service providers. Infrastructure needs will be looked at in terms of the requirements placed through individual development sites and also the cumulative impacts of development sites at town level and wider area, to enable a strategic approach to be taken to infrastructure planning and its phasing and funding.

#### 4.0 Planning Policy Advisory Group and subsequent amendments

4.1 The Planning Policy Advisory Group (PPAG) was consulted on 21<sup>st</sup> October 2021 on a draft version of the Mid Devon Infrastructure Funding Statement Part B (Infrastructure List). The PPAG has approved the Infrastructure List subject to amendments being made to it following comments made by Members. 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.

<b>PPAG Member comments / infrastructure item</b>	<b>Officer response and justification of priority</b>
Cullompton - Improvements to Junction 28 of the M5 to provide signals have already been completed, to accommodate development in existing plans	This has been deleted from the infrastructure list
Cullompton – improvements at Junction 28 M5 needs clarification	This has been reworded to be consistent with the wording in the relevant policies of the adopted Local Plan:  Capacity improvements at Junction 28 M5 to deliver a strategic highway improvement
Cullompton – the requirement for a new road at development at North West Cullompton is missing from the infrastructure list	The through route linking Willand Road to Tiverton Road and traffic management measures on Willand Road at North West Cullompton has been added to the infrastructure list
There is no inclusion of infrastructure measures in relation to climate change, and in relation to biodiversity	The Infrastructure list has been amended to include references to district wide infrastructure required in development to:  mitigate the effects of, and adapt to, climate change, by supporting a low carbon future, energy efficiency, increased use and supply of renewable and local carbon energy, expansion of telecommunications

	<p>and high speed broadband, and managing flood risk. This has been prioritised as (1) 'critical' since it is required to deliver the strategic vision and objectives of the Local Plan</p> <p>provide a net gain in biodiversity. This has been prioritised as (2) Important where the infrastructure is required to deliver specific schemes and the delivery of an allocated site may fail without it</p>
The infrastructure list includes reference to 'strategic provision' which can result in a lack of clarity with how infrastructure items have been prioritised	Infrastructure items listed as 'strategic provision' have been moved to the relevant settlement / area elsewhere in the infrastructure list
There is no reference to sports pitch provision, and in relation to the Mid Devon Playing Pitch Strategy	<p>The infrastructure list has been amended to include sports pitch provision and leisure facilities to be consistent with relevant site allocation policies in the adopted Local Plan:</p> <p>Tiverton – sports pitch provision at the EUE</p> <p>Cullompton – sports pitch provision and leisure facilities at North West Cullompton</p> <p>Cullompton – sports pitch provision and leisure facilities at East Cullompton</p> <p>These have been prioritised as being (2) Important, where the infrastructure is required to deliver specific schemes and the delivery of an allocated site may fail without it</p>

4.2 Since the Planning Policy Advisory Group has met, the Infrastructure List has been subject to subsequent amendments to include:

- An additional column "Local Plan Policy (guide list, not exhaustive)' to help clarify which policies in the Local Plan require the infrastructure items included in the Infrastructure List. Where policies are identified this is not exhaustive and should be treated as a guide.

- Four further infrastructure items that are required through policies in the adopted Local Plan. These are identified in the table below and are included in the Mid Devon Infrastructure Funding Statement Part B (Infrastructure List) in **Appendix 1** to this report.

Settlement / area	Infrastructure Item	Type	Local Plan Policy (guide list, not exhaustive)	Strategic Priority
Cullompton	Provision of healthcare facilities	Health facilities	CU20 (k), S8	(3) Desirable
Crediton	Expansion and improvement of primary and secondary education facilities	Education	S1 (b, i), CRE11 (d), S8	(1) Critical
Crediton	Expansion of fire and rescue services	Emergency services	CRE11 (f), S8	(2) Important
Crediton	Community facilities including provision for children / youth	Community Facilities	S1 (i), CRE11 (i), S8	(3) Desirable

## 5.0 Next Steps

- 5.1 Subject to Cabinet approval, the Council will publish the Mid Devon Infrastructure Funding Statement 2021 (Parts A and B) on the Council website by 31 December 2021.
- 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:

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**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/regulation/9/made>

Council 6<sup>th</sup> January 2021

<https://democracy.middevon.gov.uk/ieListDocuments.aspx?CId=156&MId=1304&Ver=4>

Cabinet 3<sup>rd</sup> December 2020

<https://democracy.middevon.gov.uk/documents/s19298/201203%20Community%20Infrastructure%20Levy%20FINAL%2003122020%20Cabinet.pdf>