

1 Purpose & Introduction

1.1 The Community Infrastructure Levy (Amendment) (England) (No2.) Regulations 2019 require local planning authorities to publish an annual Infrastructure Funding Statement (IFS). The statement must contain the following information: -

(a) *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 (other than CIL to which regulation 59E or 59F applies) (“the infrastructure list”);*

(b) *a report about CIL, in relation to the previous financial year (“the reported year”), which includes the matters specified in paragraph 1 of Schedule 2 (“CIL report”);*

(c) *a report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule (“section 106 report”).*

1.2 Gravesham Borough Council has not adopted a Community Infrastructure Levy (CIL), so requirements (a) and (b) do not apply.

1.3 This Statement therefore relates to item (c) and the ‘Section 106 report’. A limited number of planning permissions granted across the Borough are subject to a s106 agreement. Strategic Access Management and Mitigation Strategy (SAMMS) payments are made directly during the planning application assessment stage, and as they are also an infrastructure contribution, have been recorded within the part (c) Report.

1.4 Section 106 of the Town & Country Planning Act 1990 provides that anyone with an interest in land may enter into a planning obligation, which is enforceable by a local planning authority. An obligation may be created by agreement or by the party with an interest in the land making a unilateral undertaking.

1.5 Obligations may:

- Restrict the development or use of land
- Require operations to be carried out in, on, under or over the land
- Require the land to be used in any specified way; or
- Require payments to be made to the local planning authority, either in a single sum or periodically

1.6 A planning obligation may only constitute reason for granting planning permission if it is:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development; and
- Fairly and reasonable related in scale and kind to the development.

1.7 S106 agreements are used to mitigate the impacts of development and ensure that local policy requirements are fully met. S106 obligations include the following:

- Site specific financial contributions - these are secured and must be used for defined purposes: for instance, the provision of education facilities, traffic and transport/highways related works, leisure facilities and affordable housing contributions (if accepted in lieu of on-site provision);
- Provision of affordable housing on site;
- Non-financial obligations, such as construction management plans and travel plans.

1.8 As set out in the guidance and for the purpose of this report, “allocated” means a decision has been made by the local authority to commit funds to a defined item of infrastructure or project. For most Section 106 agreements, this decision has been made at the planning application stage with each infrastructure or project requirement specified within the legal agreement.

1.9 It is however important to note that “unallocated” money will still be bound by the detailed, binding terms of the Section 106 legal agreement and as a minimum will be required to be spent on the infrastructure type specified within the agreement. Funds unspent on the defined items are often required to be repaid, if not spent within a defined timeframe.

1.10 The CIL Regulations set out in Schedule 2 the full range of information that needs to be provided within this Section 106 Report. The table below sets out the relevant responses in turn:

CIL Regulations requirement	GBC Response
(a) the total amount of money to be provided under any planning obligations which were entered into during the reported year;	£22,125.70
(b) the total amount of money under any planning obligations which was received during the reported year;	£262,711.93
(c) the total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority;	£1,057,110.67
(d) summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—	
(i) in relation to affordable housing, the total number of units which will be provided;	0
(ii) in relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided;	0
.....(d) continued, (non-monetary contributions to be provided under planning obligations which were entered into during the reported year, excluding affordable housing and school places)	0
(e) the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;	£220,196.33
(f) the total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend);	£199,704.99
(g) in relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item;	<p>Information below sets out monies received in the reported year.</p> <p>Ecology / Biodiversity Towards Strategic Access Management and Monitoring Strategy relating to North Kent Marshes SPA / RAMSAR sites (£42,515.60) of which (£0) was not spent.</p> <p>Sports/Leisure Improvements to leisure facilities in Gravesham (£106,573.39) of which (£106,573.39) was not spent.</p> <p>Third Party (KCC and NHS) Improvements/enhancements and or additional resources towards the following:</p> <ul style="list-style-type: none"> • Health Facilities • Adult Education • Library • School • Youth Service <p>(£113,622.94) of which (£113,622.94) was not spent.</p>

h) in relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—

	<p>(i) the items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item;</p>	<p><i>Ecology / Biodiversity</i> Towards Strategic Access Management and Monitoring Strategy relating to North Kent Marshes SPA / RAMSAR sites (£66,695.93)</p> <p><i>Sports/Leisure</i> Improvements to open spaces and leisure facilities (£133,009.06)</p>
	<p>(ii) the amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part);</p>	<p>N/A</p>
	<p>(iii) the amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations;</p>	<p>N/A</p>
	<p>(i) the total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.</p>	<p>£1,120,117.61 N/A</p>