

***Please note Part 2 report is now confidential appendix.***

## **London Borough of Enfield**

### **Portfolio Report**

**Report of:** Brett Leahy

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**Subject:** Infrastructure Funding Statement 2021/2022

**Cabinet Member:** Cllr. Nesil Caliskan

**Executive Director:** Joanne Drew (interim)

**Ward:** All

**Key Decision:** KD 5559

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### **Purpose of Report**

1. The Community Infrastructure Levy Regulations 2020 (as amended) (the CIL Regulations) and National Planning Policy Framework 2021 (NPPF) and the National Planning Practice Guidance sets out the requirement for each local authority that has received developer contributions in the financial year that they must publish online an Infrastructure Funding Statement (IFS) by 31 December each year.
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.
3. The Infrastructure Funding Statement for 2021/2022 has been prepared and is set out in Appendix 1 of this report. 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.

### **Proposal(s)**

4. The Portfolio Holder is requested to consider and approve the contents of the 2021/22 Infrastructure Funding Statement and its publication thereafter. This statement also sets out an interim approach for the prioritisation of CIL expenditure pending the adoption of the new Enfield Local Plan.

### **Relevance to the Council's Plan**

5. The approach to the current spending and allocation of CIL and S106 funding has been developed to support the overarching priorities set out in the Enfield Council Plan. These are detailed as follows:

- Good homes in well-connected neighbourhoods: CIL and S106 income will be used to effectively plan and coordinate the delivery of infrastructure and service provision across the borough to meet the demands arising from new development.
- Sustain strong and healthy communities: CIL and S106 income will be spent in a way that supports development and the creation of sustainable, attractive, and healthy communities, as set out in the Enfield Council Plan, especially in terms of the provision of new infrastructure and supporting services.
- Build our local economy to create a thriving place: CIL and S106 income will make a significant positive contribution to infrastructure investment and place-making in the borough

### **Background and main considerations for the Council**

6. Each year, the Council is required by the CIL Regulations to outline within its IFS how much CIL and S106 money has been collected and spent over the course of the financial year and how it will be spent to fund infrastructure over the next reporting period.
7. CIL is a tariff-based charge on most new developments, such as homes, retail and commercial developments, in the borough. The money raised through the levy is used to fund a wide range of infrastructure that is needed as a result of development.
8. Section 106 agreements are used to mitigate the impacts of development at the site-specific level and support the provision of services and infrastructure such as highways, recreational facilities, education, employment and skills, health, and affordable housing in association with planning applications. These monies, once received, are ringfenced to spend on the projects identified under the terms of the legal agreement. In most cases, a section 106 agreement specifies how the money collected from the development must be spent.
9. Unlike section 106 agreements, CIL is non-negotiable and can be levied on a much wider range of developments (although there are some exceptions, such as small-scale affordable housing and self-build projects).
10. Enfield also collects separate CIL payments on behalf of the Mayor of London (MCIL) (see section 2 and table 1 in appendix 1).
11. In February 2020, Cabinet/Full Council (KD 5029) gave delegated authority to the Executive Director of Place in consultation with the Cabinet Member for Strategic Planning to approve the publication of future Infrastructure Funding Statements. The same report set up governance arrangements for allocating and spending CIL and S106 contributions - in line with the CIL Regulations. This year the council has prepared a supplementary publication (see Appendix 02) providing an overview of projects that have been supported through S106 and CIL funds in the borough during the 2021/22 financial year.
12. Both the MCIL and LBE CIL receipts collected in the 21/22 are significantly greater than in the previous financial year 20/21. (See appendix 1, tables 1 and 4). The IFS 21/22 reports that the Council collected:

- £2,434,208 in Mayoral CIL
- £3,877,557 in LBE CIL
- £2,935,999 in financial S106 planning contributions

13. During the 21/22 financial year of the LBE CIL receipts:

- £3,102,046 (80%) of receipts were apportioned to the Strategic CIL balance.
- £581,634 (15%) of receipts were apportioned to the Neighbourhood CIL balance.
- £193,878 (5%) of receipts were apportioned to the administrative portion of LBE CIL.

14. The Council transferred £2,434,208 (96%) of MCIL to Transport for London and retained £97,369 (4%) of MCIL which were used to fund the costs associated with administering Mayoral CIL by the Council.

15. In 21/22, £5.8million of Strategic CIL has been allocated to fund three key infrastructure projects, which include Enfield Town Liveable Neighbourhoods, the Dugdale Centre refit and the Exeter Road Estate regeneration scheme (see appendix 1, table 5). These allocations have been allocated in line with the current spending priorities for strategic CIL which include:

- Public realm and environmental improvements within the borough's town centres.
- Major upgrades to the cultural facilities within the borough's main town centres.
- Sustainable transport links to town centres and key gateways.
- Community facilities within estate regeneration sites and major town centres.

16. In 21/22 the first allocation of NCIL receipts took place under the Neighbourhood fund with £587,278 allocated to a total of 14 projects (see appendix 1, table 7).

17. In 21/22, £1,897,880 in S106 contributions was allocated to 9 projects (see appendix 1, table 8).

18. There is no requirement to consult on the preparation of the publication of the Infrastructure Funding Statement.

### **Safeguarding Implications**

19. There are no safeguarding implications arising from this report.

### **Public Health Implications**

20. There are no direct public health 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.

### **Equalities Impact of the Proposal**

21. The Council has a public sector duty under the Equality Act 2010 to have due regard to:

- tackle discrimination and victimisation of persons that share the characteristics as protected under the act: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not; and
- foster good relations between people who share those characteristics and people who do not.

22. The use of CIL and S106 monies have some implications on age, disability, race/ethnicity including Gypsies and Travellers, sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status– because monies are used to provide public open space, environmental and transport improvements that can encourage healthier, fitter, more sustainable lifestyles and support access to employment. The IFS reports on intentions, delivery progress, receipts and expenditure but does not seek to make any recommendations as to the use of developer contributions. Such recommendations will be made and approved by Cabinet at the appropriate time.

23. However, in recommending that the Portfolio Holder considers and approves the content of the 21/22 annual IFS – it is considered that no potential negative impacts are identified for people with protected characteristics as determined by the Equality Act 2010. The screening assessment is available at Appendix 3.

### **Environmental and Climate Change Considerations**

24. There should be no environmental or climate change implications as a consequence of this decision being taken because the IFS does not set Council policy nor make any financial commitments. The infrastructure list within the IFS does however specifically set out the potential for using CIL monies to support carbon offsetting (subject to formal agreement through a separate process).

### **Risks that may arise if the proposed decision and related work is not taken**

25. The annual IFS provides factual information regarding the Community Infrastructure Levy and planning obligations and sets out projects which could be funded from CIL receipts. It does not make formal financial commitments. The IFS is also subject to annual review which mitigates any residual risks. There are therefore no specific risks to consider.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

26. As above.

### **Financial Implications**

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

### **Legal Implications**

28. The Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019) requires that any authority that receives a contribution from development through CIL or S106 funding must publish an annual Infrastructure Funding Statement and details of their indexed CIL rates.

29. The annual Infrastructure Funding Statement replaces the previous "Regulation 123" list, which set out a list of those projects or types of infrastructure that the LPA funded through CIL.

30. Enfield has a statutory duty to publish an 'infrastructure funding statement' before the end of each calendar year to:

- provide a summary and details of income and expenditure of the borough's Community Infrastructure Levy and section 106 agreements over the previous financial year; and
- provide a statement of the infrastructure projects or types of infrastructure which will be, or may be, wholly or partly funded through the levy.

31. The Infrastructure Funding Statement must include the details prescribed in Schedule 2 of the CIL Regulations.

32. The Infrastructure Funding Statement 2021/2022 addresses CIL collection and spend, governance/sign-off arrangements, identification, and allocation of infrastructure projects and S106 collection and spend and therefore accords with the requirements contained in the CIL Regulations and the guidance set out in the NPPF and the current National Planning Practice Guidance.

### **Workforce Implications**

33. The production of the IFS and S106 contribution monitoring will be delivered within existing resources in the Planning service. Once agreed, a copy of the annual IFS 21/22 will be made publicly available on the Council's website. There are no further resource implications.

### **Property Implications**

34. There are no property implications arising from this report.

### **Options Considered**

35. The preparation of an annual Infrastructure Funding Statement is a statutory requirement. The recommended option is to publish the full written report set out in Appendix 1 as this offers additional clarity for members of the public, beyond the requirements of the regulations.

### **Conclusions**

36. The ability of the Council to effectively deploy its resources is essential to the delivery of the aims of the Enfield Council Plan as well as achieving the vision of being 'a modern council'. The IFS provides up to date information to the public and other stakeholders on how CIL and section 106 contributions are supporting new development and infrastructure provision in Enfield.

37. The 2021/22 IFS set out in Appendix 1 of this report meets the requirements of the CIL Regulations, the current National Planning Policy Framework and National Planning Practice Guidance. It is therefore recommended that the IFS 2021/22 attached to this report is approved and subsequently published.

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### **Appendices**

- Appendix 1. Infrastructure Funding Statement 2021/2022
- Appendix 2. Infrastructure Delivery in Enfield – Annual Achievements 2021/2022
- Appendix 3. Equalities Impact Assessment – screening assessment

### **Background Papers**

The following documents have been relied on in the preparation of this report:

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