



Hertsmere Borough Council

**Infrastructure Funding Statement
2019/20**

December 2020

Table of Contents

1. Introduction	4
Community Infrastructure Levy (CIL)	4
Section 106 Planning Obligations	5
2. Community Infrastructure Levy Report	6
Introduction	6
CIL Demand Notices Issued.....	6
CIL Receipts Collected.....	6
CIL Receipts Collected prior to 2019/20	6
CIL Allocated	7
CIL Expenditure	7
Other CIL Expenditure	15
CIL Spent on Repayment on Money Borrowed.....	15
CIL Administration	15
CIL ‘neighbourhood proportion’	16
Third party spend	17
CIL receipts under Regulation 59E and 59F.....	17
CIL retained at the end of 2019/20	18
3. Section 106 Report	20
Introduction	20
S106 money to be provided through planning obligations agreed	20
S106 Total Money Received	20
Non-monetary Contributions	20
S106 Allocations prior to 2019/20.....	20
S106 Allocations in 2019/20.....	20
S106 Expenditure	21
Other S106 Expenditure.....	22
S106 Spent on Repayment on Money Borrowed	22
S106 Administration	22
S106 Receipts Retained	23
4. Spending priorities for CIL	24
Defining ‘infrastructure’	24
Future spend priorities.....	24
5. Next Steps	27
Appendix A: The Regulatory Requirements for Infrastructure Funding Statements ...	28
Appendix B: List of Schedule 2 requirements for the Infrastructure Funding Statement	29

Community Infrastructure Levy 29
Section 106 planning obligations 31

1. Introduction

- 1.1. Hertsmere Borough Council is the charging authority for its administrative area. Charging authorities are required to produce an Infrastructure Funding Statement (IFS) as a result of regulatory changes to the Community Infrastructure Levy (CIL) Regulations, published in September 2019. Further information on the regulation requirements are highlighted in Appendix A and B.
- 1.2. The report provides information on the monetary (and non-monetary) contributions sought and received from developers for the provision of infrastructure to support development in borough. This first report covers the financial period between 1 April 2019 and 31 March 2020.
- 1.3. Hertsmere Borough Council seeks developer contributions through the Community Infrastructure Levy (CIL) and Section 106 agreements (also known as “planning obligations”).

Community Infrastructure Levy (CIL)

- 1.3 The ability to charge CIL was introduced by Government in 2010 and Hertsmere has been charging CIL since 1 December 2014. CIL is a set charge, based on the gross internal area floorspace of buildings, on most new development. It is intended to help fund the infrastructure needed to address the cumulative impact of development across the borough. The CIL charging schedule, setting out the Council’s CIL charging rates, is available on our website¹. The current charging schedule is due to be reviewed following publication of the new Hertsmere Local Plan in 2021.
- 1.4 Local planning authorities must use CIL to fund “*the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area*”. CIL is usually secured through financial contributions that the Council then manages, although direct provision of infrastructure in lieu of payment can be considered in some situations.
- 1.5 There is also a ‘neighbourhood portion’ of CIL which is similarly able to fund infrastructure but can also fund “*anything else that is concerned with addressing the demands that development places on an area*”. Under the rules governing neighbourhood CIL, a CIL charging authority must pass 15% of local CIL receipts to the parish council for the area where a CIL liable development takes place, rising to 25% if the parish has a Neighbourhood Plan in place. It is up to town and parish councils, through collaboration with their local

¹ CIL Charging Schedule - <https://www.hertsmere.gov.uk/Planning--Building-Control/Planning-Policy/Developer-Contributions-Framework/040-Hertsmere-CIL-Charging-Schedule-and-Regulation-123-List.aspx>

community, to decide what these funds are spent on, but it does need to meet the regulatory requirements. In unparished areas (such as Bushey and Potters Bar), the CIL charging authority is responsible for spending the neighbourhood proportion in the locality, following engagement with local communities.

Section 106 Planning Obligations

- 1.6 Section 106 of the Town and Country Planning Act 1990 enables a local planning authority to enter into a negotiated agreement – a planning obligation - to mitigate the impact of a specific development. Rules set nationally state that any such obligations can only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and are fairly and reasonable related to the development in scale and kind.
- 1.7 The planning obligation might, for example, require the provision or contribution to a new or improved road, school, health facility or local green infrastructure. Local planning authorities can also seek planning obligations to secure a proportion of affordable housing from residential developments. S106 contributions can either be provided on-site, e.g. through the provision of affordable housing, or off-site in the form of financial payments. In terms of the latter, the Council is responsible for ensuring the money is spent in a way that reflects the terms of the legal agreement.

2. Community Infrastructure Levy Report

Introduction

- 2.1 A CIL charge is payable either within 60 days of the commencement of a development, or within the terms of an instalment policy set by the CIL charging authority²
- 2.2 The CIL Demand Notice sets out the whole sum payable and the instalments required; therefore CIL Demand Notices issued during a particular year do not necessarily equate to the CIL sums likely to be received during that year, and can take up to a year to be paid in its entirety. In addition, developments can be altered through further planning permissions over time, often resulting in revised Demand Notices being issued. Any such re-issued Notices are not double-counted in this report; if a Demand Notice is issued and then re-issued in the same reporting year, only the re-issued Notice is included within the figure for CIL invoiced during the year.

CIL Demand Notices Issued

- 2.3 The total value of demand notices issued in 2019/20 is £6,156,190.14.

Of total value the amount from Liability Notices (liable floorspace after any relief that has been granted) is £6,046,540.01. The total value is from surcharges imposed due to breaches of the Community Infrastructure Levy Regulations is £76,841.27 and the total value of the late payment interest accrued is £32,808.86.

CIL Receipts Collected

- 2.4 The total amount of CIL collected within 2019/20 totals £4,413,091.44.

CIL Receipts Collected prior to 2019/20

- 2.5 The amount of CIL collected prior to 2019/20 totals £9,037,986.83. Of this total the following amount was collected in cash and as land transactions (including payments in kind and infrastructure payments) and the following amounts remain unallocated:

Type	Received	Unallocated
Cash	£9,037,986.83	£6,070,605.55
Land Payment	£0.00	£0.00

²Hertsmere CIL Instalment Policy - <https://www.hertsmere.gov.uk/Documents/09-Planning--Building-Control/Planning-Policy/CIL-Instalment-Plan-1.pdf>

CIL Allocated

- 2.6 The total amount of CIL collected prior to 2019/20 allocated in 2019/20 in relation to cash received is £2,447,800.54 and in relation to land payments (including payments in kind and infrastructure payments) is £0.00.
- 2.7 The total amount of CIL allocated and not spent during 2019/20 is as follows, this does not include allocations made within the reported year that have been fully spent:

Type	Allocated	Spent	Remaining
Admin CIL	£220,654.57	£220,654.57	£0.00
Neighbourhood CIL	£298,926.17	£0.00	£298,926.17
CIL Land Payments	£0.00	£0.00	£0.00
Strategic CIL	£0.00	£0.00	£0.00

- 2.8 Regarding CIL collected and allocated within 2019/20 that has not been spent, summary details of what has been allocated, is remaining to be spent and what it has been allocated towards is as follows:

Infrastructure	Amount Allocated	Amount Unspent	Allocation Dated
N/A			

CIL Expenditure

- 2.9 The total CIL expenditure recorded in 2019/20 is as follows:

Type	Expenditure
Admin CIL	£220,654.57
Neighbourhood CIL	£0.00
CIL Land Payments	£0.00
Strategic CIL	£657,070.74
Total Value	£877,725.31

2.10 Summary details of the items of infrastructure on which CIL (including land payments) has been spent in 2019/20, and the amount of CIL spent on each project is set out below:

Infrastructure	Date	Amount	Description
CIL AL5 1st Radlett Scouts	09 August 2019 to 12 November 2019	£24,435.99	The project will allow for the repair and maintenance of the existing scout hut. Funding will be used to replace the existing windows, fire escape and front door.
CIL BU10 Reveley Lodge Trust	09 August 2019	£10,083.40	The project will allow for the conversion of garages into a community facility at Reveley Lodge. Funding will be used to install new double glazed doors and windows and fix damp. The space will then be used for exhibitions and other community activities.
CIL BU2 Inspire All	27 November 2019	£18,911.83	This project will provide enhanced sports equipment at Bushey Grove Leisure Centre. Funding will be used to upgrade the equipment and facilities within the gymnastics programme. Equipment to be purchased includes a bouncy castle, vaulting box, floor bars and soft play equipment.
CIL BU3 Inspire All	12 August 2019 to 12 November 2019	£99,999.95	This project will provide PRAMA at Bushey Grove Leisure Centre. PRAMA is an immersive and interactive group exercise concept where sound, lights, floors and walls come to life to motivate and guide you through a unique training experience.
CIL BU4 Bushey Heath Primary School	12 November 2019	£8,000.00	This project will provide a 'digital hub' at Bushey Heath Primary School. The project will ensure that children have access to equipment which will provide them with essential skills in a modern digital age. Funding will be used to provide a soundproof studio, allowing children to create professional photographs and videos.

Infrastructure	Date	Amount	Description
CIL BU6 Bushey St James Trust	09 August 2019	£7,800.00	This project will provide two new bike shelters at St James'. Funding will be used to install high quality secure cycle parking, promoting active travel and reducing traffic at the school gates.
CIL EB1 Borehamwood and Elstree Children Centre	09 August 2019	£3,565.70	This project will improve the Borehamwood and Elstree Children's Centre. Funding will be used to purchase new LED light projectors in order to update the sensory room. Play equipment will also be purchased to improve the Community Garden.
CIL EB10 Inspire All	11 February 2020	£67,000.00	This project will provide a drowning detection system at The Venue Leisure Centre. The system is a technological aid to help with the early detection of pool users in potential difficulty
CIL EB11 Inspire All	09 August 2019 to 12 November 2019	£107,000.00	This project will provide an e-Gym facility at The Venue Leisure Centre. Funding will be used to install an 8 piece eGym strength circuit in a currently underutilised space.
CIL EB15 Community Action Hertsmere	27 November 2019 to 11 February 2020	£10,661.00	This project will extend the existing Community Shop in Leeming Road. Funding will be used to extend the rear of the shop, providing a new space to host community facilities.
CIL EB16 Community Action Hertsmere	27 November 2019	£8,911.20	This project will aid the renovation of Windsor Hall in Borehamwood. Funding will be used to replace the existing kitchen shutters, redecorate the hall, install new flooring and provide some outside landscaping.
CIL EB18 Inspire All	14 August 2019 to 11 February 2020	£43,123.20	This project will enable the Motivate 4 Events team to provide large scale community events in parks and open spaces throughout the borough. Funding will be used to purchase specialist equipment to continuously run events each year.

Infrastructure	Date	Amount	Description
CIL EB2 Hertfordshire Mind Network	09 August 2019	£7,383.60	This project will help facilitate building and refurbishment work at the Borehamwood Wellbeing Centre. The change in layout will ensure that more people experiencing mental ill health have access to quiet, confidential support. Funding will be used to partition off a large group room by installing a corridor. The creation of new rooms will enable more people to use the service.
CIL OB1 Noah's Ark Children's Hospice	09 August 2019	£29,467.00	This project will create a children's palliative care service that is not currently available in the borough. It will provide 24-hour end-of-life care and post-death care, overnight short breaks, sensory gardens and therapy rooms. The Ark will act as a hub for children's palliative care services in the area in partnership with Great Ormond Street Hospital.
CIL PB1 Inspire All	09 August 2019 to 11 February 2020	£97,185.37	This project will provide enhanced swimming equipment and a facility upgrade at the Furzefield Leisure Centre. Funds will be used to purchase specialist water based equipment, including aqua spin bikes, water safety aids, swim toys etc. They will also be used to make some necessary improvements to the pool hall and changing facilities, including upgrading the changing rooms and providing bespoke disabled changing facilities.
CIL PB6 Tilbury Nursery	09 August 2019	£5,430.00	This project will provide enhancements to Tilbury Nursery's garden. Funds will be used to extend the boundaries of the nursery garden, install new drains and install a new gross motor skills play unit.

Infrastructure	Date	Amount	Description
CIL PB7 Inspire All	12 November 2019 to 11 February 2020	£30,000.00	This project will provide an additional multi-purpose room at Wyllyotts Theatre. The new room will have sliding partition doors so that in addition to operating as a private room which can be hired out separately, the space can also be opened out to become part of the existing foyer. The redeveloped space, which is currently an empty office will be used to accommodate even more activities for the older customers.
CIL PB8 Inspire All	09 August 2019	£18,000.00	This project will provide new staging at the Wyllyotts Theatre. Funding will be used to build a removable, flexible proscenium arch around the stage which can slide to open. This will allow the stage to be opened up to different widths and allow for a bigger performing space. The removable staging would also improve the sight lines for the audience, particularly those in the disabled seating section.
CIL PB9 Dame Alice Owen's School	19 August 2019	£50,000.00	This project will contribute towards the refurbishment of a multi-purpose astroturf facility. Funds will be used to purchase a new safer surface which will be used to provide new sports activities for residents of the borough.
CIL SH1 Shenley Park Trust	09 August 2019 to 11 February 2020	£10,112.50	This project will allow for the widening of the entrance to Shenley park. At present, the current entrance is not wide enough to serve the volume of people entering the park. Funding will be used to resurface the paths and widen the entrance gates.

2.11 Council representatives visited several of the completed infrastructure projects in 2019/20 and below are some of the pictures that have been taken with beneficiaries.

Education



Figure 1: Digital Hub at Bushey Heath Primary School (BU4)



Figure 2: New AstroTurf facility at Dame Alice Owen's School (PB9)

Leisure



Figure 3: New community facility at Reveley Lodge (BU10)

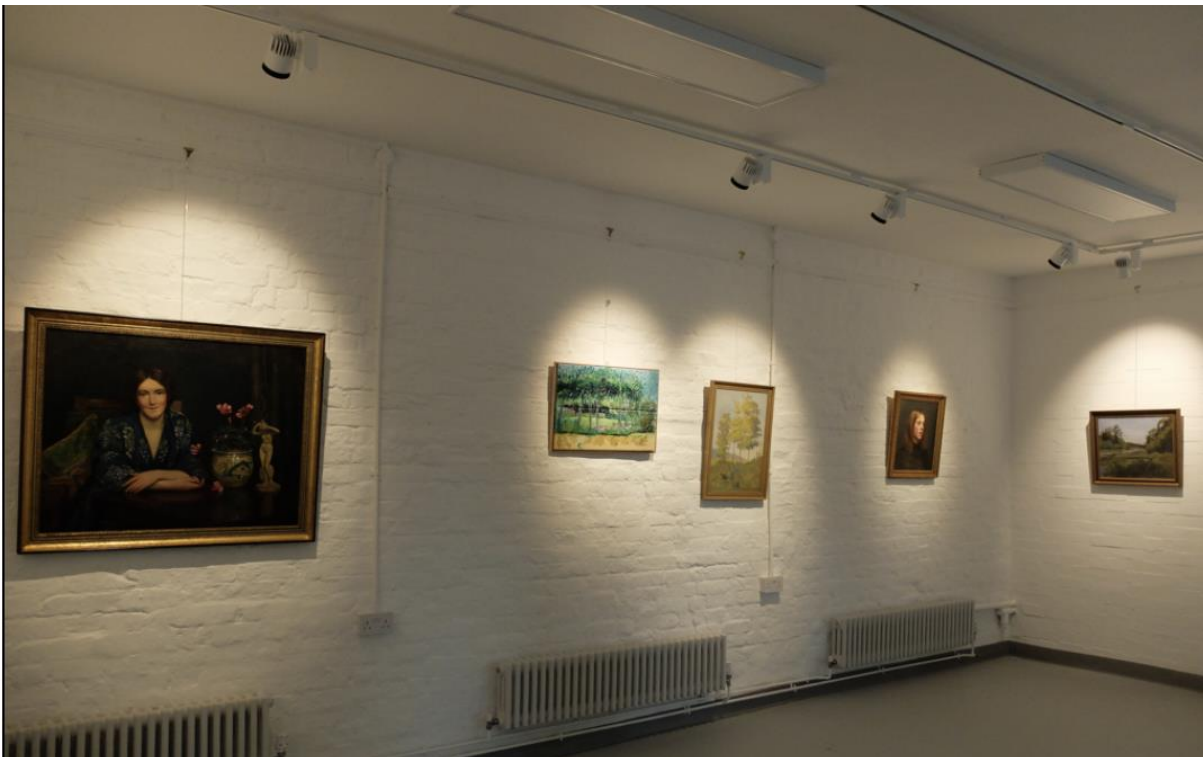


Figure 4: New community facility at Reveley Lodge (BU10)



Figure 5: New staging at Wyllotts Theatre new stage (PB8)

Healthcare



Figure 6: Opening day of Noah's Ark Children Hospice (OB1)

Community services



Figure 7: Plaque presentation at Borehamwood Wellbeing Centre (EB2)

Other CIL Expenditure

CIL Spent on Repayment on Money Borrowed

2.12 The amount of CIL spent on repaying money borrowed, including any interest, and details of the items of infrastructure which that money was used to provide (wholly or in part) is as follows:

Date	Amount Used	Loan/Interest	Infrastructure Funded
N/A			

CIL Administration

2.13 The CIL administration fund has been spent on the management, staffing, administration, information technology and legal costs involved in:

- the collection of CIL;
- the setting up and maintenance of new systems to coordinate the administration of CIL;
- the ongoing management of CIL spending.

2.14 The amount of CIL collected towards administration expenses in 2019/20 is £220,654.57. This was 5% of the total CIL receipts collected (£4,413,091.44) in 2019/20.

2.15 Hertsmere Borough Council has set a collection percentage of 5.00%. The percentage taken may differ due to land payments (including payments in kind and infrastructure payments) not being allocated to administration expenses, surcharges and late payment interest not being split with Neighbourhood areas.

2.16 The amount of CIL spent on administration expenses during the reported year was £220,654.57. This was 5% of the total CIL collected within 2019/20.

CIL 'neighbourhood proportion'

2.17 The total amount of CIL passed to a Parish or Town Council under Regulation 59A (collected on behalf of the neighbourhood zone in cash), cash collected and allocated towards Parish or Town Council CIL, and 59B (cash provided by the Charging Authority to Parish or Town Council equivalent to what they would have received on a payment in kind), are as follows:

- Payment by 28 October in respect of CIL receipts between 1 April and 30 September.
- Payment by 28 April in respect of CIL receipts between 1 October and 31 March.

2.18 The total amounts of CIL passed to a Parish or Town Council within 2019/20 are as follows:

Neighbourhood Zone	Date	Amount Passed
Aldenham Parish	28 April 2019	£142,487.85
Aldenham Parish	23 October 2019	£18,182.74
Elstree and Borehamwood Town Council	28 April 2019	£59,757.99
Elstree and Borehamwood Town Council	23 October 2019	£39,185.92
Shenley Parish Council	28 April 2019	£29,689.56
Shenley Parish Council	23 October 2019	£8,434.51
South Mimms Parish Council	28 April 2019	£1,187.60
South Mimms Parish Council	23 October 2019	£0.00

2.19 The above table shows that £298,926.17 of CIL funding was passed to Parish and Town Councils. This figure is a combination of receipts received in 2018/19 that were allocated for Parish and Town Councils and some of the 2019/20 receipts that were also allocated for Parish and Town Councils to spend. Not all of the 2019/20 receipts allocated for Parish and Town Councils spend were passed to Parish and Town Councils in the same financial year.

2.20 It is important to note that for the 2019/20 reporting period there are no adopted Neighbourhood Plans in place. However, referendums are due to be held for both the Shenley and Radlett Neighbourhood Plans in May 2021, so this position is expected to change for future reporting years.

2.21 Parish and Town Councils have to report on their CIL spend by the end of December, so if you would like to know how the CIL receipts have been spent by these authorities, please contact them for more information.

2.22 The following amounts were allocated towards neighbourhood zones under Regulation 59B, cash provided by the Charging Authority to Neighbourhood Zones equivalent to what they would have received on a payment in kind, during 2019/20

Zone	Amount	Date	Re allocated from
N/A			

Third party spend

2.23 The following spends within 2019/20 have been passed to a third party to spend on the provision, improvement, replacement, operation or maintenance of infrastructure under Regulation 59(4):

Infrastructure	Amount	Date	Spend Description
N/A			

CIL receipts under Regulation 59E and 59F

2.24 The total collected by Hertsmere Borough Council for 2019/20 under Regulation 59E (CIL returned to the Charging Authority after 5 years if not spent) was £0.00 and under Regulation 59F, CIL collected and retained by the Charging Authority for areas that are not designated Neighbourhood Zones, was £499,777.60.

2.25 The amount of CIL allocated during 2019/20 under Regulation 59E, CIL returned to the Charging Authority that had been passed to a Neighbourhood Zone and had not been applied to infrastructure after a 5 year period, during the 2019/20 is as follows:

Infrastructure	Neighbourhood Zone	Amount	Date
N/A			

2.26 The amount of CIL spent under Regulation 59E during 2019/20 is as follows:

Infrastructure	Amount	Date	Spend Description
N/A			

2.27 The amount of CIL allocated during 2019/20 under Regulation 59F is as follows:

Infrastructure	Neighbourhood Zone	Amount	Date
N/A			

2.28 The amount of CIL spent under Regulation 59F during 2019/20 is as follows:

Infrastructure	Amount	Date	Spend Description
N/A			

2.29 The amount of CIL requested under Regulation 59E for 2019/20 is as follows per neighbourhood zone:

Neighbourhood Zone	Amount Requested
N/A	

2.30 The amount of CIL still outstanding for recovery under Regulation 59E at the end of 2019/20 for all years is as follows for each neighbourhood zone:

Neighbourhood Zone	Amount Outstanding
N/A	

CIL retained at the end of 2019/20

2.31 The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, for 2019/20 and that had not been spent is £2,883,327.97.

2.32 The amount of CIL collected, not assigned for Neighbourhood CIL or CIL Administration, from 01 December 2014 to the end of 2019/20 that had not been spent is £10,122,817.43.

2.33 The amount CIL collected and that had not been spent under Regulations 59E and 59F 2019/20 are as follows:

Type	Retained
Regulation 59E	£0.00
Regulation 59F	£499,777.60

2.34 The amount of CIL collected from 01 December 2014 to the end 2019/20 under Regulations 59E and 59F that has not been spent is as follows:

Type	Retained
Regulation 59E	£0.00
Regulation 59F	£951,743.89

3. Section 106 Report

Introduction

- 3.1 This section of the report focuses on the monies collected, retained and spent by Hertsmere Borough Council from S106 planning obligations.
- 3.2 It is important to note that Hertfordshire County Council (HCC) contributions are often included within the Council's S106 obligations, but HCC will also be publishing an Infrastructure Funding Statement on S106 obligations that have been paid and are due to them for the services they manage i.e. education, transport etc. Please refer to the IFS, published on the county council's website, for more information.

S106 money to be provided through planning obligations agreed

- 3.3 The total amount of money to be provided under any planning obligations which were entered into during 2019/20 is £523,964.05. This figure does not consider indexation (inflation/deflation) that may be applied when the money becomes due.

S106 Total Money Received

- 3.4 The total amount of money received from planning obligations 2019/20 was £1,944,739.45.

Non-monetary Contributions

- 3.5 During 2019/20 the following non-monetary contributions have been agreed under planning obligations:
- The total number of affordable housing units to be provided is 41.

S106 Allocations prior to 2019/20

- 3.6 The total amount of money received prior to 2019/20 that had not been allocated is £3,997,207.25.

S106 Allocations in 2019/20

- 3.7 The total amount of money from planning obligations allocated towards infrastructure during 2019/20 was £5,015,648.64. Of this amount £4,786,213.94 was not spent during 2019/20.

3.8 The following items have had money allocated towards them during 2019/20 with unspent allocations:

Infrastructure	Allocated	Date Allocated	Unspent
Affordable Housing in Radlett- St Johns Church	£3,100,000.00	06 January 2020	£3,100,000.00
Affordable Housing in Radlett- Orchard Close	£1,500,000.00	06 January 2020	£1,500,000.00
G- EWC Improvement Highway Design	£170,541.00	17 February 2020	£170,541.00
D- Kitswell Way Greenway Construction	£4,920.00	19 February 2020	£4,920.00
D- Kitswell Way- Route Protection	£4,300.00	19 February 2020	£4,300.00
Cemetery Provision	£1,197.48	10 May 2019	£1,197.48
B- Bushey Museum refurbishment	£495.46	04 April 2019	£495.46
B- Bushey Museum Training	£160.00	27 May 2019	£160.00
B- Potters Bar Museum- Cabinet	£4,600.00	15 July 2019	£4,600.00

S106 Expenditure

3.9 The total amount of money from planning obligations spent in 2019/20 was £328,120.35. Of this amount £0.00 was spent by a third party on behalf of Hertsmere Borough Council.

3.10 The items of infrastructure that planning obligation money has been spent on and the amount spent are as follows:

Infrastructure	Spent	Date Spent
Affordable Housing in Radlett- St Johns Church	£3,807.00	01 May 2019
Affordable Housing Radlett- Scrubbitts Wood	£9,768.68	01 May 2019
Affordable Housing Radlett- Orchard Close	£7,712.74	01 May 2019

Infrastructure	Spent	Date Spent
Marketing of equity share units 2019/20	£4,211.35	05 June 2019
N- Air Quality Monitoring Station Maintenance 2019-2020	£7,404.74	01 August 2019
N- Realign Watercourse Parkfields	£82,594.73	01 September 2019
F- Aberford Park - Community Bowling Green	£91,842.04	01 July 2019
B- Radlett & District Museum	£14,917.57	02 July 2019
F- Meadow Park improvements	£1,657.78	06 November 2019
J- Equity Share Properties Liberty Court	£15,000.00	14 October 2019
F- Oakmere Park Play Area	£65,511.08	07 September 2018 to 12 September 2019
F- Outdoor Gym Equipment	£17,105.00	02 July 2019
F- Letchmore Heath Play Area	£6,579.00	05 September 2019

Other S106 Expenditure

S106 Spent on Repayment on Money Borrowed

3.11 The amount of planning obligation money spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide are as follows:

Date	Amount Used	Loan/Interest	Infrastructure Funded
N/A			

S106 Administration

3.12 The amount of planning obligation money spent in respect of administration of planning obligations and monitoring in relation to the delivery of planning obligations during 2019/20 was £5,197.50.

S106 Receipts Retained

3.13 The total amount of money retained³ at the end of 2019/20 is £11,141,221.84⁴. Of this amount retained an amount of £0.00 has been retained for long term maintenance. Please see the below table for a breakdown of the retained maintenance amount.

Description	Amount
Total collected for long term maintenance	£214,457.46
Total allocated towards maintenance	£214,457.46
Total spent on maintenance	£3,133.26

³ 'Retained' refers to S106 sums remaining unspent including sums both 'allocated' and 'unallocated'

⁴ It is important to note that this information is based on the best information available at the time of writing the report and it is subject to change following information being updated from relevant departments on the allocations and spend of S106 monies.

4. Spending priorities for CIL

Defining 'infrastructure'

- 4.1 Councils are able to allocate CIL funds towards capital or revenue expenditure but there is no specific definition in national regulations of what is meant by 'infrastructure'. The Planning Act 2008, which provide the legal basis for introducing CIL, only states that infrastructure 'includes' the following:
- roads and other transport facilities,
 - flood defences,
 - schools and other educational facilities,
 - medical facilities,
 - sporting and recreational facilities,
 - open spaces
- 4.2 A subsequent amendment to the Planning Act 2008 specifically resulted in the removal of Affordable Housing from the type of infrastructure which could be funded through CIL.

Future spend priorities

- 4.3 Regulation 121A(1)(a) requires the infrastructure funding statement to include: *"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")*". Please see Appendix A for more information about the regulation requirements.
- 4.4 The publication of "the infrastructure list" is mandatory and is intended to provide transparency on how an authority intends to use the 'strategic' CIL funds held by the borough council.
- 4.5 As stated in the introduction section, the Council do not control what the neighbourhood proportion passed to town and parish councils is spent on, apart from ensuring that it is spent in accordance with the relevant regulations. The Council will however continue to liaise with town and parishes councils to see where benefits can be achieved in pooling our combined CIL monies.
- 4.6 Future spend priorities will be very much governed by the scale and distribution of future growth within Hertsmere. This will be articulated through the new Local Plan which is currently be prepared for the period 2018-36/7.
- 4.7 Infrastructure needs for this future growth are currently being tested and established through an Infrastructure Delivery Plan for the borough, being prepared by specialist consultants ARUP. This builds on the baseline study previously prepared for the area⁵. Emerging results from the IDP suggest that

⁵ Infrastructure Delivery Plan Stage 1: Baseline Study (2018)
<https://www.hertsmere.gov.uk/Documents/09-Planning--Building-Control/Planning-Policy/Local->

there are no infrastructure types for which providers have indicated a fundamental inability to deliver the likely levels of growth over the plan. Similarly, there is no specific settlement which is fundamentally constrained by infrastructure capacity. However, it is expected that the IDP when completed will highlight the following infrastructure issues that will need to be specifically addressed through then Local Plan process:

- Transport
- Electricity supply
- Schools
- Primary healthcare
- Green infrastructure.

4.8 Until the Local Plan is formally published (scheduled for May 2021), detailed infrastructure needs cannot be fully established. For the purposes of the present IFS, the spending priorities will be governed by the previous Regulation 123 list, which until a change in the CIL regulations in September 2019 was the mechanism for governing spend decisions. This list covers broad categories of infrastructure rather than setting out specific projects.

4.9 In addition to the infrastructure categories set out in this Regulation 123 list, consideration will also be given to allocating CIL monies towards projects that support delivery of the Council's Climate Change and Sustainability Strategy and associated action plan. This was adopted by the Council on 14 October 2020 and sets out how it intends to respond to the recently declared climate change emergency. It is expected that many of these climate change projects will reflect the infrastructure categories in the Regulation 123 list.

4.10 Table 1 summarises the infrastructure spending priorities for Hertsmere for 2021. These priorities will continue to apply until amended through any subsequent revision to the IFS.

4.11 It is emphasised that the inclusion of a project or type of infrastructure in this list, either now or at a future date, does not signify a commitment from the Council to fund the listed project or type of infrastructure through CIL, either in whole or in part. Similarly, the order in the Table 1 does not imply any order of preference or weighting of one category over another.

Table 1

CIL SPEND PRIORITIES The Regulation 123 list / IFS list

- Education facilities
- Transport and highways improvements
- Publicly accessible leisure facilities (including children play areas and outdoor/indoor facilities)
- Publicly accessible open space provision and allotments
- Health care facilities
- Library services
- Emergency services
- Youth Services
- Childcare & Early Years Services
- Town centre and public realm improvements

- Projects related to the implementation of Hertsmere's Climate Change and Sustainability Strategy and Action Plan.

priorities to take account of conclusions of latest Infrastructure Delivery Plan (IDP)

5. Next Steps

- 5.1 As stated in introduction, this is the first IFS published by Hertsmere Borough Council and has been prepared without the benefit of the expected national guidance from Government. A standard template is also expected to be published to allow information to be more easily reported to the Ministry for Housing and Local Government (MHCLG).
- 5.2 In order to improve understanding of the quantity and type of past infrastructure projects, an addition to our internal monitoring software (called 'Exacom') has been purchased. This enhanced system is due to go 'live' on the Council's website later in 2021 is called the "public facing module" and will enable the public to access information on infrastructure spend in real-time, rather than the annual snapshot that this IFS provides.
- 5.3 National guidance also suggests that Councils should consider reporting on estimated future income where possible. We will look at incorporating forecasting of developer contributions within a future version of the IFS, as this will be easier to do following publication of the new Local Plan and the growth targets and locations it contains.
- 5.4 Following publication of the new Hertsmere Local Plan the Council will also consider whether it is appropriate for future iteration of the IFS to include a more detailed list of projects or infrastructure categories towards which future strategic CIL monies will be directed. Any such decisions would require the approval from the Council's Executive.

Appendix A: The Regulatory Requirements for Infrastructure Funding Statements

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019

Regulation 121A states:

(1) Subject to paragraph (2), no later than 31st December in each calendar year a contribution receiving authority must publish a document (“the annual infrastructure funding statement”) which comprises the following—

(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”).

(2) The first annual infrastructure funding statement must be published by 31st December 2020.

(3) A contribution receiving authority must publish each annual infrastructure funding statement on its website.

Appendix B: List of Schedule 2 requirements for the Infrastructure Funding Statement

This table compares the relevant paragraphs under Schedule 2 of the CIL Regulations (2019 Amendment) Regulation 121A, against the section within the IFS report.

Community Infrastructure Levy

Reporting requirement (Schedule 2, Paragraph 1)	Sum/Details	Ref. in template
1 (a). The total value of CIL set out in all demand notices issued in the reported year		CIL Demand Notices Issued
1 (b). The total amount of CIL receipts for the reported year		CIL Receipts Collected
1 (c). The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated		CIL Receipts Collected prior to 2019/20
1 (d). The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year		CIL Allocated
1 (e). The total amount of CIL expenditure for the reported year		CIL Expenditure
1 (f). The total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year		CIL Allocated
1 (g). in relation to CIL expenditure for the reported year, summary details of— (i) the items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item; (ii) the amount of CIL 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); (iii) the amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation;		CIL Expenditure CIL Spent on Repayment on Money Borrowed CIL Administration
1 (h). in relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item;		CIL Allocated
1 (i). The amount of CIL passed to: (i) any parish council under Regulation 59A or 59B		CIL 'neighborhood proportion'

(ii) (any person under Regulation 59(4))		Third party spend
<p>1 (j). summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including—</p> <ul style="list-style-type: none"> (i) the total CIL receipts that regulations 59E and 59F applied to; (ii) the items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item; 		CIL receipts under Regulation 59E and 59F
<p>(k) summary details of any notices served in accordance with regulation 59E, including—</p> <ul style="list-style-type: none"> (i) the total value of CIL receipts requested from each parish council; (ii) any funds not yet recovered from each parish council at the end of the reported year; 		CIL receipts under Regulation 59E and 59F
<p>(l) The total amount of:</p> <ul style="list-style-type: none"> (i) CIL receipts for the reported year retained at the end of the reported year other than those to which regs 59E and 59F applied; (ii) CIL receipts from previous years retained at the end of the reported year other than those to which regs 59E and 59F applied; (iii) CIL receipts for the reported year to which regs 59E and 59F applied retained at the end of the reported year; (iv) CIL receipts from previous years to which regs 59E and 59F applied retained at the end of the reported year. 		CIL retained at the end of 2019/20

Section 106 planning obligations

Reporting requirement (Schedule 2, Paragraph 3)	Sum/ Details	Ref. in template
3 (a). the total amount of money to be provided under any planning obligations which were entered into during the reported year;		S106 money to be provided through planning obligations agreed
3 (b). the total amount of money under any planning obligations which was received during the reported year;		S106 Total Money Received
3 (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;		S106 Allocations prior to 2019/20
3 (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— <ul style="list-style-type: none"> (i) in relation to affordable housing, the total number of units which will be provided; (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; 		Non-monetary Contributions
3 (e). the total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure;		S106 Allocations in 2019/20
3 (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);		S106 Expenditure
3 (g). in relation to monies (received under planning obligations) which were 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 allocated to each item;		S106 Allocations in 2019/20
3 (h). in relation to monies (received under planning obligations) which were spent by the authority during the reported year (including transferring it to another person to spend), summary details of— <ul style="list-style-type: none"> (i) the items of infrastructure on which monies (received under planning obligations) were spent, and the amount spent on each item; (ii) the amount of monies (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); (iii) the amount of monies (received under planning obligations) spent in respect of monitoring 		S106 Expenditure S106 Spent on Repayment on Money Borrowed S106 Administration

(including reporting under regulation 121A) in relation to the delivery of planning obligations.		
3 (i). the total monies (received under any planning obligations) during any year which were retained at the end of the reported year, and where any of the retained monies have been allocated for the purposes of longer term maintenance (“commuted sums”), also identify separately the total amount of commuted sums held.		S106 Receipts Retained